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Prospects of Using Early Neutral Evaluation in Case Management of Complex Civil Cases in Malaysia

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Abstract

In Malaysia, pretrial case management has been made an integral part of the litigation process since it is designed to manage cases systematically and within strict deadlines. However, dealing with the evaluative value of complex cases might not be easy, especially for the inexperienced lawyers and some judges who are not familiar with certain areas of law. This study proposes the use of early neutral evaluation for resolving complex civil cases in Malaysia during pretrial case management. Thus, this study sought to examine whether early neutral evaluation can be used effectively to identify issues at the earliest possible time to ensure early disposal or settlement of civil cases. Therefore, the objectives of this study are; first, to explore the viability of introducing an early neutral evaluation program during case management under Malaysia Rules of Court 2012; and secondly to evaluate the potential of adopting an early neutral evaluation programme in Malaysia. The finding shows that early neutral evaluation is consistent to the practice of case management under the Malaysian Rules of Court 2012. Although the Malaysia Rules of Court 2012 provides an opportunity for the adaptation of Early Neutral Evaluation, the introduction and sustainability of such programme would depend largely on a more in-depth study relating to financial resources, readiness of disputants, future goals and expectations of the Malaysian judiciary; and commitment of various stakeholders of the justice system. This study is expected to enrich present literature relating to civil procedure and also provide an overview on possible amendments to current procedural court rules particularly in Asian countries.

Keywords: Early neutral evaluation, pretrial case management, complex civil cases, Malaysia

1.Introduction

Modern judicial systems of these days appear to place emphasis on the importance of case management especially in civil proceedings. Primarily, it assists the court in managing the disposal of cases efficiently. Sharing similar experiences in other Commonwealth countries, case management is regarded as an integral part of civil litigation in Malaysia. Civil proceedings under the Malaysian judicial system are regulated by the Malaysia Rules of Court 2012 ("RC 2012"). The RC 2012 is largely based on common law practices. Notably, the Malaysian courts manage cases via the use of pre-trial case management ("case management") in line with its effort to uphold the interest of justice under the Order 1A of the RC 2012. It serves the purpose of narrowing down issues and enable the parties to prepare for trial (Abu Baker (2012a). In case management, pre-trial conference is held to identify issues early apart from assisting parties to prepare their case for trial. As indicated by Astor and Chinkin (1992a), the aims of the pre-trial conference are to help the parties to negotiate for a settlement apart from narrowing down the issues in dispute, thus saving judicial time.

Seemingly, the judicial transformation of the civil courts in Malaysia (between the years of 2009-2012) had placed greater emphasis than before on case management. Joining the list of "paperless courts" in other developed jurisdictions, the Malaysian civil courts are now better known as "e-courts" and operate on an electronic court system (instead of the manual system) which comprises of the following:Case Management System (CMS); Queue Management System (QMS); and Court Recording Transcription (CRT) (Saman & Haider, 2012; Hassan & Mokhtar, 2011). Thus, in the Malaysian context, case management is also used as a procedural tool to reduce backlog of cases and to expedite the disposal of newly filed cases.

In order to expedite the disposal of cases, a strict deadline for the courts have been set, namely a normal civil case is expected to be resolvedwithin nine (9) months at the High Court and Sessions' Court, and within six (6) months at the Magistrates' Court. Apparently, there is clear evidence on the use of case management of the Malaysian civil courts to effectively manage "clear-cut-cases". This is evidenced by the use of an electronic court system which expedites the disposal of this category of cases. Notably, audio conferencing is used in case management (Malaysia Federal Court Circular No.216/2010 dated 24 Aug 2010).

Accordingto the National Centre for State Courts in the United States, "complex litigation" demands rigorous judicial management.According to the Centre, complexity in a case may be determined by the following: "multiple parties, multiple attorneys, geographically dispersed plaintiffs and defendants, numerous expert witnesses, complex subject matter, complicated testimony concerning causation, procedural complexity, complex substantive law". Main obstacles to managing complex cases are difficulty in understanding and analysing the facts and laws, miscommunication between the parties, inability of counsels or parties to decide on the main issues of dispute, excessive discovery costs, multiplicity of parties and agreeable facts. It is generally known that the courts in England and Wales use multi-track system for larger and complex cases. Such a system allows complex cases to be managed closely by the courts.Be that as it may, there is little information known about whether the civil courts in Malaysia are efficient enough to manage complex cases and have them disposed within the strict or more flexible deadline. Despite the fact that audio conferencing dispenses with the need of counsels of the parties to appear at the case management date, it lacks the face-to-face interaction which allows parties to discuss openly about important issues in complex cases.

Generally, case management is geared towards early disposal of cases. Alas, the emphasis on case management has least taken into consideration the need to adopt suitable alternative dispute resolution mechanisms (ADR mechanisms) or special procedures for managing potentially difficult or protracted litigation. Against this backdrop, it is imperative to consider the importance of certain ADR mechanisms to ensure that cases are disposed within the aforementioned strict deadlines.

In the light of the above situation, it is observed that the current procedures in the RC 2012 do not address or mitigate the aforementioned problems. Evidently, many jurisdictions around the globe have promoted the use of the multi - door courthouse, which introduces a variety of ADR mechanisms. These ADR mechanisms are such as arbitration, mediation, early neutral evaluation. Mediation is used during case management in civil courts in Malaysia. By way of comparison, ENE is fairly new ADR mechanism compared to mediation. However, very little information is known about the obstacles to introducing ENE in Malaysia, taking into consideration that mediation is being promoted domestically.

Scholars generally agree that ENE is a reliable ADR process which involves the identification of core issues in a dispute prior to trial by a neutral expert (Maycock, 2001; Goss, 1995; and Goldberg, Green & Sanders, 1985). However, ENE is least known as a form of ADR in Malaysia as well as in many parts of Asia. Although ENE is not a new dispute resolution mechanism in the United States, very little information is shared by scholars in ADR as to the suitability of ENE to address complex civil cases during case management.Lande (2008) postulates that the implementation of ENE at the early stage of the litigation track enables parties to present their respective positions before a neutral expert (i.e. the neutral evaluator). According to Zakiyy & Hassan (2015), the process of ENE emphasises on the powerful presentation of the neutral evaluator which can assist in the exchange of information between the evaluator and the parties. The neutral evaluator will provide an evaluation of the strengths and weaknesses of each party's case.However, the viability of ENE as a potential dispute resolution mechanism is as yet to be tested or considered favourably under the RC 2012. This consideration is vital if it is found that ENE has the potential to assist the court to manage cases effectively.

Being aware of these pressing problems, the authors were motivated to study whether the goals of ENE can assist the courts in mitigating some of the said problems during case management. .Therefore, this study is significant in determining the potentials of ENE to resolve complex situations within a prescribed timeline; and the possibility of it being favourably

considered in as a part of a "multi-door courthouse" plan in Malaysia or other Commonwealth jurisdictions. Wishfully, it may also serve as an impetus towards the carrying out of more extensive research to determine whether it is a viable ADR mechanism to be considered in both the practice and study of civil procedure, particularly in Asian countries.

Based on the above discussion, the main objective of this study is to explore the prospects of integrating early neutral evaluation in case management of complex civil cases in Malaysia. The general objectives of this study are; first, to explore the viability of introducing an ENE programme during case management under the Malaysian Rules of Court 2012; and secondly to evaluate the potential of adopting an ENE programme in Malaysia.

2.Literature Review

Current literature places little emphasis on ENE as a recommended ADR process. This can be contributed by the fact that mediation and arbitration are, the more preferred ADR mechanisms. Based on the above discussion, it is observed that the review of literature indicates that very little writings have associated ENE with case management, especially in the modern civil litigation system which has undergone various kinds of reforms throughout the passage of time.

According to Brazil (2002), a judicial approach to processing civil cases was significantly shown in the study conducted under the Northern District of California Early Neutral Evaluation (ENE) Programme that was headed by Joshua D. Rosenberg and H. Jay Folberg. Both scholars find that from the cases filed between mid-1988 and mid-1992, 41% of the lawyers whose cases were automatically referred to ENE programme strongly agreed that the ENE programme made case management more efficient.However, extra caution must be taken to rely on these findings because the data was generated more than 20 years ago. In addition, many jurisdictions around the world have encountered civil litigation reforms that would have altered the way in case management is conducted. Unfortunately, over the years, hardly any studies were conducted to reinforce the findings of the study, which was done in the 80s and 90s. In addition, previous studies (including those in Malaysia) do not provide answers as to whether ENE is suitable to be integrated into the case management stage involving complex cases.

Engro and Lenihan (2008a) describe ENE as an evaluative process which is not intended for settlement alone, but is capable of designing better ways to manage cases more efficiently. They based their assumption on the argument that the purpose of mediation is not similar to ENE. This is because the mediation's purpose is to encourage disputing parties to reach a settlement, but ENE's purpose is not limited to settlement alone, but extends to providing them with a better understanding of their dispute. Wissler (2004) in her summary of empirical research found that the introduction of ENE reduces cases from being heard at trial.

Similarly, more recent studies have not emphasized the connection between ENE and case management, but on the subject of effectiveness. In 2010, for example, Carolyn Hay, Katharine McKenna and Trevor Buck (2010) examined the cost effectiveness of ENE in the social security and child support tribunal. The aim was to investigate whether it produces swifter, more proportionate resolution of cases. Apart from that, the research also aimed to establish appellant's satisfaction with the process and the impact on and views of stakeholders.

Based on the above, none of the studies have dealt with the relationship between ENE and case management in depth. Under the foregoing, this studyhopes to fill the existing gaps in the literature and also to increase the literature in the areas of ENE and case management in Malaysia.

3. Methodology

Studies in procedural law generally involve analysis of statutes, reported case laws, court procedural rules and court practice directions. This study depended largely on secondary data. The major sources of data include journal articles, reported cases, procedural rules and relevant information retrieved from the internet. The methods employed in this study were descriptive aimed at fact finding and positive analytical criticisms which were aimed at improving the existing manner of managing complex cases by using ENE in case management. In carrying out this task, the relevant procedural provisions in the RC 2012 and relevant documents were analysed to find out whether it is plausible for ENE to be used during the process of case management.

4. Findings and Discussion

This study attempted to gain an understanding of the prospects of ENE in civil procedure in Malaysia by looking at the viability of introducing ENE during case management under the Malaysia RC 2012; and secondly to evaluate the potential of adopting an ENE programme in Malaysia.

4.1 Findings

4.1.1 The study indicates that ENE is an effective tool in case management of complex cases. It is imperative to note the following findings:

- (a) ENE's goals are quite similar to those stipulated in case management under the RC 2012.
- (b) A competent neutral evaluator is capable of assisting the court in managing trial of complex cases by identifying issues at the case management stage.
- (c) The face-to-face interaction between the neutral evaluator on the one part and the parties and lawyers, on the other part allows complex issues to be analysed in terms of merits, comprehended, resolved or even planned for trial.
- (d) Both ENE and case management under the RC 2012 are held early upon the commencement of legal action in the court thus allowing ample time for the court to manage and the parties to prepare the case more efficiently and in a systematic manner.
- (e) There are potentials of adopting ENE in Malaysia but subject to certain constraints such as insufficient financial funds, understanding among the legal fraternity, cost effective and appropriate training.

4.2 Discussion

4.2.1. The discussion below shows how the advantages of introducing ENE in case management:

(a)   ENE's goals are quite similar to those stipulated in case management under the RC 2012.

Practically, the court requires cooperation from attorneys representing the parties to ensure that case management of their case is managed effectively. In Malaysia, attorneys handling civil cases are commonly referred as "solicitors", thus the term "solicitors" would be referred herein from this point onwards). Typically, the goals of the ENE programme are namely, (1) to enhance communication between the parties; (2) to provide an evaluation of the merits of the case; (3) to provide a "reality check" for both clients and solicitors; (4) to identify and clarify central issues in dispute; and (5) to assist in settlement discussions. By way of comparison, it is imperative to highlight that many major goals of ENE are similar to the objectives of holding the pre-trial conference, especially in terms of enhancing communication among the parties, identifying facts and issues, assessing strengths and weaknesses of each party, and improved court administration. Astor and Chinkin (1992), succinctly pointed out the objectives of the pre-trial conference are as follows:

- i) Guiding parties to communicate with each other;
- ii) Scrutinizing facts and separating issues;
- iii) Assessing strengths and weaknesses of a case;
- iv) Assessing possible risks and quantum;
- v) Decreasing trauma of the adversarial method;
- vi) Educating parties in court procedures;
- vii) Ensuring plaintiffs are paid earlier;
- viii) Ensuring costs as low as conceivable;
- ix) Efficient court management; and
- x) Trying to ensure that only obstinate cases proceed to trial.

Thus, the sharing of a number of similar goals between ENE and pre-trial conference draws the inference that ENE can be integrated into case management in order to enhance greater communication, participation among the parties and in the disposal of cases. This is consistent with the view of Abu Baker (2012b) who stressed on determining the issues for trial during case management. Thus, the inference that can be drawn from this study is that ENE is appropriate to be applied under case management under the RC 2012 to reduce the complexity of a case.

(b) The neutral evaluator is a skilful manager who can assist the judge in managing complex cases or situations

Scholars generally agree that it is important for a manager to manage complex situation in a competent and efficient manner.For example, competency is said to include a "combination of knowledge, skills, behaviour and attitudes" (Hellriegel et. al.,2000).These profound competency values should be possessed by a judge or judicial officer who manages the case management of a case. Thus, important matters must be clarified with the parties. The list of important matters differs from jurisdiction to jurisdiction. However,it can be generally accepted that these important matters include the particulars of the claim and defence, principal issues that need to be determined at trial, the use of experts, number of witnesses, agreed and non-agreed facts. It is also generally perceived that competency is a major factor of any organizational success (Whetton & Cameron, 2002; Lewis et al., 2004; and Schermerhorn Jr, 2002).This principle is equally applicable in court management.Therefore, if the judge is incompetent or less competent in resolving complex legal issues at the case management stage, the engagement of acompetent party in certain areas of law (in this regard, the neutral evaluator) might assist in managing complexity in civil proceedings. It can be inferred that the views of a highly respected neutral may also assist in persuading the parties to negotiate. This is because the neutral evaluator is usually appointed amongst individuals who are former retired judges or senior lawyers.Thus, he can assist the parties in the event a deadlock takes place in complex cases. Moreover, Engro and Lenihan (2008b) aver that ENE offers better ways to manage cases efficiently because it does not only emphasise on settlement plan but greater understanding of the case.

(c) ENE ascertains complex issues at the early phase of a case

Under the RC 2012, the civil courts will normally fix the pre-trial case management early. For example, it is fixed approximately around two (2) weeks upon the commencement of a court action. Similarly, ENE is held early in the litigation process.Zakiyy & Hassan (2014) and Trendle (2004) postulate that ENE should be introduced into the litigation process at an early stage and even at the pre-litigation stage or before the referral to any ADR mechanism.

In Malaysia, the majority of the e-courts are depending on effective ways of managing cases. These effective ways are referred to the e-court system. Under the electronic court system, newly filed cases are now placed under case management system (CMS) and its sub-modules (namely the e-filing and e-registration) to improve efficiency. At the first pre-trial case management, many issues are not determined. In such situation, the court's guidance on future directions is needed.

In the early phase of a case, the neutral evaluator may assist the court in managing the future directions of the parties especially to identify complex issues. The evaluator emphasizes on connectivity with her audience during the ENE session. This is to ensure that her audience receives her message clearly (Zakiyy & Hassan, 2015). Dayton (1991) mentioned that the neutral evaluator is trained to provide "an early, frank and thoughtful assessment" of the "relative strengths and weaknesses" of each party. In addition, the holding of ENE at the pre-trial stage is in consistent with the view ofMacfarlanes, LLP (2014) who explained that in complex cases, ENE provides better discussion on settlement at the early phase of a case even before the exchange of court documents. Therefore, it is observed that the neutral evaluator may assist the court to achieve some, if not all of the objectives of the pre-trial conference as specified above.

(d) ENE assists the court and the parties in the clarification and narrowing down of issues

Under Order 34, rule 3 of the RC 2012, the court is empowered to fix the date and time for case management. The parties must comply with such court order, failing which the action may be dismissed without hearing on the merits.Under Order

34, rule 6 of the RC 2012, the Court is also empowered to dismiss the action or proceedings or strike out the defence or counterclaim or enter judgment or make such other order as deemed fit if any party fails to attend to it (Order 34, rule 6 of the RC 2012). At the pre-trial case management hearing, the parties can either attend the session personally or, in addition to their solicitors (Order 34, rule 4 of the RC 2012).

There is a plethora of legal authorities which states that case management orders are to be obeyed and not to be broken, without proper reason(s). For example, in the case of *Nur Ibrahim Masilamani & Anor v. Joseph Lopez* (per judgment of Yeoh Wee Siam J) [2013] 4 CLJ 1202 [HC], the High Court *inter alia* held that all court orders given in pre-trial case management must be complied by the parties according to a strict deadline for the purpose of expediting the trial. Thus, non-compliance by a party with court's direction in case management is detrimental to his own interest. For example, Order 34 of the RC 2012 stipulates the need of the party to comply to the court's order in case management, failing which the action may be dismissed. The importance of this particular order is stressed by the courts by issuing parties with a copy of instruction pertaining to the responsibilities of the parties in case management. This is exemplified in the recent Kuala Lumpur High Court case of *Perbadanan Pengurusan Palm Spring Damansara v. Muafakat Kekal Sdn Bhd & 2 Ors*.[2014] 1 LNS 1633, whereby the parties were issued a copy of "Enclosure A" containing instructions to comply with the directions of the court during case management and the consequences of non-compliance.

Accordingly, Order 34 of the RC 2012 also specifies that at the pre-trial case management stage, the judge may *inter alia* do the following:

a)   Direct parties to refer the matter in dispute to mediation in accordance with any practice directions for the time being issued (O.34, rule 2 (2) (a) of the RC 2012);
b)   Fix the period within which the plaintiff is to file the bundle of pleadings (Order 34, rule 2(2) (b) of the RC 2012);
c)   Fix the period within which the parties are to file the bundle of documents including documents mentioned in the witness statement of a witness Order 34, rule 2 (c) of the RC 2012);
d)   Direct the parties to identify the contents of the bundle of documents and bundle up the documents into agreed bundle of documents which shall be filed by the plaintiff (Order 34, rule 2 (d) of the RC 2012) ;
e)   Direct the parties to identify certain documents where no agreement can be reached (O.34, rule 2 (e) of the RC 2012);
f)   Direct the filing of statement of agreed facts (Order 34, rule 2 (j) of the RC 2012); and
g)   Direct the filing of statement of issues to be tried (Order 34, rule 2 (k) of the RC 2012).

Order 34 of the RC 2012 stipulates that the court can direct the parties to mediation. Based on the expertise of the neutral evaluator, it can be inferred that the neutral evaluator can similarly assist the court to clarify certain complex issues that have been raised by the parties or their solicitors as shown in their respective pleadings. Each solicitor may propose a number of issues which may or may not be accepted by the other side's solicitor. Thus, the neutral evaluator uses his expertise in the substantive law relating to the dispute by determining and narrowing down the issues. This saves the court, judicial time in determining the issues to be tried.

(e) ENE assists the parties in comprehending the reality of each other position

Similarly, under the RC 2012, the parties or their solicitors are required to comply with the court orders, especially in terms of preparing the bundle of pleadings (Order 34, rule 2 (2) (b) of the RC 2012) and identifying certain documents where no agreement can be reached (Order 34, rule 2(e) of the RC 2012). During case management, it is assumed that the solicitors for each party would have examined thoroughly the statement of claim, defence and other related pleadings (if any), case law governing a subject matter. However, it is common to find that they would still be required to identify documents which are mutually agreed or otherwise. In the recent High Court civil appeal case of *Malayan Banking Bhd v. Sunlight Seafood Sdn Bhd* [2015] 4 CLJ 272],SM Komathy JC, in her judgment, *inter alia* cautioned that at the stage of setting down the action for trial, it is the responsibility of the plaintiff to bring to the court the relevant evidence in support of his case). In a highly complex case, an expert in a specific area of substantive law may help the parties to check on the prospects of their case and to simplify evidence by making it comprehensible to the parties. A sound advice from the neutral evaluator might avoid the parties from being involved in protracted litigation and incur escalating costs. Thus, according to Stradley, Ronon, Stevens & Young, LLP (2007), the neutral evaluator will usually allow each party to present her claims and defence during the ENE session. This opportunity enable the parties to achieve some of the major goals of ENE, namely to assess the

strength and weaknesses of each other position. This opportunity essentially allows them to decide on whether it is worthwhile for their dispute to be heard in a full trial or plan for possible settlement.

It is a totally a different experience for the parties (or their solicitors) to discuss about their case before a judicial officer in pre-trial conferences with the usual formality compared to a neutral evaluator in an ENE session. The involvement of the neutral evaluator in a different forum (namely the ENE session) would allow her to get the best cooperation from the parties and their solicitors to communicate effectively with each other freely. This in turn enables the neutral evaluator to render her advice to them on the merits of their case.

(f) ENE assists the parties in settlement discussion and case planning

Accordingly, at the case management stage, the judge may direct parties to refer the matter in dispute to mediation in accordance with any practice directions for the time being issued (Order 34, rule 2 (2) (a) of the RC 2012). Mediation often results in settlement discussion. However, ENE has the potential of extending it to case planning, especially if mediation fails to convince the parties to reach settlement. Communication is clearly emphasized in the ENE session. This fact is clearly stated by Brazil (2007) who opines that the neutral evaluator would ensure that each party is made aware of "every bit of the arguments and evidence brought forth by each other". With such full and frank disclosure, there is plenty of room for the parties to discuss about possible settlement at the pre-trial case management stage. As indicated by Engro and Lenihan (2008), the neutral evaluator may even conduct settlement discussion if the parties agree to do so. In the absence of such agreement, the neutral evaluator will present his verbal evaluation of the case before her audience (namely, the parties, their solicitors and witnesses). This evaluation will essentially include the strengths and weaknesses of each party's case. Since the neutral evaluator can also assist the parties in case planning, the introduction of ENE during case management may assist the court to manage the progress of the case more efficiently.

5.Potential of Introducing ENE Programme in Malaysia

The court procedures of the Malaysian judicial system are largely based on common law practices. As a Commonwealth country, there is inclination by the Malaysian Judiciary to refer to the English Civil Procedure Rules 1998 (see Rule 1.4 Civil Procedure Rules 1998) which include active case management by the court by identifying the issues at an early stage, controlling case progress and encouraging parties to use appropriate ADR mechanisms. In the Northern District of California, for example, the court sponsors four (4) major ADR mechanisms: Arbitration, early neutral evaluation, mediation and settlement conferences.However, as emphasised by Moore (2000),for a new mechanism to be introduced, it often has to undergo a rigorous test from its users by being recognised as widely supported. It is clear that for every new programme to be successful, the parties are presumptively required to participate in any of the available court ADR programme.

Evaluators under the court ENE programme are generally appointed by the court among those who are retired judges or senior lawyers. It is observed in Malaysia that many senior lawyers (and some former judges) are practicing arbitrators or mediators. In Malaysia, there are indications that judicial officers with specialized experience in substantive areas of the law are engaged in the resolution of disputes. This is evidenced by the effort by the Malaysian judiciary in establishing numerous specialised courts aimed to resolve disputes expeditiously and to reduce the occurrence of case backlog (Arifin Zakaria, 2012). Some of these specialised courts are namely the New Commercial Court (NCC), the Corruption Court, the Admiralty Court, the Environmental Court and the *Muamalat* Court (Islamic Banking Court). Notwithstanding this fact, the assistance of highly qualified lawyers with similar experience and abilities as that of the judges is crucial if the parties opt to resolve their disputes by way of ADR instead of the litigation process. In fact, under the RC 2012, there is a provision pertaining to the appointment of joint expert or assessor (Order 33, rule 1 of the RC 2012). However, the Malaysian courts hardly utilise thisprovision during the case management stage. This provision is vital in determining the strengths and weaknesses of a pending case.

Apart from mediation, arbitration has also gained recognition for being known as an efficient dispute resolution mechanism in dealing with complex technical issues. However, it is noted that not all construction disputes involve technical issues, but more on the interpretation of a specific clause in the construction contract. According to Onn (2003), there is a clear distinction between a technically qualified arbitrator and one who is an expert in substantive law. Onn (2003) opines that:

"that a technically qualified arbitrator may not have a real advantage: there is a distinction between an arbitrator using his technical knowledge and expertise to understand and evaluate the evidence before him and to provide or fill the gap of the evidence himself".

There are sufficient number of senior lawyers who possess skills and experiences in certain substantive law areas such as insurance, intellectual property laws and Islamic banking. Based on the general statistics issued by the Malaysian Bar, there is a steady increase in the number of lawyers throughout the years of 2011 and 2014, notably, in 2011 (13672), 2012 (14517), 2013 (15331), 2014 (16300). There is only a slight decrease in year 2015 (15896 lawyers). In Malaysia, lawyers who have been in practice for 7 years or more are considered as senior lawyers. Apparently, there are currently more than 8000 senior lawyers who are more than 12 years of experience (Malaysian Bar, 2015). This figure, which stands as of 9 March 2015 is based on the breakdown by number of years of experience which is revealed by the Malaysian Bar. In 2013, the number of senior lawyers with 7 to12 years of experience is 2352. In 2014, there are 2353 lawyers, whereas in 2015, there are 2236 lawyers. In 2014, the number of senior lawyers with more than 12 years of experience is 8014. In 2014, there were 7316 lawyers and in 2015, the figure stands at 8053. Based on these statistics, it can be safely assumed that the legal profession in Malaysia has a number of senior members who has vast years of experience in various areas of substantive laws. Many of them have gained sufficient experience in handling a number of complex high profile civil litigation. Apart from handling litigation, many are practicing mediators and arbitrators. Nonetheless, their expertise is least known to have been put into worthy use. Nevertheless, none has the opportunity to serve as early neutral evaluators. Under such foregoing,it remains inconclusive as to whether ENE might be easily accepted as a reliable ADR mechanism in Malaysia, especially when ENE is as yet to be tested by the Malaysia civil courts. In light of the foregoing, it is suggested that the introduction of ENE needs to be supported by external organisations. Apart from the Kuala Lumpur Regional Centre for Arbitration (KLRCA) which promotes itself as an international centre for resolution of disputes via ADR, there is as yet any centre which emphasises in conducting in-depth research on the use of ADR in Malaysia. Thus, such a centre could be established by local institutions of higher learning. These local institutions can gain better understanding about the workability of certain ADR mechanisms by studying the theoretical strength of certain ADR mechanisms. The study may also be extended to the practical side of certain ADR mechanisms by referring to the courts or private ADR providers in other countries which have already been offering numerous types of ADR mechanisms (including ENE) for a considerable number of years.

It is generally assumed that courts around the world encourage parties to consider settlement instead of litigating their disputes. In Malaysia, it is axiomatic to note that at the case management stage, settlement is the main goal of the Court (Order 34, rule 2 of the RC 2012). To achieve settlement, the parties are encouraged to use mediation, especially in light of the existing practice direction on mediation which was issued by the Office of the Chief Registrar of the Federal Court of Malaysia in 2010 (Practice Direction No.5 of 2010). It is trite law that practice directions are not rules of court (*re Langton* (1960) 1 WLR).In *Jayasankaran v. PP* (1983) 1 MLJ 379, the Federal Court of Malaysia held that practice directions are meant for administrative purposes only. Nevertheless, the court may still order parties to adhere to certain practice directions to reduce backlog of cases. There is a plethora of scholarly views on the drawbacks of mediation. These drawbacks are due to the following reasons: (i) the mandatory nature of court-connected mediation which hampers the parties' intention to reach a settlement (Zakiyy, 2010; Hedeen & Coy, 2000); (ii) the parties mediate without knowing about its process or how to participate in it (Hedeen, 2012); and (iii) and it is a high risk process if the mediator lacks the skills or behaves unethically (Sheppard, et. al., 1993).In addition, the World Bank reported that mediated cases in Malaysia are comparatively low compared to other countries; and is practically introduced after the case management (World Bank Report, 2011). Thus, under the prevailing circumstances, it is difficult at this point of time to predict the reception of ENE in light of the current inclination of the court and solicitors to refer disputes to mediation.

Another obstacle, possibly faced in introducing ENE is costs. A systematic training for evaluators will require a high budget. Any proposal to recommend the kind of training should take into consideration of entry level, intermediate level or specialized level affecting the more complex cases. In this regard, it is recommended that both substantive law experts and professional training organizers should work together to figure out the best form of training.

6.Implications of the Study

The insights derived from this study have vital implications for the manner of managing case management as well as the preparations of effective dispensation of justice in complex cases. Having the assistance from a neutral evaluator with solid background of a subject matter will definitely be of great assistance to the solicitors to develop rational advice in order to cater to the needs of their respective clients as to the next logical course of action in the litigation process, namely either to look forward to a settlement plan or proceed to trial. The traditional approach to case management has been to treat all cases as the same domain. This means that during case management, the court only manages a case according to its understanding of the issues, facts and laws of a case. Therefore, the assumption of such practice is that with certain effort to narrow down the issues and relevant facts of a particular case, the court and solicitors representing the respective parties will be able to comprehend a case accordingly. However, it is evident that in dealing with a complex case, this is not sufficient to prepare the parties for their preparation for trial or even possible settlement discussion. The analysis has shown that it is obvious that complex cases must be treated indifferently for non-complex cases for the sake of efficiency and in the name of justice.

7.Conclusion

It is assumed that early and efficient disposal of cases is always expected from a world class judicial system. In this context, ENE should not be left out from the umbrella of reliable ADR mechanisms. Certainly, we have to acknowledge that there are advantages in exploring and embracing ADR mechanisms which are consistent with the need of the court to dispose cases efficiently. In this context, It is worthy to consider ENE in managing complex cases, especially at the pre-trial stage. It only needs more promotion and recognition, especially by countries in Asia. The study has shown that ENE is an effective ADR mechanism which is capable of identifying complex issues that are not easily identified by the courts, the parties or their solicitors. It is the answer to many complex situations in civil proceedings such as complex evidence and issues. In summation, a clear understanding of its goals and mights might enable it to be easily accepted by the courts, the legal fraternity and the public at large.

8.Limitations of the Study

This study has encountered the usual limitations of time and funds commonly faced by a non-funded study. Thus, this study can only be considered as a preliminary and a modest contribution to elicit further enquiry on the might of ENE in case management.

9.Recommendations for Future Study

As hereinbefore mentioned, active case management is an integral part of civil litigation in Malaysia and even in most Commonwealth countries. In this regard, the use of ADR is an option to increase efficiency in the management of cases during the case management stage. It is recommended that the courts and the Malaysian Bar must initiate awareness among the parties about the credibility and effectiveness of ENE in solving complex disputes. In any court sponsored ENE programme, the parties must be given the liberty to withdraw from the ENE session if the neutrality of the neutral evaluator is questionable. This is vital for the parties to rely on the advice of the neutral evaluator without the slightest doubt about his neutrality. It is suggested that a more in-depth study be conducted on the suitability of ENE to resolve a myriads of disputes and its effectiveness when combined with other ADR mechanism(s).

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Application of Gagne's Nine Approaches to Teach Arabic Language for Non-Native Speakers: Experimental study at Sultan Idris Education University Malaysia (UPSI)

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Abstract

The Arabic language is not an easy language to learn for non-native speakers if the teachers are not proficient in the teaching methods and strategies. Here, it is essential that teachers can benefit from Gagne's nine approaches in the teaching for any subjects, especial, in teaching languages. Therefore, the learning outcome will be more effective if the teachers apply Gagne's nine events in the Arabic language classroom. This study focuses on the experiences of the application of Robert Gagne's nine approaches in teaching Arabic to non-native speakers at the Sultan Idris University of Education Malaysia. The study aims to find the effective results of their experiences in the application of the nine approaches for Gagne in teaching Arabic language to non-native speakers at the university. This paper is based on a descriptive analysis method to indicate the nine-approach theory and its importance in education and teaching, as well as the experience of the researcher in their teaching Arabic language. Among the most important results in the application of the nine events in teaching Arabic were to make teaching activities' more effective and attractive, to help teachers how to facilitate the process of teaching Arabic in the classroom and to centralize the students focus during the lessons. The study concludes with some recommendations and suggestions.

Keywords: Gagne's nine approaches, Teaching Arabic, Non-native speakers

Introduction

Teaching a second language or a foreign language for non-native speaker is challenging for the teachers as they try to find the best strategies to enhance the teaching method and to make the leaning more effective and successful. In addition, teaching Arabic for non-native speakers is more challenging than teaching another language in a non-native environment, like in Malaysia. According to researcher's experiences and experimental study, we found that the application of Gagne's nine approaches to teaching Arabic language for non-native speakers is more effective and successful. This is because Gagne's nine approaches in the classroom is not based on teachers' teaching only, but it relates to interaction between teachers and learners, and teachers guide the learners to follow up very fast and effectively. This paper focuses on experimental study to apply Gagne's nine approaches to teaching Arabic language for non- native speakers at sultan Idris education university Malaysia. The aim of this research is to find out how those approaches effect the teaching Arabic for non- native speakers successfully at sultan Idris education university Malaysia.

Review of related Literature

Since our focus is on application of Gagne's nine events to teach Arabic language for non-native speakers, we have reviewed some relevant literature. There is an article titled: "Gagne's nine events of instruction in Teaching _learning Transaction: Evaluation of teaches by high school students in Musoma- Tanzania" (Ngussa, 2014, p189-206). In this article, the researcher evaluated Secondary school teacher's application of the Gagne's nine events in a classroom session. The author emphasized that Gagne's nine events of instruction needed to be incorporated in the process of instructional design and actual teaching. However, according to the research the author found that high school students in Musoma principality perceived their teachers to be using Gagne's events of instruction in teaching – learning transaction in a moderate way in that the application of events is limited to the mean score of 2,50-3.49 only. From the finding of this study, we believe that the reason why majority of the teachers did not apply Gagne's event in the classroom is probably that the teachers really did not know what is Gagne's nine event. Thus, it is important to promote the events in the school and train the teachers to apply those events in the classroom.

Another review is "study of application of Gagne's nine event of instruction in the teaching Public English at the vocational college" (Ting, 2014, p207-208). The author applied Gagne's nine events to teach a unit of "Practical English". She divided those events into 3 parts: before starting the class, during class, and after finishing the class. According to her experiences in applying Gagne's nine events in teaching English, she found that the result of this application was very effective. These approaches can excite the students' interest in learning English, and improve the quality of the teaching. This research will be a sample for our research and will guide us to move smoothly.

The most useful and helpful literature for this study is "Conditions of Learning and theory of instruction "(Gagne, 1985, p244-258). In this book, he emphasized "conditions of learning": the internal conditions which deal with what the learner knows prior to the instruction, and external conditions which deal with the stimuli that are presented to the learners. In chapter 12 of his book, he mentioned that a theory of instruction should relate to the external event of instruction in the outcome of learning by showing how these events lead to appropriate support or enhancement of internal learning processes. The external event of instruction for Gagne is named nine events of instruction. Moreover, we will elaborate these events in the topic of understanding of Gagne's nine events as a theoretical framework for this study.

Research Methods

The study employed descriptive analysis methods to indicate the definition Gagne's nine event of instruction and its importance in education and teaching, as well as, the experience of the researchers in their teaching Arabic language by the application of those nine events of instruction in the classroom.

Background of Students

In this research, we focused on the students who are studying at Sultan Idris Education University Malaysia (UPSI) who specialized in Arabic language and education as a Major Course at the degree level . All of them are non-native speakers of the Arabic Language. Prior to entering this university, the students have already completed at least 7 years of Arabic language at Arabic schools or Islamic schools. The majority of the students have mastered the 4 langauge skills: listening, speaking, reading and writing.

Scope of the Research

In this research , we will focus on the first year students at the degree level. All students are Non-native speakers of the Arabic Langauge. We applied Gagne's nine Approaches of instruction to teach the subject "Advance Arabic skills". This subject emphasized on 4 skills of language . We chose a lesson titled " The water is resource of life and it's mystery " from the text book titled "Arabic at your hand", level 3.

Understanding of Gagne's nine approaches:

Robert Gagne had contributed the systematic approaches to instructional design for teaching and learning, and his theory has covered great ideas to be applied by trainers and teachers in any classroom. These are nine events of instrantion(Gagne, 1985, p251):

1. Gaining Attention:

Gagne mentioned that the attention of students, in the sense of alertness for reception of stimuli is gained by introducing rapid stimuli change. He encourages instructors to gain the students' attention by gesturing or by suddenly changing the loudness of their speech. As well as attract by visual or auditory stimuli related to the content of a lesson to be taught.

2. Informing Learners of the Objective

Gagne explains to inform the students what they will be able to do after learning. He emphasized that when students comprehend the objective of instruction, they will acquire an expectancy that normally persists throughout the time learning is taking place and that will be confirmed by the feedback given when the earning is complete.

3. Stimulating Recall of Prior Learning

The learner is stimulated by asking them to recall the information that was previously learned, therefore, learning new information based on the prior learning. As Slavin explained that the old information and the new information when combined enables an attentive, expectant student to achieve mastery of a task. (Slavin, 2009, p 481).

4.Present the Stimulus

From this point, the focus is on content, which the students are going to learn. This is main point of the class. This means to present the essential stimulus to the learners. The stimulus is presented as an instructional event, which depends specifically on what is to be learned. The content is specific to the category of capability that is the objective, whether verbal information, intellectual skill, or any of the other varieties.

5. Providing "learning Guidance"

This event of instructions supports the internal process called "semantic encoding for storage long-term memory. "The essence of learning guidance is to support for learners in making connection between what they know and what is being learned (Gagne, Wager, Golas, & Keller, 2005, p 198).

6.Eliciting Performance

In this event, students are encouraged to practice whatever they have learned from the teacher during the class. At this stage*, the learner will be the actual internal intergrating event of learrning takes hold based on sufficient leaning guideance*. The new capability reflected in the objectve, whether verbal infromation, Intellectual skill, cognitive strategy, attitude or motor skill, has been encoded into a form for storage in long term memory. It is then time for them to demonstrate the newly learned capability. (Gagne, 1985, p254)

7.**Providing Feedback**

At this point, the teacher communicates with the students about the correctness and the degree of correctness of their performance. As Gagne (2005) with his friends mentioned that there are no standard ways of phrasing or delivering feedback (Gagne, Wager, Golas, & Keller, 2005, p 200).

8.**Assessing Performance**

According to Gagne (1985, p255), assessment of the performance is what is meant usually by "giving a test", The functions for the assessment are to establish that the newly learned capability has reasonable stability and to provide additional practice that serves to consolidate what students have been learned.

9.**Enhancing Retention and Transfer**

Retention means preventing from forgetting and enhancing the student's ability to recall the what they have learned during the class. This includes knowledge and skills, and transfer of knowledge, skills and strategies to new problems and new situations are matters in which evidence continues to be sought.(Gagne, 1985, p255)

Application of Gagne's nine approaches to teach Arabic language for non- native speekers

As we have mentioned in the scope of the research , we chose a lesson from the textbook, titled "*The water is resourse of life and it's mystery* " as a sample for this research. We divided Gagne's nine event into 3 parts, before covering the main content, within the content and after delivering content.

1. Before covering the content

   1.1Gaining Attention

The Lecturer brings a bottle of water when she enters the classroom, puts it on the table, and at the same time opens an Arabic video about "water" on youtube to attract the attention of the students. Then the lecturer asks students what they understood from the bottle of water and what they found from video.

1.2 Stimulating recall of prior knowledge

After gaining attention by the video shown and the bottle of water, the lecturer then asks the students that what they know about water? What is the benefit of water for human being , animals and plants. The lecturer asks the students if they are familiar with any Arabic vocabulary related to the water, for example like hormone or pullution.

1.3 Informing the students of objective

 Based on the prior knowledge of the learners , the lecturer explains that the purpose of this lesson is to know the benefits and importance of water for human being, animals and plants, and to learn some new vocabulary related to the water, as well as to study the terms in the Arabic grammar.

2 .Within the Content

2.1 Present the content

The lecturer begins the lesson 14 " the water is resource of life and it's mastery" from electronic book online " Arabic at your hand", by using a projector. He then asks the students one by one to read aloud each paragraph. Then the lecturer explains the new vocabulary which are not familiar to students by using the video and showing photos, and explaining some difficult sentences as well . Briefing on the benefit and importance of water for human being, animals and plants is also done by the lecturer. He later divides the students into 6 groups according to 6 paragraphs of the lesson. Leaves 5 questions for each group to let the students discuss based on their understanding of the lesson. Games and competitions are also used to encourage the students to join in and answer the questions. The lecturer tries to encourage each students to participant and answer the questions.

2.2 Provide " Learning Guidence"

During the discussion period by the students, the lecturer guides the students, not telling them everything. For example: students did not understand the meaning of a word, the lecturer will not tell the meaning of the word, but will give some example of sentences by using this word.

2.3. Elicit Performance (Practice)

After reading and understanding the lesson, it is time for them to practice. Lecturer asks students to make choral speaking according to this topic to enhance their understanding for the topic.

3 After covering the content

3.1.provide Feedback

The lecturer lists down all incorrect words and sentences on the whiteboard during their practicing period, then explains them one by one while encouraging them to go ahead when they are correct.

3.2 **Assessment Performance**

The lecturer gives an assessment based on the exercise which are provided in this lesson. The purpose of the asseemnet is to know that how many percentage from the lesson is understood by the students , and what are the weaknesses for future improvements.

3.**3 Enhenceing Retention and Transfer**

Before the end of the lesson , the lecturer asks the students what they had learned from lesson 14, remember whatever they learned. Students are asked to summarize the main idea of this lesson and asked another student to list down the new vocabularies which they have learned from the lesson. At the end, some exercise are provided for the students do after the lesson and summit in the next class.

Analysis and Discussion of findings

From the experience of applying Gagne's nine approaches to teaching Arabic language for non- native speekers , we found that these approaches unlike tranditional approaches made the class more effectively and successfully, and helps a lot for both the lecturer and students in the classroom. It was much easier for the lecturer to deliver the lesson and help students to follow up faster. We analysed and discussed from 3 points:

(1) Before providing the content, the students received a briefing about the content through the recalling of prior learning and guidance from lecturer. This made it easier for both lecturer and students to move on with the class smoothly.

(2)   During the delivering of the content, the class the students benefitted input from the lecturer in an interactive mode. The classroom was more active and not bored. Students followed up with the lesson attentively and enhenced very faster especially in remembering the new vocabulary and the application in the sentences.

(3)   After understanding the content,   the students will enhance more and more by the feedback from lecturer, assessments, retention and transfer , and storage the knowledge and skills for long term memory.

Conclusion and Recommendation

This research concludes that application of Gagne's nine events in teaching Arabic language for non- native speekers was very effective and successful in the classroom. It benefitted for both the lecturer and students in the classroom.

Based on the conculsion of this research, therefore, the researchers suggest following recommendations:

(1)   Every educational organizations to teach Gagne's nine events of instruction to the teachers and lecturers since not every educational are proficient about these approaches and it's benifet in the teaching and learning.

(2)   The Ministry of Education or educational organizations should promote Gagne's nine events of instruction in the schools and universities.

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The Impact of Alkaloids Structures from NaturalCompounds on Public Health

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Abstract

Alkaloids are organic heterocycle substances with nitrogen, of plant origin, with basic character, arising from the secondary metabolism of plants, which give characteristic reactions and exert an effect on animal bodies, most often of a toxic nature. Alkaloids have at least one atom of heterocycle nitrogen, in which case it is often tertiary, less frequently quaternary. The heterocycles can condense among themselves or with other cycles in such a way that alkaloid molecules may become poly- or macro-cycles. Alkaloids are classified on both the criterion of chemical structure, as well as based on their origin. Thus, the known alkaloids are divided into the following categories: derivatives of pyridine, derivatives of pyrolidine, derivatives of tryptophan, derivatives of quinolone and izoquinolone, derivatives of phenetylamine, indole derivatives, derivatives of purine, terpenes, and derivatives of betaine with quaternary nitrogen.This work presents the structures, location in natural compounds, as well as data pertaining to the extraction, identification, metering, and purification for various compounds, such as coniine, nicotine, atropine and cocaine, morphine and codeine, quinine, papaverine, strychnine, and caffeine.The effects these substances have on human health are highlighted.

Keywords: nicotine, morphine, papaverine, alkaloids, caffeine

INTRODUCTION

Although the physiological action of many active principles of plants has been known since ancient times - for example it is known that opium has been heavily utilized by the Chinese for sedation -, chemical research of alkaloids is still a preoccupation of many chemists [1].

The complex structure of alkaloids has crippled their research; knowledge regarding alkaloid structure is still imperfect, and in some cases remain a complete mystery. For this reason, it is common practice to classify the alkaloids according to

basic nature, origin and toxicity, in a single class, although structural changes in the alkaloids are part of different classes of substances.

Today, the concept of alkaloids defines them as substances with complex structure, containing nitrogen, with a basic character, most often originating from plants and more rarely from animal organisms. Most alkaloids are characterized by their specific physiological action, but a large percentage of them are also powerful poisons.

Alkaloids are extensively spread in vegetation, but in uneven amounts. Plants rich in alkaloids include representatives of the *Papaveraceae* family (Poppy), *Rubiaceae* (the quinine tree), or *Solanaceae* crops (tobacco, potatoes, and so on). These plants feature more than one single type of alkaloid, most often up to 20 compounds that are typically chemically related.

Alkaloids are found in the entire plant; they are formed in tissues and then localized in the root, fruit, stem, and so on, of the plant. Alkaloids are not found solely in free state, but also in the form of salts.Acids from plants, that neutralise the alkaloids, are saturated with more complex structures, such as fumaric acid, chelidonic acid, quinic acid, and others. The concentration of alkaloids in plants is variable, and is dependent on certain factors: geographic region, climate, etc. [2] Alkaloids are organic heterocyclic substances containing alcohol, with a vegetal origin and basic character, originating as a result of plant secondary metabolism. They give characteristic reactions and their effect on animal organisms is most often toxic [3]. Consequently, the alkaloid group includes substances such as certain amines, amides, aminoalcohols, aminoacids, purines, and so on.

RESEARCH METHODS

Currently, alkaloids are classified according to both chemical structure and origin [4]. In Table 1 an alkaloid classification is presented. Alkaloid compoundsare obtained through extraction, identification, and measurement, followed by purrification of extracts [5], [6].

Table 1. Alkaloid classification according to structure of derivatives

Group	Representatives
Tropane derivatives	Atropine, cocaine, ecgonine, scopolamine
Isoquinoline derivatives	Opium alkaloids: morphine, codeine, thebaine, papaverine, narcotine, sanguinarine, narceine, hydrastiane, berberine
Quinoline derivatives	Quinine, quinidine, dihydroquinone, dihyrdoqunidine, strychnine, brucine, veratrine, cevadine
Pyridine derivatives	Piperine, coniine, trigonelline, arecaidine, guvacine, pilocarpine, cytosine, nicotine, sparteine, pelletierine
Pyrolidine derivatives	Hygrine, cuschygrine, nicotine
Terpeness	From aconite: aconitine Sterols: solanine, samandarine
Betaine derivatives (with quaternary azoth)	muscarine, choline, neurine
Phenethylamine derivatives	Mescalime, ephedrine
Indole derivatives	Tryptamie derivatives: dimethyltryptamine (DMT), NMT, psilocybin, serotonin, melatonin Ergolines: alkaloids originating from ergot: ergine, ergotamine, lyseric acid, and so on.; derivatives of lysergic acid (LSD) Beta-carbolines: harmine, yohimbine, reserpină, emetine
Purine derivatives	Xanthine derivatives: caffeine, theobromine, theophylline

Finely chopped plants are treated with alkali with the purpose of freeing alkaloids from their salts. They can be separated, either by extraction with ether or chloroform, either by distillation with water vapour. Sometimes, separation is made by passing the alkaloids through a poorly soluble salt.
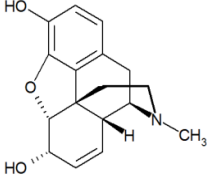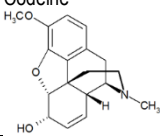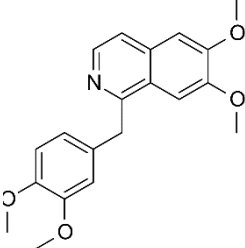
Most alkaloids are crystalline substances, hard to dissolve in water. With acids, they form soluble salts, from which they can be freed by alkali. Some generate colour reactions, which are not always characteristic. Titanium, the phosfo-wolframic acid, a solution of iodine, potassium iodide, and so on, precipitate alkaloids in their solutions.
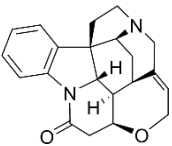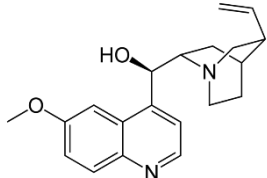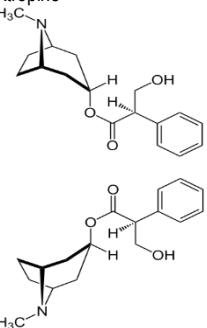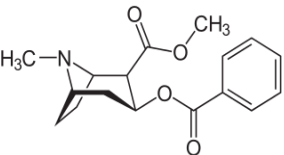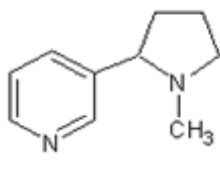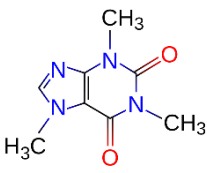
Identification is performed through precipitation with the use of general reactives (that contain metals or metalloids: mercury, bismuth, tungsten, iodine). General precipitation reactives are comprised of: complex iodines, complex anorganic acids, heavy metal salts. In reaction with these reactives, all alkaloids will produce white, yellow, or orange-brownish precipitates.

RESULTS AND DISCUSSIONS

More important alkaloids are represented by: morphine, codeine, coniine, nicotine, tropane, atropine, cocaine, quinine, papaverine, strychnine, caffeine, and so on. In Table 2, some data for a series of naturally obtained alkaloids has been systematized [3], [5], [6].

Table 3. Main alkaloids and the description of their role on the human body

Alkaloid and structure	Effect on the human body
Morphine 	Morphine and Codeineare extracted from opium. Morphine leads to an insensitivity to pain due to its actions on the central nervous system. Morphine is a complete opioid agonist, whose action is localized at a central level, with affinity for the arcuate nucleus. The term is derived from Morpheus, the god of dreams Greek mythology. It is the main active agent in opium (as meconate), its concentration in opium extracts varying from 8 to 14%, with an average of 10%. It is a powerful analgesic. It is a part of the true morphinic alkaloid group, alongside codeine and tebaine. The better part of its effects (supraspinal analgesia, euphoria, significant respiratory depression, inhibition of the coughing centre, myosis, physical addiction, inhibition of digestive motility – responsible for constipation) are explained by the fact that its links with µ receptors. Morphine is used to treat acute and chronic pain. Morphine is usually administered parentally, as morphine chlorhydrate. Oral administration of morphine is not beneficial, because its bio-availability in this case is very small. Morphine sulphate has a slightly better bio-availability with oral administration. It can also be administered rectally, as suppository or enema.
Codeine 	Codeine, or metylmorphine,is a natual alkaloid derived from opium. Its concentration in opium extracts varies between 0.7% and 2.5%. Industrial synthesis of codeine is performed through morphine metylation. It has less significant analgesic properties in comparison to morphine, but it is more advantageous in what regards anti-coughing and anti-diarrheic properties. It is metabolized at hepatic level into 6-glucuronide-codeine through conjugation with glucuronic acid in a percentage of 80%.
Papaverine 	Papaverine is extracted from the milky juice of raw poppy capsules (opium). Its effect is exerted directly on smooth muscles. Is an opiumalkaloidantispasmodic drug, used primarily in the treatment of visceral spasm, vasospasm (especially those involving the heart and the brain), and occasionally in the treatment of erectile dysfunction. While it is found in the opium poppy, papaverine differs in both structure and pharmacological action from the analgesic (morphine-related) opium alkaloids (opiates). Papaverine is used as an erectile dysfunction drug, alone or sometimes in combination. Papaverine, when injected in penile tissue causes direct smooth muscle relaxation and consequent filling of the corpus cavernosum with blood resulting in erection. A topical gel is also available for ED treatment.Papaverine is also present in combinations of opium alkaloid salts such as papaveretum (Omnopon, Pantopon) and others, along with morphine, codeine, and in some cases noscapine and others in a percentage similar to that in opium, or modified for a given application.

Strychnine	Strychnine is a very toxic alkaloid, extracted from the seed of the tropical tree – *Strychnos nux vomica*. Strychnine presents itself as crystals, which are little soluble in water, colourless, odourless, and with bitter taste. The lethal dose for an adult is usually between 60 and 100 mg. Symptoms of intoxication appear 60-90 from ingestion: bitter taste, anxiety, respiratory discomfort, hyperreflexia, convulsions accompanied by the forced extension of the limbs, death.
Quinine	It is extracted from the chinona tree. It is used in malaria treatment. It regulated body temperature. Quinine contains in its molecule a quinolinic heterocyclic atom. It presents itself as fine crystalline powder, odourless, with very bitter taste, little soluble in water, very soluble in alcohol. In therapy, it is used as salts: sulphate, chlorhydrate. Quinine has an anti-malaria action, anti-pyretic, and slight analgesic. It also desensitizes the pregnant uterus. Indications: malaria, persistent febrile states, migraine Contraindications: pregnancy, breast-feeding, cardiac insufficiency, myasthenia, atrial fibrillation, sensitivity to quinine, haemolytic anaemia, optic neuritis.
Atropine	Atropine is a part of the group of alkaloids with a tropanic nucleus, representing a racemic mixture of hyoscyamine. Atropine is used as an antidote in muscarine intoxications due to its role as an excessive blocker of the parasympathetic system, stimulated by an excess of acetylcholine. Atropine can also be used during narcosis, in case of reduced cardiac frequency. It is no longer used as an anti-asthma agent, due to the fact that its derivatives are easier to tolerate. In ophthalmology, it is used for pupil dilation (mydriasis) in ocular examinations. Currently, it has yet to be replaced for its role in cardio-pulmonary resuscitation, such as asystole.
Cocaine	Cocaine is a crystalline tropanic alkaloid, which is obtained from the coca tree (*Eritroxylon coca*). It is a drug with a potent stimulatory effect on the central nervoussystem and it is one of the most spreaded drugs that lead to consumer addiction.
Nicotine	Cotinine is a metabolite of nicotine which can be used as an indicator of exposure due to the fact that it remains in the bloodstream for more than 24 hours. It is not accumulated in the body due to its rapid metabolism, with a half-life of approximately 2 hours. It is used to determine the type of receptors. It is a powerful toxic with rapid effect. Initially, the activity of ganglia is hastened. In the next phase, an inhibition of ganglia occurs, which leads to a depressive and paralysis effect. Intoxications can have different causes: accidental (when it is used for rodents) or professional for people who come into contact with nicotine solutions.
Caffeine	Caffeine is a purine alkaloid, which can be found in coffee, tea, cola nuts, mate, guarana, and cocoa. It is one of the oldest natural stimulants used by mankind. According to the IUPAC, caffeine is represented by 1,3,7– Trimethyl– 2, 6–purinidione or, for short, 1, 3, 7- Trimethylxanthine. Caffeine is a part of the purine group, as are theophylline and theobromine. Xanthine derivatives, classified as vegetal alkaloids (of which caffeine is a representative) are considered as being soft bases, due to the fact that azoth atoms can accept protons. Despite this, xanthine derivatives are not alkaline, when in solution state. Caffeine acts as: stimulant of the CNS, increase of pulse and arterial blood pressure, bronchial dilator, stimulant of intestinal peristalsis. The effect of caffeine depends on a

	series of factors such as: age, tobacco smoking habits, the body's excretion rates and so on. Caffeine excretion can be more rapid for people who consumer more coffee compared to those who drink occasionally.

The impact of natural compounds with alkaloid structure is described by pharmacologic and toxic action on the human body. It is generally considered that, due to the fact that alkaloids help defend plants against aggression, theyare toxic for the vast majority of animals, with the exception of rabbits who can consume Atropa belladonna leaves without suffering from intoxication, due to the presence of an enzyme called tropanon esterase. Others consider alkaloids as being storage compounds of organic azoth and hypothesize that they have a role in the biosynthetic transformation of certain substances [5]. Because alkaloids have a very diverse structure, their functions are also complex:

- CNS: stimulant alkaloids (caffeine, strychnine), depressing alkaloids (morphine)

- VNS: sympathomimetic alkaloids (cocaine, ephedrine) sympatholytic alkaloids (yohimbine), anticholinergic alkaloids (atropine), ganglioplegic alkaloids (nicotine, sparteine)

- Adrenergic, dopaminergic, or serotinergic receptors (alkaloids derived from Secale cornutum)

- Malignant cells can manifest cytostatic activity: vinblastine, vincristine.

- Parasites: quinine.

Alkaloids are very toxic substances, at relatively low doses. They can exert their effect on various systems, [5]. For example: vincristine has central neurotoxic effects, vinblastine (an antimitotic alkaloid) has a powerful leucopoenia effect and leads to gastrointestinal and neurological distress, aconitine is toxic for bulbar centres, quinine and morphine lead to respiratory depression, cocaine and morphine lead to pharmacologic addiction.

CONCLUSION

- The toxicity of these species has been demonstrated according to the nature of the content, and is represented by symptoms such as: nausea, vomiting, convulsions, cardiac arrhythmias, hallucinations, and so on. Some plant toxin may lead to death even in small quantities.

- Other plants are apparently not at all harmful, even in large doses. Administration of these species preparations does not lead to the manifestation of any toxic syndromes. Even though there are no plant species harmful to humans, due to the cytotoxicity manifested by alkaloids, which accumulate in the body, delayed effect ailments can be triggered or promoted.

- Some plants or plant components containing such principles are still used in internal phytotherapeutic treatments, although their toxicity has already been demonstrated.

- All compounds with an alkaloid structure described in this paper initially had beneficial effects on the human body, which has lead to their use in medical practice. Alongside these effects, they also present a high level of toxicity, which has been proven in time.

- The toxicity and very diverse effects on the central and vegetative nervous systems have outlined the importance of limiting consumption and their application as therapeutic agents in medical practice.

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The Economic Crisis in Europe and its Consequences

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Abstract:

European economic growth is one of the major influences on the progress of the economy in the countries included in it. It has been a stimulus for the development of these countries, thus adding their neighbors' economic improvement of the country. The inclusion of these countries in economic growth has impacted pricing and the development of innovation and new in Europe technology. This thing helps in achieving the highest standards. Its coverage is an overwhelming contrast crisis that was reflected in the world in 2008.Duhet said that the effects of the crisis continue to be still visible in the livelihood of citizens and businesses.Edmund Phelps has proposed a rule on the establishment of high standards for the livelihood of citizens, in which specifies how many people have to work, conserve and invest today in order to be more sure which will be the future economy. This is called "Golden roles".But what are challenges that still confronts us economic crisis? How difficult it is now for businesses to apply the theory of Jim Collins, Good to Great?This article aims to reflect the economic situation in the EU countries, as well as laying economy recommendation that these countries will faced tomorrow. How difficult is to identify the companies that can make a Leap to develop their business? What are these difficulties? Is there a solution for them?

Keywords: Global crises, the risk of interest, IMF, EU

The global crises

The first sign of crises was in 2003 when USA housing markets expended because interest rates were low. This become serious in the middle of 2004, when US federal reserve raised interest rates to 5.25 percent.

The interest of mortgage before this has been low then 1 percent. In 2007 more than 100 mortgage lenders went bankrupt. The investors now know the dept risk but they could not adsorb the losses.

The crisis spread out the USA. The IKB Deutsche Industrie bank in Germany, BNP Paribas in France and Macquarie Bank in Australia faced with huge losses. Some banks and financial institutions received massive injection of public money. Central banks in us, Japan end EU inject liquidity into global financial system. This situation made EU and Us to lend from each other because they didn't want to show the sign of a credit risk. This would be a big problem for them. Even the crises origined in US, In Europe, banks and financial institutions were affected by losses related to mortgage investment.

Three important policy lessons from crises were:

1. in a poorly financial system banks and financial institutions can include in reckless lending to earn fees and quit profits without
2. Carrying for borrowers. This is completely true, and you can see it in Albania banking market.
3. The crises have showed that the impact of the risk in economy is explored in many countries.
4. Poorly regulated rating agencies have become a hazard to financial stability. The facts of facing in the risk of interest have made the number of borrowers slowdown.

The financial costs in Europe, India and UK

The markets are illiquid since the period of crisis.

The important role in the market and in the global economy plays private equity firms. We can think for Blackstone Group, Bain Capital or Texas Pacific Group, and we know that these company menage assets that worth billions and billions

dollars. They control over 1 million workers. What can happen with the global economy IF one of them closed the doors of developing the activity?!

The crises has affected negatively in the global private equity industry. They have difficulties in borrowing money and in their portfolio. We can't say it for India or Asia .The profit from the private funds raise from 30 to 60 % in 2007.What happen in India in 2009?

In 2009 current account deficit touched 29.8 billion dollar against 15.7 billion dollar in 2007.This have been financed by large capital inflows in the form of portfolio investment. India also runs a perennial fiscal deficit.

The support that the government gives the bank sector in UK was 1.2 trillion pound. We must say that this happened even in the other country.

Jorge Nascimennto Rodriguez has estimated the total cost of global financial crises at 69 trillion dollar. As banks with bad loans tend to make them less, we should raise the performing loans in the markets.

In Croatia domestic economy is shrinking since the crises. This has increase the budget deficit and the number of unemployed

IMF in the global crises

 By Simon Johnson, former chief economist of IMF, financial industry's share in total profit in 1973-1985 was 16% and when the crises come 41 of profits went to financial industry.

In UK the share from 8.3% in 2007 went in 5.3 in 2001.

In 2006 global investment bank like JP Morgan Chase picked up 12.8 billion dollars in fees from private equity firms, but in 2007 they picked up only 8.4 billion dollars.

According to IMF: Divergent growth in the countries and monetary policies have increased tension in global financial markets and have caused a big risk at private company in growing their activities. This situation is a result of the weakness in legacy. The bank of Japan and the European Central Bank have pursued bold monetary policies to stability the disinflationary pressure.

And this strategy has worked and we see a good economic situation. According to report the financial stability risks have risen since the October 2015.

EU has earmarked 30 billion euro to support small business, also European Bank has allocated 1 billion eurofor controlling the credit risk. According to report the financial stability risks have risen since the October 2015.

In Europe in 2007-2009, IMF-international monetary fund has estimated that more than 1.3 trillion dollars in bad loans was written off. In the other side Asia and India are raising their economy. The investment in India have been higher, even Blackstone Group operate in India. All the sector of industry like infrastructure, media, and sport have attracted more inheres from investors.

In 2010, we can say that the regional economy raised as a result of net exports.

Unemployment in Serbia from 2008 to 2010 increase about 14.4% in 2008 while in 2010 we see the value about 20%. In 2011, unemployment reaches a record figure of 22.8%.

While Bosje Herzegovina reaches a percentage of 27.2%, Bulgaria and Romania have maintained the level of unemployment at 6% .This percentage was attributed mostly to youth and non- participation of women.

What will happen with our economy in the future year?!

Policymakers should encourage banks to deal with their bad loans and ensure more efficient legal and institutional frameworks to spread up this process. They should to strengthen market liquidity and complete financial regulatory reforms

/IMF. From this we can say that the problems in the Europe economy are bad loans that in fact were in a large number in period of crises.

Managing the risk of interest it's a big challenge for these countries. They have to control the banks operation with the fiscal policy. What can we say for the situation in Greece, or in the Ukraine? For sure they are a big risk for a global economy.

The best way to contribute in financial stability is putting in place policies that minimize the problems like interest risk and the problem situation in countries like Africa, Ukraine and Greece.

Supporting in developing small businesses would be a policy that will reduce the impact of the crisis in the economy, this because they occupy about 80% of employers. Strategy that the European Union is following is supporting this business and reducing bureaucracy. This strategy can increase GDP / in up to 1.4% and the conserve about 7.6 billion euro. We can mention Germany, which has changed the law for supporting citizens for opening new businesses .In Slovenia now we can register a business for only 3 days. Belgium, Finland, Spain, UK, Ireland have taken measures to overlap failure procedures.

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INSTAT-Instituti I Statistikave

IMF-International Monetary Fund-Global Financial Stability risk

Jim Collins-Good to Great

Sherif Bundo,Evelyne Lande-Kontailitet Financiar

http://www.ebrd.com/home - European Bank for Reconstruction and Development

Friendly Relationships among Youths

Alma Vögeli

Ada Ruçi

Abstract

This study will be focused on a very important social relationship that is friendship. Humans are social being and are born to be socialized with others. Isolation and solitude is not its characteristic. Friendship refers to a close and personal relationship, the care with its attributes such as: reciprocity, common choices, trust, openness and loyalty. Circumstances affect the types of friendship at youth age or early adulthood. (Adams and Blieszner, 1996). Friendly relationships in high school are based upon interests is the hypothesis this study will be based on.Subjects that will be part of this study are youths. The study is conducted among students of the State University of Tirana. 50% of selected subjects study at social-oriented departments and the other 50% study at science-oriented departments. The selected methodology is quantitative. The type of systematic randomized sampling is used on this study. The hypothesis this study was based on resulted to be true. The study proved that friendships at faculty are based upon interests. The primary interest where the friendship relationships are based includes interests related directly to school. The main subjects resulted to be the free time spent together and doing the homework together. The females resulted to be more sociable, as the major number of students has mostly female friends within their close friendship circle. Students socialize with individuals that meet their economic state, expectations in school grades and personal characteristics. Reciprocity in friendship relationships while at faculty is very important and males value it more than females.

Keywords – Relationships, Youths, invest, inters

1. Friendly Relationships among youths

This study will be focused on a very important social relationship – friendship. Friendship is an inevitable relationship in one's life. Man is a social being and is born to socialize with others and loneliness and isolation are not his characteristic. Various social activities are often the initiators of friendly relationships. Being together and sharing interests with one another encourages youths to build and strengthen further their friendly relationship (Cherly Maeder, 1999). Circumstances affect forms of friendship in juvenility or in early adulthood (Adams and Blieszner, 1996). Subject of this study will be youths. At this age, approximately at 20 years old, youths start to emotionally detach from their parents and family and move toward a greater individuality (Levinson, 1978). This is a great move, which brings many changes in various social aspects and one of these changes is the making of new friendships. Juvenile individuals are relatively free of social obligations such as marriage and parenting, compared to those of middle age and older. The socialization with friends of both genders is more present that in any other age.

1.1. Why youths make friendly relationships

There are several reasons that push youths to get involved into friendly relationships while in faculty. According to Mickulincer and Selinger (2001), there may be a major number of benefits. Fear and social isolation, the need to be heard, encouragement, counseling, sharing in confidence and economical help are some of them. Friendship is a mutual relationship, where the realization of interests that depend on friends takes a very important place and friendship is a voluntary relationship, where personal preferences have a significant place too. According to sociologists, Adams and Graham (1998), besides personal preferences, circumstances, society and culture we belong, play an important role.

Some of the key questions to explore friendly relationships at universities are:

- *Why accompany is important?*
- *Who do we quickly make friendship with?*
- *Where is the university friendship based on?*
- *How much do we invest in a relationship?*
- *How mutual are the friendly relationships?*
- *Does interest affect the choosing of friendships?*

1.2 Hypothesis

In order to explore the fore mentioned issues and identify their extension in the friendly relationships among youths at university, one comes to conclusion, upon which this study is based, that: Friendly relationships at university are based on interests.

1.3 Operational Definitions

Main concepts used in this study will be defined below in an operational manner.

Interest: Emotional, material and social benefits from a friendly relationship.

Friendly relationships at university: in this study it refers to relationships of an individual with people whom he gets along the most.

Investment in friendly relationships: in this study it refers to emotional investment, time investment and material investment.

1.4 Purpose of Study

Purpose of this study is to explore whether the friendly relationships at university are made based on interests and identifying the main ones.

1.5 Objectives

Based on the main purpose of the study, objectives aimed to be achieved are:

1. Identification of main reasons for the creation of friendly relationships at university
2. Identification of gender differences in choosing friendship.
3. Identification whether studying at science-oriented university branches and social-oriented university branches influences the interests in choosing friendship at university.

2. Methodology

Methodology used in this study is quantitative. The selection of this method was due to its adaptability with the subject of study. The purpose of study is to explore the interests in friendly relationship among university students. Based on the subjects' extension the quantitative method has been considered as more appropriate. For the realization of the study literature review will be used and collection of data will be conducted via questionnaire. Subject lists of faculties of State University of Tirana are used in this study, for the record of required subjects. Type of questionnaire is assorted.

2.1. Sampling

Type of systematic random sampling is used in this study. This sampling procedure aims not only at random preselection of units, but at the fact that this random selection is distributed in the entire list of sample setting, based on sampling fractionating method. From the random selection, number 2 and 21 has been chosen per each group. Should the search in finding these numbers becomes impossible, an approximate number will be used. Sampling number is 100 subjects. 50% of subjects study at science-oriented university branches and the other 50% study at social-oriented university branches. Respectively, subjects studying at social-oriented direction, at the Social Sciences Faculty, History- Philology faculty and Foreign Languages Faculty. 50% of selected subjects studying at science-oriented direction, respectively studying at Medical Faculty, Economic Faculty and Nature Sciences Faculty. Out of random selection 31 males and 69 females resulted to be part of the study.

3.Nature of friendly relationships

Frequent Interactions give opportunity to people to discover similarities of one-another, as well as feel the empathy of one another (Arkin and Burger, 1980). The general tendency is one chooses his/her friends for what they are. But in reality we socialize with people who like us and support us (Dragoti, 2004). In the interpersonal attraction, the principle of reward takes effect: we like people who support us in the maximum of assessable reward by spending the minimal cost. Not only do we benefit from others concrete material rewards, but also a social one, where the later is even more important. When friends give us social support in our difficult times, when they respect or admire our qualities, this reward becomes so intense that in most cases the attraction between people becomes mutual. Most of interpersonal relationships are consistent with the principle of reciprocity: we tend to like people who like us. The nature of friendship in itself, contains the mutual care, intimacy and the sharing of activities. Reciprocity is an important condition for a friendly relationship to continue (Friedman, 1993; White, 2001). Friends should share their feelings with one another, rejoice over their friends' achievements, be near them when they are frustrated and dissapointed. Friendship is a relationship not based on blood relations. Frienship has many forms and sizes. It is the place of love and affection, the place where we feel loved, respected, supported and happy. When two people share a strong bind of reciprocity, respect and love, step toward an eternal friendship are taken. Being friends means being there for each other. Annas' viewpoint is that a friend is the one who wishes and desires the best for his/her friend; he desires the friend to exist and live, spends time with the friend and makes the same choicesas friend.

3.1 Gender differences in friendly relationships

Males and females in general have different kinds of relationships. Males tend to have friendly relationship between one another, but less intimate. Males search friends based on similar interests, prefer common activities and do not pay too much attention to discussion about feelings (Sherrod, 1989). Females tend to have more intimate, opened and emotional relationships (Ritchie and Mill 1998; Sapadin, 1998). Relationships between females are characterized by many positive attributes that are apparent through the whole life such as: trust, loyalty, joy, care love and compassion. Females discuss continuously with one another and their discussion is profound when it comes to intimate issues regarding themselves or their family. For males intimacy often means discussing or making things together when it comes to work, sport or politics, whereas for females frienship intimacy means sharing feelings and worries.

3.2 Role of investment in friendly relationships

Investment is very important for the continuity of a friendly relationship. Friendship aims at being more reciprocal than other forms of attraction, such as respect (Sega,1970). Once the reciprocity starts to shake, the friendship starts to change. In a friendly relationship friends share similar interests, mutual respect and strong relation with one another. It is noticeable that an important component for a friendly relationship is the similar interest. A true friendship is proven to be such based on altruism, sacrificing personal interest for that of friends. When we are awake we spend 20-60% of our time in accompany

with others (Dealux, 1978). This shows the fact that besides other investments, we invest a lot from our time with friends.

4. Results

The study proved the fact that sociablenness at university is based on interests. Primary interest where university friendly relationship are based, includes interests related directly to school. The main ones resulted to be: doing homework together and spending free time together. Females resulted to be more sociable, since that the majority of students have females in their close relationship circle. Students at university make friends with individuals with the same economic state, same expectations for school grades and same personal characteristics. Reciprocity in friendly relationships while in faculty is very important and males value reciprocal relationship more than females. Females invest more in a friendly relationship and consider friendship as valuable relationship.

The conclusion from this study was that the main reason students make friends is to avoid loneliness. But within this conclusion it resulted that students who follow a university social profile branch, value the fact of feeling good themselves with friends more, than the desire to not be alone. The most valued friendship characteristic in faculty is sincerity. An important role takes also the readiness to help friends, by defining it as a sincere interest in a friendly relationship.

From the study it resulted that science profile and social profile, do not influence friendly relationships in high school. From the study it resulted that friendship in faculty is not a friendship based on strong trust, love, care and altruism. Its main base is reciprocal help and the realization of interests closely related to friendship.

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Innovation Journalism: the New Way of the Media Development

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Abstract

The article is dedicated to the innovative journalism, directed to incorporation of the media in the innovation process in order to highlight and explain the essence of intellectual economy, the consequence of which is the increasement of essence of innovation understandingin society. The formation of innovative economy in the world in the second half of the XX century caused the emergence of a unique communication area: between the scientific community, business and government. The main purpose of communication is to organize dialogue between all participants of the innovation space, promotion of innovation as a key factor for sustainable development of competitive state and society.The dynamic development of the social, scientific and technical and economic sphere, the emergence of the new knowledge and technology on the same level with the increasement of the information flow modifies journalism. Even today, scholars fix signs of the restructuring media-information space on a planetary scale, which is connected with the global competition between traditional and online media. Such competition leads to a series of epochal changes in the activities of international and national newspapers and magazines, radio and television, news agencies and the press centers. Undoubtedly, all these factors contribute to the emergence and the development of innovation journalism, which in many ways is more multifaceted than its traditional counterpart.

Keywords: innovation journalism, electronic media, media market, digital technology, online journalism.

Introduction

In the last quarter of the XX century humankind entered a new stage of its development – the stage of post-industrial society construction, which is the result of social and economic revolution in the modern world.It is known that basis of every social and economic revolutions are specific technologies, industrial and technological system and industrial relations. First of all, information technologies, computerized systems, advanced manufacturing play the main role for post-industrial society, which are the result of the new physical-technical and chemical-biological principles. These principles are based on the innovative technologies, innovative systems and innovative organization of different spheres of human activities [Dzyaloshinsky, 2007].

In the world economic practice the concept "innovation" is interpreted as a process of transformation of the potential scientific and technological progress in the real world, which is embodied in new products and technologies. In the monograph of scientists' team, led by Professor G.A. Krajukhin [Krajukhin, 1997], studied the different definitions of the term innovation. The term "innovation" was firstly appeared in scientific studies of foreign culturologists in the XIX century. The meaning of this term was the introduction of some elements to another culture [Moiseeva, 1993]. Only at the beginning of the XX century regularities of technological innovations were started to study. In the world economic literature two approaches of innovation can be found. The classical sample of the first approach is the term of the English economist J.Schumpeter. In 1911 in his work "The Theory of Economic Development" [Schumpeter, 1982] J.Schumpeter spoke about the process of introducing new combinations in the following five cases (the introduction of a new product, the

implementation of a new method of production, the opening of the new market, the conquest of a new source of raw materials or semi-finished products, implementation of a new organizational structure in any industry).In 1930s J.Schumpeter used the term "innovation", meaning any changes related to the use of the new or improved solutions in engineering, technology, organization of production, sales and procurement processes, etc. Collins Dictionary defines "innovation" as "something newly introduced, such as a new method or device, act of innovating" [Collins National Dictionary]. At the same time the creation of innovation complex, multifaceted process that involves the generation of new, original ideas in order to ensure the survival of society. This process requires from all participants special training, great mental, physical effort moral strength and the corresponding state of socioeconomic infrastructure.

The term "innovation journalism" was coined by David Nordfors - the founder of the Innovation Journalism Initiative hosted by Stanford University [David Nordfors, 2003]. Modern scholars tend to describe the innovative journalism using four key mutually connected processes (or features): convergence, digitalization, interactivity and appurtenance of media data to the network space.

Thus, the list of media formats can include:

1. Web portal;	7. Movies for Internet audience;
2. Online media;	8. Social Network (including social network for children);
3. Internet television (webcast);	9. Twitter;
4. Internet radio (podcast);	10. Virtual Communities;
5. Mobile TV;	11. Virtual Games;
6. Blogosphere;	12. Other resources Web 2.0.

As we can see, innovation changes not only the image of journalism, but also radically modifies the format of presenting the material.B.A. Igorevsays: "The processes that are connected with the necessity of the information space formatting in the structural, functional and organizational areas of the media, happens in the newspaper, magazines, TV programs, radio broadcasting ,online media release conditions. Keen competition between the media, also the low purchasing power of the audience causes a significant differentiation of the media structure. The word "size" becomes a keyword in this procedure" [Igorev, 2009].

Three areas of Media Updating

In the modern world media industry must be significantly updated. Here are three directions of such updating.

Firstly, the use of new methods in searching and processing information. The Internet has already accumulated more than 1 billion pages, and the number of public websites is close to 40 million. Every day the number increases to 50 thousand. Search technologies are designed to help users in the ocean of information and implement e-business strategy. Now search technologies have become a mission-critical tool for journalists: the information necessary can be anywhere. The other problem that was caused by the internet is accelerating the pace of information production. It is necessary to permanently keep abreast of developments, monitor multitude of information sources, to find out important news in time. It is not anymore effective to find out information monitoring websites and reading news. The aggregation of information is needed here in order to collect all relevant information on multiple personalized pages. Permanent monitoring of information sources requires a substantial diversion of resources, as well as automation.

Secondly, transition to the new scheme of manufacturing organization, production and distribution of media products. The success of the editorial board of the XXI century will be determined by conveying to the audience current and fascinating information at anytime. Media companies worldwide scrutinize readership and convert the received information in a new and exciting genres. Newspapers produce content using their own brands and convey it to the reader in various ways - WEB, mobile devices, WEB-TV, interactive television, podcast, radio, magazines, citizen journalism and etc.It is really

necessary today to fully serve the needs of the modern audience and not only to keep but also to increase market share. To this the problem of blogs can be attributed. Ordinary people, who have something to say and to show, started to maintain a blog. New tools became available for millions of people, which help them to publish their articles in the Internet. People can get valuable information using e-mail, chats, and private web-diaries. Sometimes bloggers are the primary sources of information from places, which attract the attention of the whole world. The sample can be South Asian tsunami in Phuket in 2004. The tragic event attracted attention of a large number of journalists who covered it in their media as well as other observers. They could only get information and monitor materials, which were provided by the mass media. Other observers could only go to the islands or base on information from local sources. In one word, the original materials were not so much. And here tourists' mobile blogs came to the rescue. Those blogs were the only source of photos and videos from thesite of the disaster, because there were no internet connection in that area. Before that event, even the world's leading media companies couldn'tattract readers' attention to the mobile services on their websites and after that events in Phuket, the situation changed.

There were cases where bloggers were reporting live fighting scenes in Iraq; in the Russian segment of the Internet "classics of the genre"is Yelena Skochilo's reports, the citizen of Bishkek,who published photo reports about the Tulip Revolution in Kyrgyzstan (later Yelena was ROTOR blogs award winner in the nomination "The blogger of the year"). The explosions in the UK capital made largest media companies transform the mode of breaking news, but the audience didn't see anything except bloody people who were running out from subway. But during the first tragedy hour, passengers, who survived, sent MMS with pictures of the explosion site. Numerous blogs have received pictures of explosions first, before the audience of CNN and Sky News, who accustomed to the incredible speed of information flow.

Thirdly, formation of a new professional culture. The Professor Dzyaloshinsky notes that in the framework of the Russian professional journalistic culture several alternative paradigms of professional activities coexist. These all components are different from each other, including moral and ethical components [Dzyaloshinsky, 2007].All of them are arranged in a "space" which is defined by three vectors. These vectors serve some fundamental social and professional settings, which determine the overall relationship of the journalist to the audience, the right to consider their audience as an object of management (education, formation) and itself as a carrier or a translator of management programs of different types and levels. In one word the way of reaching the ultimate meaning of the journalist's activities is the word "impact". Second installation places journalist close to the audience and directs it to the relationship information. In this case, the journalist considers his duties as delivering information, data, materials, assisting in the expression of opinions to his audience. Both of these settings, despite the significant differences, lead to alienation of the audience from the media.

The third fundamental installation requires journalist to be in a certain human community, consider themselves as stakeholder, joint the search of solutions to an audience of complex life problems. The main idea of such journalism is that journalists should consider readers, audience, listeners, not as a background or passive observers, but as participants in solving important issues. This journalism defines itself in the following terms "civil", "communitarian", "humanitarian","journalism of complicity", etc.

Interactive Environment

The main function/role of journalism becomes "dialogue moderator". This means that journalism can and should create a platform for equal dialogue between different social groups (even if they are different in their views, aims and organization), during which social contradictions and conflicts can be solved. Journalism can and should be combined in a single information space of contradictory opinions and attitudes. If they become public, new convergence ways can be found or arguments. This feature is particularly important for society, torn by conflict and split up into camps, societies, which are not able to find reconciliation in the squares and stands. This is the function that is able to transfer the conflict, which destroys the unity, into the conflict that identifies a problem in order to bring it not at the level of a street brawl, but to the positions of rational and pragmatic public dialogue. In America the same idea of was realized in the concept of public journalism. At the forefront it is not the journalists' rights, it puts journalists' responsibilities to the society. Such journalism requires editors and news service managers perform journalistic work in order to help people to overcome a sense of apathy, helplessness and alienation, impel them to action, and trying to turn them from passive viewers into active participants in civil actions. According to one of the publications, which is devoted to public service, "the importance of public broadcasting is not something taken for granted. It took several decades to find its place among the media, fully

controlled by the state or commercial. Today the unique nature of public radio and television is no longer cause doubts, well-known examples of such services is BBC. The irreplaceable role of the public service is to provide information to audience to enrich their knowledge and leisure regardless of the commercial, government or political reasons. This service should give every citizen the opportunity to take an equal basis of participation in the life of society, the part of which he or she is, and actively promote the organization of such a life. Public service broadcasting must be independent from the party or government pressure, should serve everybody and be the instrument for the common good. It must maintain its independence, having at the same time stable financial resources". This type of journalism assumes the implementation of the certain functions of the media, the most important among them is the dialogue between society and the authority, inciting citizens to active social and political life, the elimination of conflict situations. It is assumed that the role of journalists is to fully and adequately inform the audience about the events, the priority for media workers is the public interest. At the same time politician, representatives of public organizations are given equal opportunities to express their views in the media. In addition to this, the perfect embodiment of the idea of public journalism is independent radio or television station from the ideological influence of the state and private capital.

Journalists and the media play an increasingly significant role in the development of society, they manage people's attention and they can send it to the innovative activity and create a certain attitude.

Traditional approaches of the media are not so effectively handle with the task.That is why in the traditional journalism thematic categorization was adopted: the journalist concentrates on his subject - politics, new technologies, culture or business. Today mostly the information about innovation focuses on its technological aspect - the invention. Innovation is a wider concept, penetrating into all areas of our lives. All over the world people are already talking about innovation in the arts, education, governance, innovation in communications, new forms of cooperation, which are aimed to create a constructive dialogue between innovators.

Conclusions

To sum up, we note that important areas of communication in the field of innovations are:

а) communication in science, their mission is to support the production of knowledge and its introduction into the economic system and the promotion of innovative products;

б) innovative journalism, a conceptual framework which tries to stimulate the media play a leading role in highlighting and popularizing innovation to the general public.

With the rapid development of communications in the Internetsocial network, blogging, microblogging, video channels, podcasts, the impact of journalism expanded. The "new media" in the Internet is used by communications in order to foster innovations. Example of the realization of these practices can be an electronic journal East-West Digital News, the creators of which talk about Russian innovations and venture capital market around the English-speaking world.

Innovation can be considered as a journalism, which is characterized by three characteristics - it uses new methods of searching and processing information; relies on the new scheme of production and release of a media product; focuses on fundamentally different ,in comparison withtraditional journalism, meaning of their activities. Of course it is only an attempt to describe the contents of the new concepts. Today the media industry needs a huge demand in innovation-minded employees as well the governing and performing managers.But one thing is clear: innovation journalism is focused on the development of the whole society, so that it could become a full member of post-industrial socioeconomic formation.

Innovative journalism does not focus on one aspect of innovation, but strives to provide the public a complete picture, an objective opinion about the development of innovative processes about the interests and plans of the stakeholders and the role of innovations in society. Moreover, such journalism should see and be able to describe innovation from different sides presenting readers the different points of view, talking about the positive or negative consequences of a particular innovation. Being a kind of mediator, journalism should attract the attention of people to provoke public discussions and call to joint search for new solutions.

Journalism, which is included in the innovation process, meeting the requirements of time, undergoes changes in favor of increasing audience reach and ways of broadcasting information. So, at the moment there is a transition from multimedia

editors to convergence and cross media, which in itself considered as innovation. Thus, journalism and innovation are interpenetrating phenomena.

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An Axiomatic Control for Rational Behavior of Political Leaders in Democratic States

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Abstract

The main purpose of the present paper is to develop a new axiomatic system for the control or self-control of rational behavior of political leaders in contemporary democratic states. The axiomatic system is based on stringent criteria for rational behavior (proposed by A. N. Kolmogorov and R. Wilson) and contains 14 axioms. Axioms with ordinal numbers 4, 10, and 14 have a particular important role. In the present study we use Nash optimization principle, as well as a generalization of this principle developed by N. N. Vorobiev. The proposed axiomatic system is clear, meaningful and enjoys the lack of contradiction property.The obtained theoretical results are applied in Republic of Albania.

Keywords: rational behavior, stringent criteria, democracy, political leader, axiomatic system.

"The future of humanity should be based on rational behavior"

Aristotle

"The power of a political leader is identified in the ability of harmonization of his will for the realization of the aims of people, led by logic and collaboration"

Woodrow Wilson, President of USA

"The rational behavior of a political leader has the primary goal to put the interest of people over the self-interest of the leader"

A.N. Kolmogorov Russian Mathematician, Bolzan Prize Winner

"The rational behavior of the individual in a capitalist democracy is the prudent and intelligent maximizing of self-interest"

Amartya Sen, Indian-American economist, Nobel Award Winner

1. Introduction

In human society there are many processes, in which the participants have different interests and use different methods for realizing their aims. Such processes are described as **conflicts** and so naturally arise whenever some individuals,

companies, monopolies, parties, party coalitions, social groups or countries aims to control the developement of various processes. The conflict represents the core of many political, economic, legal, military, diplomatic, ecological, demographic, psychological, religious, biological, medical, technological processes. An important special case of the conflict is **competition**. The mathematical model of the conflict contains four components:

Firstly: Given all participants in the conflict, who are able to make decisions. These participants are called players.

Secondly: Given the set of possible actions for each player. These possible decisions are called the strategy of the player.

Thirdly: Given the individuals, parties, party coalitions, or countries participating in the conflict that protect some specific interests. These are called players of interests.

Fourthly: Given the formulas for the expected profits or losses of player of interests. This is done usually by the utility function of each player of interests. The purpose of each player of interests, who are participants in the conflict, **is maximizing the utility function.**

Definition of the game as a mathematical model of the conflict:

The game is the set composed by players of actions, strategies of these players, players of interests, and the utility functions of these players.

The game is the basic concept of the Modern Mathematics. It is as important as the concept of derivative, integral, series, probability or differential equation. A particular characteristic of most games, is that each player does not know exactly the strategies to be used by other players. In this sense, the game is made in the present of strategic uncertainty. According to the conception of the American mathematicians, the participants in the game are called "players" and according to the Russian mathematicians made a clear distinction between players of actions and players of interest. In the current study, the conception of Russian mathematicians is used, hoping that accurately reflect the political conflicts, economic and social disparities that exist in the Republic of Albania. Game Theory was created as a mathematical discipline in 1944 by the famous Hungarian-American mathematician Johann von Neumann (1903-1957) and by the Austrian-American economist Oskar Morgenstern (1902-1977). The study of each conflict is performed in three aspects:

1. Descriptive aspect, which describes the conflict, showing its connections with other conflicts or represents a conflict through other conflicts.
2. Constructive aspect that specifies the four components of the conflict.
3. Normative aspect which gives the purposes of the players of interests.

The primary aspect of any conflict is the normative aspect, while the other two aspects are complementary. The descriptive aspect of the conflict can or cannot be mathematically formulated, while two other aspects of a conflict can always be mathematically formulated. According to the Russian mathematician A. N. Kolmogorov, the Game Theory is the mathematical theory of making the optimal decisions in conflicting processes. The optimal decisions should be mathematically defined. Issues relating to optimal decisions of players and optimal results of the conflicts are fundamental in Game Theory.

1. In which mathematical principle is the optimization of conflict based on?
2. How are the optimal solutions of the game found?

In fact, there are three important classes of games: antagonistic games, non-coalitional games and coalitional games.

-Many conflicts in human society are a complex mixture of non-coalitional and coalitional games.

-For example, political parties in the Republic of Albania have cooperated between them for Albania's membership in NATO or the EU and simultaneously have competed in parliamentary elections.

-Optimization of the normative component is more difficult than the other two components of the conflict.

In Game Theory, there is no an universal principle for optimizing the behavior of players. Different optimization principles are used in different classes of games. The remainder of the study is organized as follows:

Section 2 contains the optimization principles for games, section 3 presents the axioms for rational behavior of political leaders, section 4 contains applications for rational behavior of political leaders in Albania, while section 5 concludes the paper.

2. The optimization principles for games

The appropriate principle of optimization for the class of the antagonistic games is the Mini-Max Principle, proposed by J. Von Neumann. Sophistication of this principle of optimization have been made by mathematicians Lloyd S. Shapley and Martin Shubik.

The decisive step in the invention of the principle of optimization for non-coalitional games was made by the famous American mathematician John Forbes Nash, Nobel Award Winner in 1994. In Nash equilibrium each player maximizes individual profit, therefore, any reasonable player has no interest to deviate from Nash equilibrium. If each player will play differently, he would harm himself, but not other players. Nash equilibrium modifications for non-coalitional games are developed by the winners of a Nobel Prize JC Harsanayi and R. Aumann. Bayes-Nash-Harsanyi's equilibrium implemented in the game with incomplete information and has found important applications in politics, economics, technical sciences, natural sciences, bio-medicine, etc. The correlated equilibrium of a normal-form game is a solution concept developed by Professor Robert J. Aumann. This concept generalizes Nash Equilibrium. Some scientists feel that the correlated equilibrium is the most fundamental solution concept of all in Game Theory. R.B Myerson says: " If there is intelligent life on other planets, in a majority of them, they would have discovered correlated equilibrium before Nash equilibrium".

Theorem:

For every Nash equilibrium, there exists a corresponding correlated equilibrium, in the sense that they induce the same probability distribution on the space of outcomes for the game.

 The principle of achieving the goal, formulated by the Russian mathematician N. N. Vorobiev is the generalization of the Nash optimization principle. The mathematical formulation of the principle of achieving the goal has high scientific level and requires help from specialized mathematicians.

Rational behavior of the players

The first assumption of Game Theory is the rational behavior of all players. According to R. B. Myerson, rational individuals make decisions in accordance with the principles and rules of logic, in order to achieve its goals. The present study analyzes the rational behavior of political leaders, government officials and politicians. This group includes the President, Prime Minister, President of the Parliament, Chairman of the Opposition, ministers, deputies, President of the Supreme Court, President of the Constitutional Court, the General Attorney, Heads of political parties, members of the High Council of Justice, Mayors, etc.

3. The axiomatic system for rational behavior of political leaders

How do the leaders in different states of the world make decisions? (see Mintz, 2004). What are the axioms that characterize rational behavior of political leaders, government officials and Politicians in their activity for resolving political, economic, social, administrative, territorial, legal, diplomatic, environmental conflicts? We will use the **stringent criteria of rational behavior** developed by A. N. Kolmogorov and R. Wilson. The scientific achievements of A. N. Kolmogorov (1982) and R. Wilson (2010) made possible the construction of an axiomatic system for the rational behavior of political leaders in the stringent sense. In the present study we develop an axiomatic system containing 14 axioms, which guarantees mathematical treatment of rational behavior of political leaders or key government officials in democratic states.

Axiom 1

A political leader possesses complete information on the conflict.

Axiom 2

A political leader is equipped with a team of qualified advisers and has available sufficient time to analyze the preferences and strategies of the participants in the conflict.

Axiom 3

The strategies used by the political leader are the **best response** to the strategies used by other participants in the conflict.

Axiom 4

For the optimal solution to political, economic, or social conflict, a political leader is guided by the principle that the people's interests are above personal interests.

Axiom 5

Individual preferences of a political leader satisfy the transitive rule: if any leader prefers alternative A versus alternative B and alternative B versus alternative C, then the leaders should also prefer A versus C.

Axiom 6

The utility function of a political leader is not commanding by any other person (s).

Axiom 7

To resolve antagonistic conflicts, the political leader uses Mini-Max Principle, developed by J. Von Neumann, while to resolve non-antagonistic conflict, the political leader uses Nash bargaining or the principle of achieving the goal, developed by N. N. Vorobiev.

Axiom 8

Nash bargaining game is fair and distributes justice, because any player who respects Nash bargaining principle undergoes no loss.

Axiom 9

Nash bargaining is symmetrical: The outcome (profit or loss) of every player does not depend on the player's name. Every two players who have the same position in the scheme of Nash bargaining game, will ensure equal profits.

Axiom 10

Nash bargaining is optimal in the sense of Vilfredo Pareto. In Nash bargaining, all players cannot simultaneously increase infinitely their profits. This axiom expresses the internal logic of the Nash optimization principle and is based on the concept of "Pareto optimal situation" of the non-antagonistic game.

Definition

Players of the game are in an Pareto optimal situation if there is no other situation of this game, in which profits rise simultaneously to all players. In other words, any deviation from the Pareto optimal situation could be feasible for a part of the players and harmful to the rest of them. French mathematician Gerard Debreu, winner of the Nobel Award in economics and American mathematician Stephen Smale, winner of Fields Prize in Mathematics, have clarified some important theorems concerning the existence and uniqueness of the Pareto optimal situations for non-antagonistic games.

Axiom 11

Nash bargaining is monotone: Players of the current bargaining must respect all previous orderly bargaining, that are more general than the current Nash bargaining.

Axiom 12

In Nash bargaining game, the utility functions of the players are invariant in relation to linear transformation of the coordinate system. This means that the formulas of utility functions of players are independent of the linear transformation of the coordinate system.

Axiom 13

In Nash bargaining game, the utility functions of the players are independent from the alternatives (conditions or circumstances) which have no relationship with the actual conflict.

Axiom 14 (not dictatorship)

A political leader of a democratic state is not a dictator, in the sense of Arrow.

Defined by K. J. Arrow

A political leader of a state is called a dictator if whenever the leader prefers alternative (candidate or party) A in comparison with alternative (candidate or party) B, than, the people of this state are obliged to prefer A compare to B.

The proposed axiomatic system enjoys the property of the independence axiom from each-other. This means that each axiom contains an original contribution – specific and not inferred as the corollary of other axioms of this system. Axiomatic system of the present study is relatively complete, in the sense of David Hilbert. Also, the axiomatic system satisfies the lack of contradiction property. This means that the 14 axioms do not contradict each-other, but logical alignment between them.

1. Applications of the axiomatic system in the control of rational behavior of political leaders and key government officials in the Republic of Albania

First stage: Formulate mathematically the conflict, with its four components.

Second stage: Made the classification of the conflict, based on the Game Theory: the antagonistic or non-antagonistic game without coalitions, or non-antagonistic games with coalitions. Depending from the classification of the conflict, the optimization criterion should be chosen for this game.

Third stage: Based on the data set, control the behavior of the political leader using 14 axioms. If the behavior enjoys all 14 axioms, a political leader admits rational behavior in conflict examined. If the behavior does not satisfy at least one of the 14 axioms, then the political leader has an irrational behavior. For a concretization of the ideas, some examples of control of rational or irrational behavior of the Albanian political leader in different conflicts are formulated.

Example 1. Be controlled by axiomatic system, the behavior of Albanian political leaders in the process of the new administrative-territorial division of the Republic of Albania.

Example 2. Be controlled by axiomatic system, the behavior of Albanian political leaders in the current reform of the justice system in Albania.

Example 3. Be controlled by axiomatic system of the behavior of Albanian political leaders to stop the cultivation and trafficking of narcotic drugs in Albania.

Example 4. Be controlled by axiomatic system, the behavior of Albanian political leaders for membership in NATO of the Republic of Albania.

Example 5. Be controlled by axiomatic system, the behavior of Albanian political leaders for granting the status of "candidate for EU membership of the Republic of Albania.

In the present study we investigate only example 1. Conflictual processes, modeled mathematically as non-antagonistic game, are the new administrative-territorial division of the Republic of Albania. Players are Albanian citizens. Political or governmental leaders are Bujar Nishani, Edi Rama, Ilir Meta, Lulzim Basha, etc. In this game, some players of interest are mutually players in action. The rational or irrational behavior of any political leader or governor may be checked based on the 14 axioms presented in the current study. In the present study, we make a reasonable assumption: any political leader or main governor satisfies axioms 1 and 2.

According to the World English Dictionary, **_gerrymandering_** is a practice that attempts to establish a political advantage for a particular party or group by manipulation district boundaries to create partisan advantaged districts. In addition to its use in achieving desired electoral results for a particular party, gerrymandering, may be used to help or hinder a particular demographic, ethnic, racial, linguistic, religious, or class group.

Gerrymandering tactics are as followed:

The primary goals of gerrymandering are to maximize the effect of supporters' votes and to minimize the effect of opponents' votes. This can be accomplished through a number of ways:

"Cracking" involves spreading voters of a particular type among many districts in order to deny them a sufficiently large voting bloc in any particular district.

"Packing" is to concentrate as many voters of one type into a single electoral district to reduce their influence in other district.

"Hijacking" redraws two districts in such a way as to force two incumbents of the same political party to run against each-other in one district, insuring that one of them will be eliminated, while usually leaving the other district to be won by someone from a different political party.

"Kidnapping" aims to move areas where a certain elected official has significant support to another district, making it more difficult to win future elections with a new electorate. This is often employed against politicians who represent multiple urban areas, in which larger cities will be removed from the district in order to make the district more rural. These tactics are typically combined, in some form, to each-other.

Gerrymandering is effective because of the wasted vote effect. By moving geographic boundaries, the incumbent party packs opposition voters into a few districts they will already win, wasting those extra votes. While the wasted vote effect is strongest when the party wins by narrow margins across multiple districts, gerrymandering narrow margins can be risky when voters are less predictable.

The word _gerrymander_(originally written _Gerry-mander_) was used for the first time in the Boston Gazette on March 26th 1812. The word was created in reaction to a redrawing of Massachusetts state senate election districts under Governor Elbridge Gerry. In 1812, Governor Gerry signed a bill that redistricted Massachusetts to benefit his Democratic-Republican Party. When mapped, one of the contorted districts in the Boston area was said to resemble the shape of a salamander. Gerrymander is a portmanteau of the governor's last name and the word _salamander._In proportional-election systems, where political parties are represented in proportion to the total numbers of votes they receive, gerrymandering has little or less significance.

Some countries such as Australia, Canada, and the UK, authorize non-partisan organizations composed by scientists and experts to set constituency boundaries in an attempt to prevent gerrymandering.

Some scientists have estimated gerrymandering as a pathological illness of politics in the USA, Germany, France, Greece, etc. Research studies for the Gerrymandering are presented by Balinski (2008), Friedman and Holden (2008), Fryer and

Holden (2007), Humphreys (2009), James (2010), Kenneth (2008), Niemi, Grofman, Carluzzi and Hoffeller (1990), Polk (2011), Wasserman (2011) and Wang (2013).

Examples of gerrymandering in the USA

In favor of Tom DeLay, Candidate of Republican Party, district 22, Texas, since 2003. In favor of Grace Napolitano, Candidate of Democratic Party, district 38, California, since 2005. Elections for Congress in California, in 2008, in favor of new applicants for the Republican Party. Elections in Columbus, Ohio, in 2010, in favor of Democratic candidate. Elections in New Jersey, in 2010.

Examples of gerrymandering in Greece

The most infamous case of gerrymandering was in the 1956 elections. While in previous elections the districts were based on the prefecture level for 1956 the country, was, split in, districts of varying sizes, some being the size of prefectures, some the size of sub-prefectures and others somewhere in between. The districts were created in such a way that small districts were those that traditionally voted for the right, while large districts were those that voted against the right. This system has become known as the three-phase system or the **baklava system** (because as baklava is split into full pieces and corner pieces, the country was also split into disproportionate pieces). The opposition, being composed of the center and the left, formed a coalition with the sole intent of changing the electoral law and than calling new elections, despite the fact that only seven years earlier, the center and the left had fought each-other in the Greek Civil War. Even though the centrist and leftist opposition won the popular vote (1,620,007 votes against 1,594,992), the right wing ERE won the majority of seats (165 to 135) and was to lead the country for the next two years.

Modern Theory of Parliamentary or Local Elections in the Democratic States condemns gerrymandering as a manipulation to provide some unfair advantages to a competition between political parties, because violated at least one of the following two basic rules:

1. **Constituencies must be convex sets.**
2. **The constituencies should have the same number of inhabitants.**

The first rule is evaluated by scientists as a preventive of gerrymandering. Currently these two rules are respected in 35 states of US. President B. Obama is supportive of these two rules.

Definition (by N. Burbaki)

Region D of space is said to be convex if for any two points A and B belonging to D, all interior points of the interval AB will be belonging to D.

Gerrymandering is interpreted as political art in the practice of territorial division in the electoral regions, often in geometric shapes, that aims to guarantee an unfair advantage to the majority party for parliamentary or local elections, weakening in maximum the power of opposition votes.

To reduce the impact of gerrymandering in the election results, were built and implemented several methods objectively, scientifically accurate, for the territorial division in the state election districts or municipalities. **We investigate one of these methods, called "The shortest-split line algorithm".**

The shortest-split line algorithm for drawing N congressional districts

Start with the boundary outline of the state. Let N=A+B, where A and B are as nearly equal whole numbers as possible. (For example, A=B=N/2=0.5N, more precisely, A=0.5(N+1) and B=0.5(N-1). Among all possible dividing lines that split the state into two parts with population ratio A:B, choose the *shortest*. (Notes: Since the earth is round, when we say "line" we more precisely mean "great circle". If there is an exact length-tie for "shortest" than break that tie by using the line closest to North-South orientation, and if it's still a tie, than use the Westernmost of the tied dividing lines. "Length" means distance between the two furthest –apart points on the line, that both lie within the district being split.) We now have two hemi-states, each to contain a specified number (namely A and B) of districts. Handle them recursively via the same splitting procedure.

If anybody's residence is split in two by one of the split lines (which would happen, albeit very rarely) than they are automatically declared to lie in the most-western (or if the line is EW, then northern) of the two districts.

Advantages of algorithm:

- Its simplicity
- Its low cost
- Its scientific rigorousness

A unique solution was found for the territorial division in constituencies. Minimize gerrymandering because sketched constituencies will satisfy rules 1 and 2 fair territorial division within the real possibilities of the border. Some scientists believe that a deficiency of the method is that the algorithm does not guarantee favorite electoral districts for minority. So will happen if the territorial distribution of the minority population is not a convex set. Therefore, there is a risk of reduced minority representation in Parliament or in local government.

In June of 2007, Algorithm became ready for use, for drawing electoral maps in 50 states of USA.

Recommended that each member of the Albanian Parliament to examine whether the new administrative-territorial division, satisfy or do not satisfy the rules of regular territorial division in the democratic state.

From behavioral control of Albanian political leaders during the period January 1998-July 2014 in the different political, economic, social, conflicts, results that in some cases of conflicts, their behavior has been rational, while in other cases their behavior was irrational. How can be explained that in various political, economic and social conflicts changed the behavior of leaders? Perhaps, some Albanian political leaders do not know the Game Theory. Also, there is the possibility that some leaders do not want to use Nash bargaining to resolve non-antagonistic conflicts from the field of politics or economics, or social, because they may prefer to use the super modular Game Theory.

2. Conclusion

The main purpose of the study is the formulation of axioms which characterize exactly rational behavior of political leaders in democratic states based on stringent criteria of rational behavior.

Recognizing the important role of political leaders in the development of the democratic states is a bit strange that this axiomatic system to be so delayed.

People needed a scientific theory of rational behavior of political leaders, formulated with some axioms clear and understandable. On the other hand, political leaders need temperance of rational behavior. In the present study, we construct an axiomatic system, which serves to control rational behavior of political leaders in political, economic or social conflicts. The behavior of political leaders is rational, if and only if all 14 axioms are satisfied.

We suggest several applications for our study. Modern democratic states should be led by rational leaders, who seek to maximize the expected benefits or minimize expected risk of policy choices, using Mathematics (especially Game Theory). Types of decisions made from political leaders include: conflict resolution, detection and punishment of corruption, use or non-use of force, fighting against terrorism, war and peace decisions, war termination, significant drop in public support for specific governmental policy, interparty rivalry or interparty competition, coalition formation, management, survival and cost, decisions made by experts, negotiations, economic performance, unemployment rate, framing, diversionary use of force, significant drop in government popularity, the estimation of electoral results, potential collapse of the coalition government, the existence of third pivotal party in parliamentary government, domestic opposition situation (objectives and strategies), internal or external challenges to the government, initial crises reaction, national security, NATO membership obligations, tests of nuclear weapons, money laundering control, excessive speculation, threats to a leader's survival, threat to political power, dignity, honor or legitimacy of a leader, demonstrations, riots and so forth, environment protection, leader's influence on advisers, defection and retaliation, crime rate, monetary policy, government debt, microeconomic priorities, foreign direct investment, etc.

Nash equilibrium for non-coalitional games is defined as strategies profile of players, such that no player will not win if deviate from this situation, using a different strategy. In Nash equilibrium, each player maximizes individual profit. Nash equilibrium modifications for non-coalitional games developed by the Winners of the Nobel Award JC Harsanayi and R. Aumann. Bayes-Nash-Harsanyi's equilibrium implemented in the game with incomplete information and has found important applications in politics, economics, technical, sciences, natural sciences, biomedicine, etc.

The "principle of achieving the goal", formulated by the Russian mathematician N. N. Vorobiev, is generalization of Nash Optimization Principle. The mathematic formulation of the principle of achieving the goal has high scientific level and requires help from specialized mathematicians.

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Relationship between the Altman Z-Score and Quick Kralicek Test in Assessing Economic Units

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Abstract

The existence of the crisis makes obvious the fact of predicting the financial position in which will be found an economic unit in the future.This constitutes one of the most important tasks of analysts.Altman Z-Score andQuick Test Kralicek are two very important cumulative indicators, on the basis of which, the analyst is able to give a judgment on the financial situation in which an economic unit is, as regard to the risk of bankruptcy (Altman Z -Score) and difficulty paying (Quick Test Kralicek).By analyzing these two indicators, it was foundthat they are connected with each other and lead us to the same conclusion for entities taken as a sample in this study.Through a statistical analysis (Pearson correlation coefficient) will be shown this connection and the conclusions derived from this analysis.Predicting in time unsatisfactory situations avoids the risk of bankruptcy, which is so much evident nowadays.

Key-words: financial position, economic unit, Altman Z-Score, Quick Test Kralicek, analysts, bankruptcy.

1. Introduction

The processof consideration plays an important role in the field of financial analysis.This process leads the interested parties in reaching conclusions related to forthcoming perpective, stability and profitability of an economic unit both by comparing its basic data and by creating standards.

There is no doubt that the consideration process is a necessary tool in judging business events and particularly the effects that union and sale have on business value.Moreover, the use of consideration techniques is an important mechanism of dialog between the management of an economic unit, shareholders or analysts about issues affecting its value.It also constitutes an important tool in considering alternative strategies of the economic unit.In this study, it is intended to analyse the economic unit from, its performance point of view byapplying two of the most important models of consideration, the Altman Z-Score and the Quick Test Kralicek.It is also attempted to evident if there is any relation on the proposed judgement of the economic unit.

2. Altman Z-Score –an important indicator in determining the bankruptcy of an economic unit

Altman Z-Score and Quick Test Kralicek are two important cumulative indicators on which an analyst bases his judgement about the financial situation of the economic unit, both for the bankruptcy risk (Altman Z-Score) and paying difficulties

(Quick Test Kralicek).By analysing these two indicators,noted their connection and arrive at the same conclusion about the economic units taken as samples in this study.

By applying the Altman Z-Score (graph. 2.1), was foundthat in 2011, the number of the economies in the "danger zone" (bankruptcy zone) hold a considerable percentage of 30%, whereas 27% are the economic units (grey zone) and economic units that hold 43% are not directly threatened with bankruptcy (green zone).

Taking into consideration the results of this model over years, it is clear that the situation about these economic units becomes somehow clear in favour of those not directly threatened with bankruptcy.As it is clear seen in the graphs (graph. 2.2, graph. 2.3) the number of the economies in the "danger zone" reduces (from 30% in 2011 to 25% in 2013) and the number of the economies in the "safe zone" increases (from 43% in 2011 to 50% in 2013).
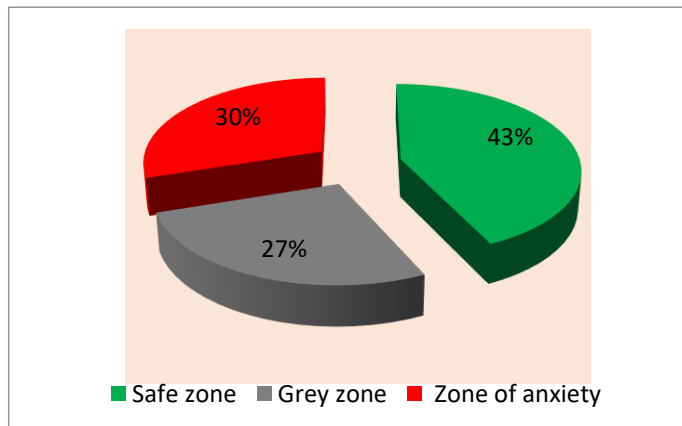
Graph 2.1.*Appliance of the Altman Z-Score model of2011*
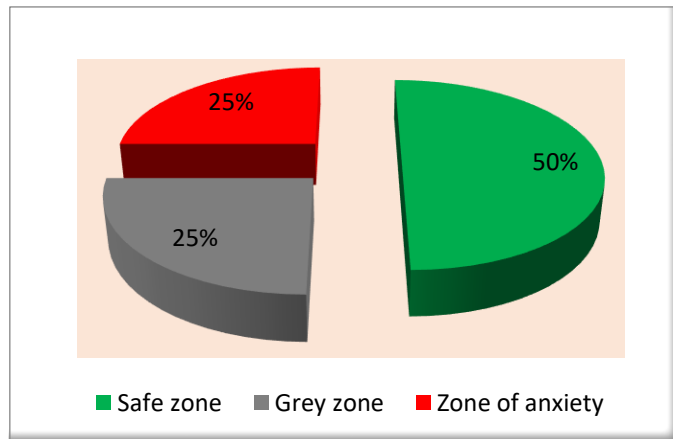
Graph 2.2.*Appliance of the Altman Z-Score model of2012*
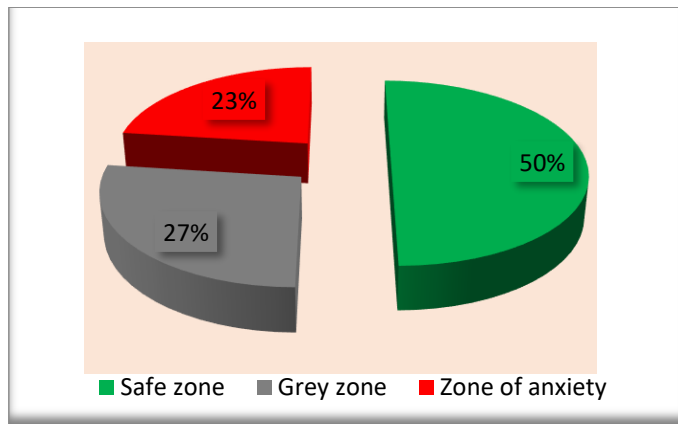
Graph 2.3.*Appliance of the Altman Z-Score model of2013*

3. Quick Kralicek Test – an important indicator in determining the paying difficulty

Like Altman Z-Score model, the Quick Test Kralicek Test is also an important cumulative indicator which is used to judge the performance of an economic unit.Through the appliance of this indicator in our sample, it was achieved assessed in terms of performance, concretely the paying difficulties of the economic units being analyzed. Based on this indicator, were created the following graphs:
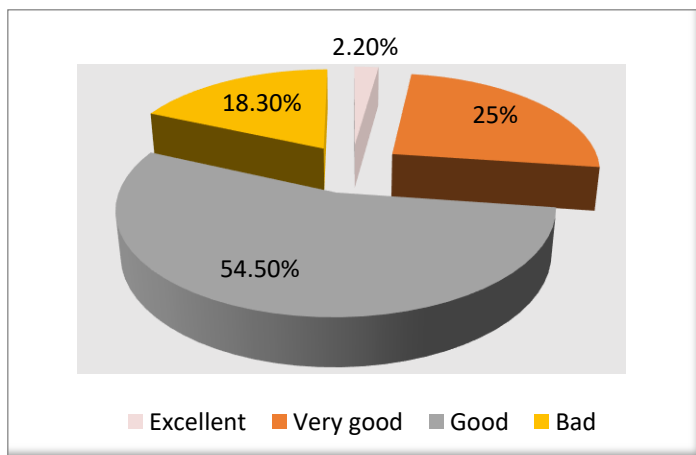
Graph 3.1.*Appliance of the Quick Test Kralicek of 2011*
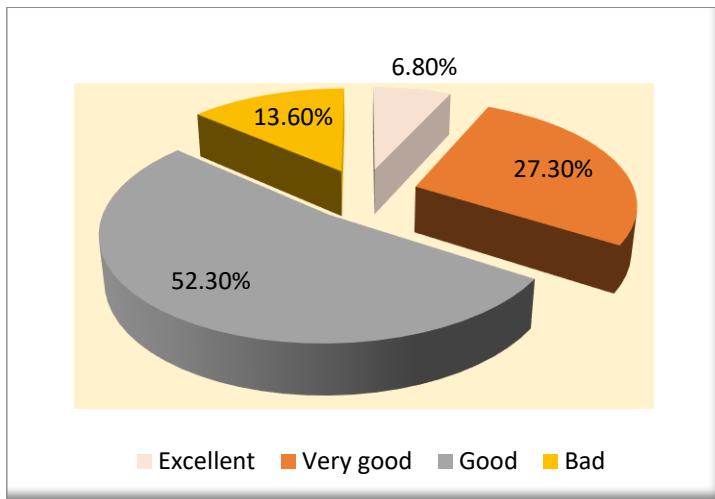
Graph 3.2.*Appliance of the Quick Test Kralicek of 2012*
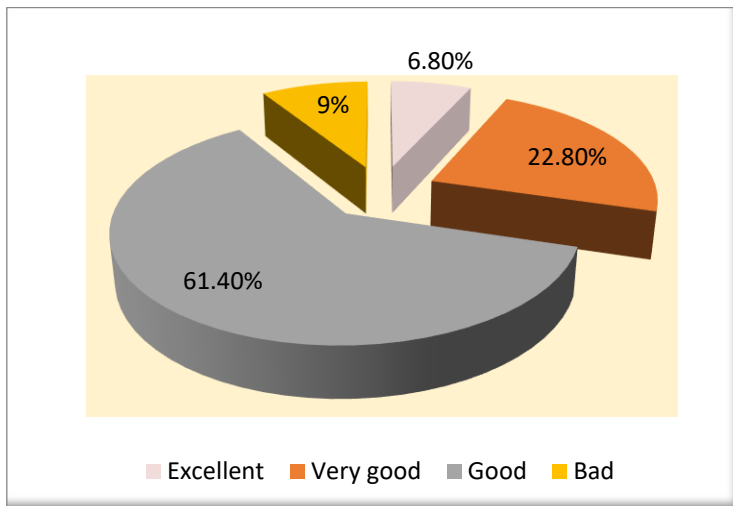
Graph 3.3.*Appliance of the Quick Test Kralicek of 2013*

As the graph 3.1, which shows the results of the Quick Test Kralicek, for 2011,clearly indicates, only 2.2% of the economic units according to this test belong to the "excellent zone". 25% of the economic units are lower than the previous belonging to the "very good zone", 18.3% of them belong to "poor zone".The majority of these economic units belong to "good zone".

The situation improves somehow in 2012, graph 3.2, when the specific weight of the economic units belonging to "excellent" (6.8%) increases and the specific weight of those belonging to "poor" (13.6%) decreases.This means a relative improvement of the situation from one year to the other.

In2013, graph 3.3, marks again the increase of the specific weight of the number of economic units in the third place in Quick Test Kralicek.The increase of the percentage of this part means a relative deterioration of the liability situation as it

is obvious that the higher the increase of the value average of Quick Test Kralicek the lower the ability of paying liquidation is.

4. The relation Altman Z-Score – Quick Kralicek Test

In order to judge the relation between these two important indicators of the financial analysis, it will becalculated the coefficient of correlation which proves the existence or not of this relation.

From the data gathered during this study and from the calculations of each test mentioned previously it is obvious their relation.In most of the cases they give the same conclusion related to the situation the economic units of our sample are.

The hypothesis raised in this case is about the fact that both indicators are related to each other, strengthening in this way the reached conclusion about the situation that economic unit is.

The higher the figure of Altman Z-Score indicator, the better the economic unit situation is.While the Quick Test Kralicek judges as positive its low figure, may be assumed that the coefficient of correlation that expresses the strength of the relation is different from zero.

We will base our survey on the results extracted from both indicators of 44 economic units under analysis in order to verify this hypothesis.

In order to find the strength and direction of the relation of these indicators, there was used the Pearson correlation coefficient.The Pearson correlation coefficient (Healey, 2009) measures the strength and direction of the linear relation between two variables and describes the direction and level that one variable is related to the other.

This coefficient can range from -1 to 1.The figure 1 of this coefficient indicates that variables are perfectly related to each other, so the increase/decrease of one variable means the same to the other.The figure -1 of the coefficient means that variables are related in a perfect linear way but, in this case, the increase of one means the decrease of the other and the contrary.The figure 0 of this coefficient means that variables are not related in a linear way with each other.The Pearson correlation is estimated according to the following formula:

$$ r = \frac{\sum (x - \bar{x})\,(y - \bar{y})}{\sqrt{[\sum (x - \bar{x})^2]\,[\sum (y - \bar{y})^2]}} $$

Taking into consideration the results of these two indicators for each year, through Excel program, it was made possible the consideration of the Pearson correlation coefficients, as presented below:

In2011:r = - 0.35

In2012:r = - 0.4

In2013:r = - 0.32,

where **r**indicates the correlation coefficient judged from the choiceinitially made and satisfies the supposition we presented related to its value different from zero.

In order to judge statistically the importance of the relation of these two indicators, should be estimatedthat even the correlation coefficient of the popularity is different from zero.

In order to make possible the judgement of our hypothesis, we will base on t-*student spread* test presented below.

Hypothesis can be presented in statistical way as below:

H0: ρ=0

H1: ρ≠0

Where **ρ** indicates the correlation coefficient of the population related to the case above mentioned. The verification of each hypothesis will be made for each year been studied.

Using student test$t = r\sqrt{\frac{n-2}{1-r^2}}$,where$n$is the number of economic units we are studying, it results that:

In 2011 the value of this student test is:$t = -0.35\sqrt{\frac{44-2}{1-0.35^2}}$=-2.41

In 2012the value of this student test is:$t = -0.40\sqrt{\frac{44-2}{1-0.40^2}}$=-2.83

In 2013the value of this student test is:$t = -0.32\sqrt{\frac{44-2}{1-0.32^2}}$=-2.18

From the charter of student spread, the critic value of the criteria$t = \pm 2.021$,with 42 free levels and 0.025 probability.Comparing the values for each year with the critic value of the criteria, it is judged that H1 is evidented in three cases, thus giving the right to defend our assumption about the relation of two indicators of Altman Z-Score and Quick Test Kralicek.

The verification of this hypothesis is very important for the analysis of these indicators and the results extracted from them related to the financial state of the economic units.Understood in this waythat they strengthen each other in the reached conclusions.

5. Conclusions

The economic units continually seek ways to remain competitive in market, however, the risk of failure in achieving the rising requests of economic contemporary activity is present and threatening than ever.The failure of an economic unit appears in the form of bankruptcy.

In recent decades, the phenomena of economic units bankruptcy or the impossibility to accomplish liabilities, has let the whole academic world in concern.The bankruptcy of an economic unit is a multidimensional state with chain reactions about economy and society in general.When the liability problems include some of the financial institutions and economic units and even the consumer itself, the credit risk is the main threaten of global economy.Through the successfully use of Altman Z-Score and Quick Test Kralicek, in this study, there is given a clear idea about the financial state of the economic units taken as samples, the degree of risk and paying impossibility that affects each of them, therefore making a correct positioning of them in market.

Our hypothesis had to do with two important cumulative indicators in judging the state of an economic unit: the Altman Z-Score and the Quick Test Kralicek Test.Taking into consideration our sample made up of 44 economic units, through simultaneous use of Altman Z-Score and Quick Test Kralicek, was reached an important conclusion: both these indicators give the same opinion about the financial state an economic unit is being, classifying it in this way in groups with different risk degrees.

Moreover, it is to be emphasized that despite the field an economic unit is operating in, despite the value of its activities, name and power in market, there exists a factor which plays an important role in determining the final value of the economic unit, the risk.The lower the risk in economic units is, supposing that all other factors remain unchangeable, the higher the determined value will be.

In practical aspect, the evidence existing between two important judging models, Altman Z-Score and Quick Test Kralicek, their role in predicting bankruptcy and paying difficulties is a tool that is given to the runners of economic units.Through the use of these models, these runners will be able to predict on time the paying difficulties and eliminate bankruptcy.

If in Altman Z-Score model there were to be added more economic units, bankrupted or not,will bereached at much more complete conclusions as we suppose there would be included more financial reports in the model which in turn would raise the predicting ability of bankruptcy.What is more, the use of a different method of statistical analysis would mean an identification tool of the results of this model.

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Protection of Children at Risk in the System of Justice for Children in the Republic of Macedonia

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Abstract

In the last fifteen years, the Republic of Macedonia conducts thorough reforms in the system of justice for children. Since 2003, intensive efforts have been made in the process of establishment of a legal and institutional framework for protection of children at risk and children in conflict with the law. In this regards, the legislative changes were made in accordance with the Convention on the Rights of the Child and other international standards and principles. The new system is based on three elements (criminal law, civil law, and system of services and protection). The goal is not only to introduce certain principles for the development of justice for children, but to perform constant holistic re-evaluation of the programs for children at risk and children perpetrators of criminal acts. The focus is put on strengthening the relevant institutions as independent administrative units with a multidisciplinary approach in encountering with the complex problem of juvenile delinquency. In that term, precise procedures are instituted, with clearly divided roles of the actors, demanding specialization of the professionals involved in child treatment. Yet, the implementation of the legal framework faces certain obstacles as a result of lack of political will, structural and systematic reasons. The basic goals and principles such as restorative justice, mediation, alternative measures and procedural rights are still non-achieved. The execution of sanctions remains to be most serious problems within the system of child justice. In this context, there are poor infrastructural capacities, insufficient human resources as well as absence of employed effective methods and techniques in the treatment of children.

Keywords: Justice for children, children under risk, assistance, support, protection.

Introduction

The Law on Juvenile Justice was adopted in the Republic of Macedonia in 2007, and it entered into force in June 2009. In 2013 the parliament passed the Law on Justice of Children which stipulates the treatment and handling of children at risk and children perpetrators of actions which the law considers as crimes or offenses. The same Law defines the conditions for application of measures for provision of assistance, care and protection, and educational and alternative measures and punishment of children and younger persons at legal age. This law also stipulates measures for protection of children who are victims of actions which are considered as crimes, as well as measures for protection of children who are witnesses and measures for prevention of child delinquency.

The main objectives of this Law and its application is to achieve the priority interest and protection of the children from

crimes, violence and any other form of threat to their freedoms and rights and their normal development, protection of children perpetrators of actions that are considered by this law as crimes or violations and prevention of repetition of such actions, socialization of the children, education and re-education, assistance and care for the children and protection of the children in criminal proceedings and in front of other bodies and protection of the freedoms and rights of the children guaranteed with the Constitution of the Republic of Macedonia, and the Convention on the rights of the child and other international treaties on the protection of the well-being of the children, that have been ratified in compliance with the Constitution of the Republic of Macedonia.

The new model for of justice for children is part of the overall reform of the Criminal Code of the Republic of Macedonia and it is based on experiences and good practices of developed countries in developing the legislation on juvenile justice. The basic characteristic is the clear intention of the legislator to create a system which is based on the principles of restorative justice, primarily through enhancement of the principle of provision of opportunities in the criminal prosecution, by increasing the number of alternative sanctions and introducing and regulating possibilities for advocacy and mediation. This is expected to result with development of a system which will place the child and its needs in the centre. The system is based on three fundamental elements (criminal code and juvenile justice as part of the criminal code and the provision of social services as part of the social, namely the civil law) with focus on the specific rules for treatment of children who are perpetrators of crimes, and constant holistic re-evaluation of the programmes for children at risk and children in conflict with the law. The new legislation contains provisions for protection of juvenile victims of crimes, namely protection of juveniles as affected persons or witnesses in criminal proceeding and it also contains regulations for prevention of juvenile delinquency (Dimitrijoska, Bogoevska, 2011).

The juvenile justice system foresees specialization in procedures with juveniles, perpetrators of crimes in a way that would be adequate to their age and physical and mental maturity. Therefore, the system of responsible institutions is enhanced in order that the responsible bodies would have clearly defined roles and responsibilities in proceeding and handling children in the process of execution of the educational and alternative measures and punishments. All involved actors are independent administrative units which aim to have joint and well-coordinated action, having in mind the complex nature of the problem and the need for multidisciplinary approach.

1. Child at risk and application of measures for assistance and protection

The new legislation defines the child at risk as any child which is above the age of 7 but below the age of 18 with physical impairment or mental impairment, victim of violence, educationally and socially neglected, that is in a situation which makes it difficult or impossible to enjoy the educational function of the parents or parent /guardians or guardian,which is not included in the education system, child involved in begging, prostitution or street child,or child on drugs or other psychotropic substances and precursors or alcohol, which may come in contact with the law due to such circumstances as a victim or witness of action which is legally considered as offense,crime or violation.

In this regard, difference is made between a child at risk that is below the age of 14, namely a child that at the time of the action which is legally considered as crime which requires payment of fine or prison sentence over 3 years, is over the age of 7 but below the age of 14, and a child at risk at the age between 14 and 18, who at the time of the action which is legally considered as crime which requires payment of fine or prison sentence up to 3 years is over the age of 14 but below the age of 18.

Sanction may not be imposed on a child below the age of 14 at the time of the action which is legally considered as crime or violation. Measures for assistance and protection for a child at risk are implemented when the centre for social work appraises that the situation of risk has significant impact on the development of the personality and proper education of the child. The measures for assistance and protection do not mean taking away or limitation of the freedoms and rights of the children due to the committed action which is legally considered as crime or violation or situation of risk, that may be imposed on the child, parents/parent, namely guardians/guardian, by the court or other bodies determined by the law. Measures may be imposed on family members if they have neglected or misused the execution of their rights or duties in terms of protection of the personality and the rights and interests if the child. These are measures stipulated by law in the area of education, health protection, social protection, family and other forms of protection.

2. Procedure for a child at risk

The procedure for treatment and handling children and juveniles at risk is featured by several characteristics: (1) avoiding formal court proceeding; (2) flexibility and discretion of relevant organs in determination of measures for assistance and protection for each individual case; (3) respect of the principle or urgency in the procedure by establishing strict legal deadlines for undertaking the required actions; (4) respecting the privacy of the child and the family.

The Centre for social work plays a key role in the overall process for handling and treatment of children and juveniles at risk. Special departments and expert teams for juveniles are formed in the Centre for social work and they are obliged to attend national or international specialized trainings for juvenile delinquency which last at least five days in one calendar year.

The specific nature of the work with children at risk requires multidisciplinary action, namely efforts of team of experts comprised of pedagogue, social worker, psychologist and legal advisor. The expert teams develops a plan with measures and activities for individual work with the child and the parents/or/parent, namely the guardians/or/guardian and informs the parents, or the guardian with the developed programme, in order to ensure their active participation in the process of implementation of the measures for assistance and protection and in the same time it emphasizes the possible consequences if they do not cooperate with the Center for social work.

The following innovations are expected to enable significant impact on the improvement of the handling of these categories of children, for ensuring the protection of their basic rights:

Compulsory engagement of a lawyer: In cases when the action of the child at risk below the age of 14 is considered as crime in compliance with the law and when imprisonment of at least 5 years is required or in cases when the rights and interests and personality of the child are endangered, there is obligation to make the discussion in presence of a lawyer who is responsible to protect the rights and interest of the child. The presence of the lawyer is also compulsory in case when the public prosecutor proposes measures for a child at risk above the age of 14, for action considered as crime which means penalty of up to 3 years in prison, if the centre believes that the rights and interests and the personality of the child are endangered, if in the expert team there isn't a legal person. The parents/or/parent, namely the guardians/or/guardian of the child select a lawyer, and if they don't do that,the Centre is obliged to select a lawyer, from the list of lawyersprovided by the Lawyer's Chamber of the Republic of Macedonia. The expenses for legal assistance are covered by the parents/or/parent, namely the guardians/or/guardian of the child, and in cases when they cannot cover the expenses, they are paid from the Budget of the Republic of Macedonia in compliance with the provisions of the Law on free of charge legal assistance.

Obligation for participation of the family: the expert team meets the parents/or/parent, namely the guardians/or/guardian at least once a month. If the family or guardian do not implement the programme of the Centre, within a period of seven days from determination of such circumstance, the Center notifies the responsible judge for the child who within a period of 3 days must pass a decision for implementation of the measures contained in the plan, with appropriate guidelines for further actions by the Centre. The decision of the judge for the child may be also passed on a proposal of the lawyer of the child at risk, or on a proposal of the parents/or/parent, namely the guardians/or/guardian of the child. If the parents/or/parent, namely the guardians/or/guardian do not undertake actions according to the decision of the court, the court will notify the public prosecutor for undertaking further action. If the measures defined in the individual plan of the Centre cannot be implemented due to non-availability of the child or his/her parents/or/parent, namely the guardians/or/guardian, the Center notifies the public prosecutor and the Ministry of Internal Affairs.

Introduction of procedure for mediation: If the action of the child, which is considered as crime or violation in compliance with the law, resulted with gained property or caused damage to others, the Centre mediates between the child at risk and his/her parents/or/parent, namely the guardians/or/guardian and the person that suffered specific damage in order to enable mutual conciliation and promise that such action would not be repeated and that property loss or damage would be reimbursed or compensated. The conciliation procedure may not last more than 30 days after passing the decision for initiation of conciliation procedure. The parties sign agreement which has meaning of out-of-court payment of the debt. If the mediation does not end up successfully, within 30 days from the day when the mediation was concluded as unsuccessful, the damaged partymay file proposal for initiation of procedure for confiscation of property from the person that took the property or had property benefit in order to claim damage

refund.

The assessment of the child at risk and his/her needs is the base for the development of the Individual plan for treatment of the child at risk. The assessment of each child is comprised of two types of assessment:

- Individual assessmentwhich is focused on the factors that are directly linked with the child–physical, cognitive and emotional functioning of the child; and

- Situational assessmentwhich is focused on specific situations in the environment of the child. The assessment is conducted with close participation of the child, his/her parents and the expert team from the Centre.

As soon as the assessment of the needs is conducted, the next step is the development of the Individual plan for treatment of the child at risk depending on the required services and having in mind the needs and strengths of the child and his/her family.

The individual plan for the work with the child contains the planned objectives, the required measures and activities that need to be imposed and implemented in order to ensure appropriate assistance and support for the child and his/her family, the implementing persons/bodies, time frame for implementation of the plan and the expected results. In the process of the development of the individual plan for work with the child, the members of the expert team cooperate with the child and the members of his/her family and with other persons and institutions if required.

The time frame of the Individual Plan is minimum one year with possibility for continuation of activities in compliance with the individual needs, having in mind the physical, psychological, psychiatric, legal and social needs of the child at risk.

The measures for assistance and protection for the child at risk are determined by laws in the area of housing, social protection, laws in the area of education, family and other forms of protection.

The measure for provision of **housing** forthe family, namely for the child at risk is, implemented if the family/child does not have appropriate space for living. Housing may be temporarily provided, butlasting solution is also possible in order to ensure premises for living for the child. The support may be also in form of provision of appropriate domestic appliances. If the family does not have appropriate premises for living, the child may be temporarily sheltered in foster family or social institution.

The measures and activities, and the rights and services within the area of social protection that are applied for protection of children and their families are as follows: non-institutional protection[1]and right to financial assistance[2].

*Non-institutional protection[3]*for children at risk is as follows: first social service and individual assistance for the child, assistance to the family of the child, daily and temporary shelter and placement of the child at risk in a foster family.

The first social service for the child at risk enables determination of the risk, and provision of assistance for finding possible solutions, services, means and modalities for protection and detection of institutions that might offer the required services for the child.

The individual assistance for the child is done through his/her motivation to participate in the support process provided on continuous basis by the Centre for Social Work. The individual assistance is ensured through expert, advisory and counseling work in order to enhance the capacities and to use the available potentials of the child.

The assistance to the family is provided with expert, advisory and counseling work in order to enhance the capacities and potentials of the family of the child in order to initiate a positive change in attitude, valuation and behavior among the family members and the child. The parents are trained to use skills for coping with the behavior of the child, through the establishment of support system. The treatment sessions enable change in the attitude and mutual relations and communication in a way that enables adaptable functioning of the family and more successful inclusion in the community life.

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[1]Law on social protection "Official Gazette of the Republic of Macedonia" No.79/2009(Fair Copy) No. 148/2013, Article 20, Article 85-87.

[2] Law on social protection "Official Gazette of the Republic of Macedonia" No.79/2009(Fair Copy) No. 148/2013, Article 47.

[3]Law on social protection "Official Gazette of the Republic of Macedonia" No.79/2009(Fair Copy) No. 148/2013, Article 26.

The financial assistance for the family with child at risk may be provided depending on the material situation of the family and the employment ability and capacity of the parents of the child. This assistance may be in form of regular financial assistance, one-off financial assistance, assistance in kind and social financial assistance.

In the area of child protection the parent/guardian may become entitled to child benefit as well as right to special benefit. The material support is provided also in form of employment or self-employment for the family members of the child at risk.

The child at risk is usually without education or with low education status or the child has terminated the education process. The successful social integration may be achieved with active involvement of the child in the education process depending on the age, education status and the abilities and competencies of the child. The child is provided with education which is compulsory for the child, such as primary or secondary education, depending on the age of the child. The child at risk prepares to get involved in the education process or starts or continues the interrupted education process.

The legislation[1] that deals with educational issues in this area is as follows: Law on primary education[2], Law on secondary education[3] and Law on textbooks for primary and secondary education[4]. The Law on professional education and training[5] regulates the professional education and training as part of the education system. Article 34 states that professional training is available to pupils that have completed primary education and for those that haven't completed primary education, but have the obligation to complete primary education in parallel with the professional training. The Family Law[6] states that the guardian of the child is responsible to undertake appropriate measures for continuation of the education of the child.

Support for the child at risk in *organizing and spending the free time* withinvolvement of all available resources, for ensuring free expression of interests of the child at risk and his/her family.

The access to educational services is ensured through the following measures: provision of information for enrolment/finalization of the formal education for the children that have incomplete primary and secondary education, professional training, access to free of charge textbooks[7] for pupils in primary schools and high-school students, and free of charge transport for pupils/students that live over 2,5 km from the school.

The psychological-pedagogical service of the school is obliged to be continuously involved in the provision of support for the child.

The associations of citizens provide the required documentation for enrolment / finalization of the education (primary and secondary education) and may financially cover the expenses for schooling and school materials for children at risk through appropriate project activities.

The Law on labor relations[8] enables employment of children above the age of 15 who have completed the compulsory education[9].

The evaluation of the Individual plan for treatment of the child at risk is implemented for the following purposes:

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[1] In compliance with the law, everybody is entitled to education without any discrimination on any grounds.

[2] Law on primary education, "Official Gazette of the Republic of Macedonia" No.103/2008, 33/2010, 116/2010, 156/2010, 18/2011, 51/2011, 6/2012, 100/2012 и 24/2013.

[3] Law on secondary education, "Official Gazette of the Republic of Macedonia" No.44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 81/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 116/2010, 156/2010, 18/2011, 51/2011, 6/2012 и 24/2013.

[4] Law on textbooks for primary and secondary education, "Official Gazette of the Republic of Macedonia" No.98/2008;99/2009,83/2010,36/2011,135/2011,46/2012,24/2013 and 120/2013.

[5] Law on professional education and training, "Official Gazette of the Republic of Macedonia" No. 24/2013.

[6] Family Law, "Official Gazette of the Republic of Macedonia" No. 84/2008, Article 177-d .

[7] Law on textbooks for primary and secondary education, "Official Gazette of the Republic of Macedonia" No.98/2008;99/2009, Programme „We Care" 2.2 Free of charge textbooks for primary and secondary education.www.segrizime.gov.mk

8 Law on labor relations, "Official Gazette of the Republic of Macedonia" No. 54/2013 (Fair Copy) Chapter 13 Articles 172-176.

9 Law on labor relations, "Official Gazette of the Republic of Macedonia" No. 54/2013 (Fair Copy) The working time may not last longer than four hours a day. Night work is forbidden, as well as difficult physical work and other work which might have serious impact on the health of the child. The employer is obliged to ensure the protection for children, victims of economic exploitation and to prevent them to do any work which might have harmful effect ontheir safety, health, physical, mental, moral and social development or which can affect their education".

- to assess the accomplishment of the objectives with the implementation of the foreseen activities;
- to identify problems in the process of implementation of activities;
- to put forward proposals for improvement of the Individual Plan in compliance with the defined needs and conditions.

Internal and external resources are used for conducting the evaluation. The permanent internal evaluation1 conducted by the institution that provides services for the child, regularly assesses and evaluates the Individual Plan for treatment and when required it reviews and adapts the assistance and procedures according to the needs of the child at risk.

In compliance with the Law on Social Protection, the Institute for Social Work, is responsible for oversight of the expert work and the employees of the centres for social work, in order to ensure monitoring, control, insight and promotion of the quality of the expert work and the efficiency in accomplishing the fundamental functions and roles of the institutions for social protection,2. The institute also puts forward relevant proposals for additional technical and educational enhancement of the capacities of the institutions for work with children.

It is realistic to propose external evaluation of the Programme for assistance and support in reintegration of children, in order to achieve impartiality in the process of evaluation of the procedures for support in all areas in order to come up with appropriate recommendations for further improvement of the Programme which remains an open document for amendments and additions according to the needs.

Concluding remarks

The integral part of the current reform of the juvenile justice system in the Republic of Macedonia represents development and implementation of the rights of the children in the justice system in compliance with the Convention on the rights of the child.

The new model of justice is developed in direction of:

- Specialized system separated from the criminal legislation which places the child and its needs in the very centre;
- System which promotes the concept of restorative justice instead of re-distributive justice with application of diversified measures;
- System which incorporates a holistic approach which involves perpetrators of crimes and children at risk;
- System based on application of protective measures and avoidance of unnecessary criminalization of the child;
- Respecting the best interest of the child, and the principles of non-discrimination, participation and the right to life and development.

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Demographic aging of population and the social protection system in the Republic of Macedonia

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Abstract

The process of demographic aging has been observed in many of the European countries as well as in the Republic of Macedonia. Based on the UN projections for participation of the elderly in the Republic of Macedonia, it is expected that the number of elderly persons at the age group older than 60 years will increase from 16.5% in 2009 to 33.0% in 2050 and for the elderly aged over 80 years from 2% in 2009 to 6.8% in 2050.This process affects almost all segments of society, but its impact is particularly evident on the system of pension insurance, healthcare as well as on social protection. Adopted international documents and harmonisation with national legislation lead to complete transformation of the system of social protection of the elderly. New scientific knowledge, changes of economic conditions and demographic realities lead to introduction of new social protection principles such as pluralism, decentralization, and inclusion.This paper analyzes both international and national legal framework of social protection of elderly through the segments of introduced innovations, with special emphasis on the rights and services as well as on the assessment of the development of social services in accordance to the needs of elderly people, their availability and efficiency in meeting of individual needs of elderly. Expansion of the programs and implementation of the new scheme of social protection in the area of elderly care represents a convergence to the concept of active aging and to the holistic approach in the process of planning and provision of social services.

Keywords: elderly, demographic aging, social protection, rights and services, and active aging.

Introduction

In the last two decades, the process of demographic aging of the population had serious impact on the population structure in the Republic of Macedonia.The process of population aging has not just been a result of the drastically decreased natural growth but has been also associated with the tremendous growth of the emigration of predominantly young population.

According to the latest census of population, dwellings and households (2002), Macedonia[1] has 2,022,547 inhabitants, which is 3.9 percent more than in the previous census (1994). In the period between 1994 and 2010 the birth rates in Macedonia decreased from 16.1 to 11.8 live births on 1000 residents. On the other hand the rates of mortality for the same period have increased to 8.0 to 9.3 on 1000 residents. According to projections (medium variant) of the United Nations (UN) the population is expected to decrease and in 2015 to amount to 2.037 million, to 2.001 million in 2025 and in 2050 to 1.746 million residents. Measured with average population growth from 2010 expected negative growth of 0.04 percent, which continuously will continue in the coming period as the expected decrease in population in the period from 2007 to 2050 by 14.4 percent.

However, in terms of population structure, in 1994, the share of the population aged 0 to 14 years dropped from 33.2 percent to 19.2 percent in 2006, with predictions for a continuous decreases to 15.4 (2020) and 14.4 percent (2030). In contrast, the share of the elderly population increases, from 8.5 percent (1994) and (2006) to 11.2 percent (Chart 1).

Based on the UN estimates the elderly population will increase from 14.0 percent in 2010 to 17.9 percent in 2020 and 22.5 percent in 2030.

Chart 1: Structure of population in the Republic of Macedonia according to age groups
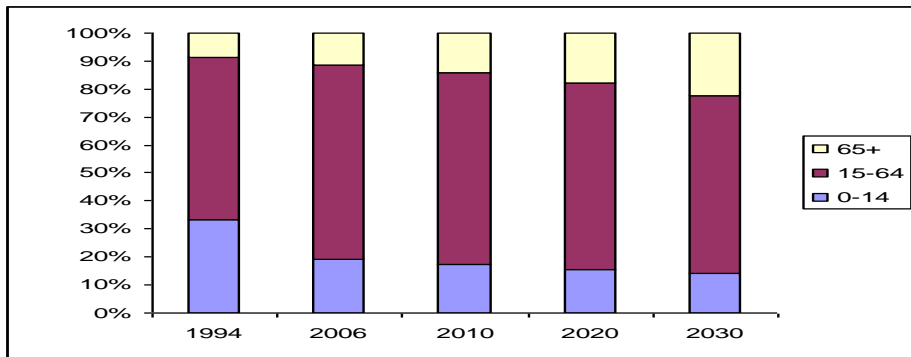
Source: Strategy for demographic aging in the Republic of Macedonia 2008-2015

Based on the estimates on the structure of population for 2014 it was expected that the share of young population (0-14 years) was 16.8%, while the share of old population (65 and over) was 12.5%.

The changes in the age structure of the population reflect in the number of deaths in the country. In 2014, the number of deaths increased by 2.7% compared to the previous year and amounted to 19,718 deaths. The average age of death for males is 69.9 years and 74.8 years for female.

The decrease in the youth population represents is a serious problem for future demographic, economic, social and technological development of the country and for this purpose the Republic of Macedonia in the near future should comply the economic, social and technological criteria in line with the demographic processes that are taking place in the country.

National legal framework for protection of elderly persons

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[1]The last census conducted in the Republic of Macedonia was in 2002. The Government had one unsuccessful census attempt in 2011. Based on State Statistical Office population estimates it has been expected that in 2010 the Republic of Macedonia had 2.057.284 inhabitants.

The current structure of the social security system is a result of the reform processes that have taken place in the Republic of Macedonia over the past few decades, primarily as a consequences of the new created conditions caused by the change in the political and economic system in the early nineties of the last century.

Constitutionally, the Republic of Macedonia is declared as a social state. The constitution incorporates humanism, social justice, and solidarity as its fundamental values, manifesting the state determination and commitment for creating human living conditions for its citizens. The Constitutions guarantees the protection and care of elderly persons (Official Gazette, No.52/1992).

Social protection of elderly is a complex field, a network of various areas and different levels of actors and service providers, hence legislation covers a series of laws and bylaws among which are the following: Law on social protection, Family Law, Law on prevention and protection of domestic violence, Law on local self-government, Law on facilities, Law on civil associations and foundations, Law on general administrative procedure, etc.

Social protection is provided within the Law on Social Protection which sets forth the basic social risks to which the citizens, throughout life are facing, reduces poverty and social exclusion and strengthens their capacity for personal protection, rights and services of social protection and beneficiaries covered by social protection system. Social protection allowances for the vulnerable families whose overall income reaches bellow the level of decent life, were introduced with the Program for socially endangered population adopted in 1992. Heavy financial constraints due to the economic decline and the rise in unemployment were the serious factors to open a debate on the effectiveness and efficiency of welfare coverage. This debate shifted policy focus from traditional care policies to questions on the poverty-line. Thus, the establishment of a national poverty line in 1996 was the outcome of a continuous World Bank technical assistance programme which set the conditions to regulate social policies from a macro-economic point of view.

Until 1997, the social sector in Macedonia functioned in accordance to the inherited on Law on Social Protection from ex-Yugoslavia, passed in 1978. Changes and amendments of this law were made in 1985, 1991 and 1995, all referring to information and administrative aspects of the provision (Bogoevska, Trbojevik, 2014). In 1997, a new Law on Social Protection was passed which established new approached in dealing with social problems and marked the entry into the next, institutional development phase. The Law on Social Protection passed before the Parliament in September 1997 was the cornerstone for the establishment of a modern social welfare system that took into account both the European principles on social protection and national specifics and needs. The 1997 Law on Social Protection contained a stipulation giving right to the Government to regulate the conditions for the social financial assistance (SFA) by a Governmental Decree. The most significant reforms in the area of social welfare were commenced in 2004 with the changes and amendments effectuated to the existing Law on Social Protection. These changes represented a broader re-orientation towards social inclusion, wider range of services and services based on individual protection needs. It was recognised that social services should safeguard the interests of those who are not able to satisfy their needs, such as the older people, the disabled, and other categories of people in social need (Spasovska, 2008: 170). The changes in the Law on Social Protection promised modernisation and improvements of citizen's welfare. It is important to note that the amendments introduced European principles of deinstitutionalization, decentralization and welfare pluralizam in the Macedonian system of social protection. The reform process continued in 2005 with the introduction of the amendments to the Law on Social Protection regarding the obligation of each citizen to meet his/her own basic needs and the needs of the persons he/she is obliged to care for (Spasovska, 2007: 176-177). The changes and amendment of the Law on Social Protection in 2007, a stipulation for prohibition of racial and ethnic discrimination was incorporated following the EU Directives.A new Law on social protection was passed in June 2009. The Law attained redefinition of social rights regarding improved realization of social protection programs, in order to ensure better standardization of conditions and procedures in achieving social protection cash transfers rights, better targeting of the most endangered categories of social rights beneficiaries. Also, the process of deinstitutionalization and development of community based services continued with introduction of new types of social services such as independent living support and small group homes. After 2009, a number of amendments were made in regards of social protection legislation. The changes were under the influence of neoliberal doctrine with emphasizing on individual responsibility. In that context the focus was shifted on welfare to workfare approach or from passive to active labor measures and conditional cash transfers were implemented (Bogoevska, Trbojevik, 2014).

The adoption of the Law on family in 1992 set up the family on legal ground for systematic regulation of issues concerning marriage and family. The Family Law is of particular importance for provisions of protection for elderly within the family, more precisely envisages certain obligations for children to provide care to old and incapable parents, in terms of the

children's obligation to support their parents who are incapable to work, do not have sufficient means for living or cannot generate sufficient means for living from their property. This law regulates guardianship with the special provision of protection for adults who have been striped or limited legal capability.

Law on prevention and protection of domestic violence (Official Gazette no. 138/14) determines measures undertaken for prevention and protection of victims of domestic violence, provides respect for essential human freedoms and rights, life, personal integrity, non-discrimination, gender equality, with particular attention to the interests and needs of the victim. This Law stipulates the measures for prevention and protection of victims of domestic violence, and multi-sectoral cooperation of the relevant institutions and citizen's associations that address this problem.

According to the Law on Local Self -Government, besides the State, the municipalities, the city of Skopje and municipalities of Skopje are the carriers of the social protection. They may, by its own decision, in according to their financial capabilities determine other rights in the area of social protection, rights with greater extent than the scope of the rights determined with the Law on social protection and with better conditions for their implementation as well as other forms of social protection. The Citizens Association that is registered by the MLSP and individuals that have work permits issued by the Minister of Labour and Social Policy, may perform activities of social protection, under conditions and in a manner determined by the Law for Social Protection. Faith-based and religious groups and their associations that are registered in the Republic of Macedonia can assist people who are in need of certain types of social protection. In addition to public, the realization of the system of social protection is accomplished through establishment of private institutions for social protection (Bogoevska, Trbojevik, 2014).

Apart from the above mentioned laws and bylaws, a series of strategic documents covering various aspects of social protection were adopted: National programme for development of social protection 2011-2021, National Strategy for Older Persons (2010-2020), National strategy for reduction of poverty and social exclusion 2010-2020, National deinstitutionalization strategy 2008-2018, National strategy for equality and non-discrimination on the grounds of ethnicity, age, mental and physical disability and sex, National strategy for prevention and protection against domestic violence 2012-2015, National strategy for housing,National strategy for equalization of the rights of disabled persons (revised) 2010-2018 which are fundamental in the provision of social protection for elderly.

National Strategy for Older Persons in Macedonia 2010-2020 is the basic document that identifies priority areas and objectives of action that are going to improve the quality of life of elderly. The Strategy represents a basic framework for the development of measures to implement the concept of active aging and inclusion of elderly. The aim of the strategy is to create an integral and coordinated policy for the protection of elderly in the country Republic of Macedonia regardless of gender, age, place of residence and ethnicity, while observing the right for an individual life. The strategy contains three specific strategic objectives, one of which refers to the improvement of elderly social protection with incorporated measures and activities. The realization of activities envisages inclusion of the different subjects that are to act in compliance with the principles of independence, social activity, self-realization, protection and dignity.

Nationwide, the National Strategy for Alleviation of Poverty and Social Exclusion is the only document that directly addresses the situation of vulnerable groups and priorities for their more comprehensive coverage by the measures and services in the social protection system.

The Program for the realization of social protection in 2015 (Official Gazette no. 202/15) determines the areas of social protection, the needs of protection and care, social prevention and means for realization of social protection. This program is harmonizing social protection with the needs of citizens for improvement and development of services and social protection measures, activities related to the harmonization of legislation on social protection with the EU legislation.

Decentralization and pluralism in social care

Profound reforms of social protection system in the Republic of Macedonia were launched through the Ministry of Labor and Social Policy in 2004. The reforms aimed at improvement of quality of social services, inclusion of different stakeholders in provision of social services, which should have provided competitiveness in social service provision and should increased the efficiency of protection of the most vulnerable categories of citizens.

Decentralization of social protection was one of the reform priorities. The decentralization included promotion of non-institutional forms of protection, promotion of alternative social services, approximation of social services to citizens, thus enabling different legal entities and individuals, including citizens associations to become providers of certain social services in the social protection system.

The Law on Social Protection is supportive for local self-governments to establish institutions for social care for the elderly. The Law enables establishment of centers for daycare and temporary care. The attainment of these functions is based on the establishment of inter-municipal cooperation in terms of establishment and management of common facilities and daycare centers. The Law assumes the possibility of municipality to delegate the responsibilities to other legal entities and individuals, including the civil society organizations active in the area of social protection.

The process of decentralization of social protection institutions for elderly was implemented in the municipalities of Bitola, Prilep, and Kumanovo.In 2005, these social protection institutions that were under the authority of the state were transferred to municipalities, operating as a public social welfare institutions for the elderly. Along with the authority transformation, a permanent fiscal decentralization of facilities for the elderly was conducted. The above mentioned municipalities entered into the second phase of fiscal decentralization, meeting all the statutory prerequisites for financing transfers through block grants.

In order for municipalities, the City of Skopje and municipalities in Skopje to provide services for social protection for the elderly they are required to adopt annual social development programs for the specific needs of the citizens in their municipality, for provision of social prevention, institutional and non-institutional protection and for raising public awareness for the needs of social protection.

The pluralism in the social protection system enabled involvement of private individuals and associations of citizens to establish privately owned institutions for provision of social care and daycare centers for the elderly. This legal incentive initiated establishment of number of private institutions for social protection of the elderly by private entities.

The involvement of these stakeholders in the provision of social protection services assumes:

- Development of alternative non-institutional forms of social protection and enrichment in the types of services;
- Improvement of social protection for elderly, especially those for which the state failed to provide adequate protection;
- Greater access to all socially disadvantaged individuals, families and population groups;
- Convergence of social services to the citizens and involvement of family and civil support in provision of social protection; and
- Introduction of competition and improvement of services quality.

The current legislation stimulates multisectoral collaboration in provision of protection of elderly. Namely, the Law on Social Protection stipulates that preventive work is conducted in the Centers for social work (CSW) in cooperation with municipalities, health care institutions and other public bodies, individual and legal entities and citizens' associations.The CSW can direct citizens at risk to use some of the forms of non-institutional care provided by civil associations and private entities.

Social protection for the elderly persons

Social protection for the elderly is provided in the system of social protection through social prevention, institutional care, non-residential care and the right to material assistance within the social protection system.

Social prevention is aimed at taking measures to prevent social risks through educational and counseling activities, developing forms of self-help, voluntary work, and with application of other methods that correspond to needs of the beneficiaries of social protection.

Based on the Social Protection Law institutional care is provided to elderly person that has inadequate living conditions in their biological family or if due to other reasons when any other form of social protection is inapplicable and the person needs to be placed in an institution for social protection.

An Institution for protection of elderly persons can be public or private. Institutions for protection of elderly persons provide accommodation for elderly, adult persons with disabilities and persons with intellectual disabilities that are not capable to take care of themselves and due to the family and housing conditions cannot be provided with other forms of protection. The institutions for social protection of elderly provide accommodation, food, assistance, care, health care, cultural and recreational activities, social work services, and other services related to the needs, capabilities and requirements of the elderly. The Institutions can organize and non-residual forms of protection such as provision of assistance in the homes and daycare protection for retired persons.

Table 1: Accommodation facilities in the institutions for social protection of the elderly in the Republic of Macedonia

Institutions for social protection of elderly	Number of beneficiaries
Public Health Institutions "Gerontological Institution – 13th November", department Mother Theresa – Skopje	111
Public Institution,,Zafir Sajko"- Kumanovo	185
Public Institution "Kiro Krstevski Platnik" – Prilep	151
Public Institution"Sue Ryder"-Битола	164

The institutional public social protection of elderly persons in the Republic of Macedonia is provided in the following four public institutions: JI nursing home ,, Sue Ryder "- Bitola, JI nursing home "Zafir sites "- Kumanovo; JI nursing home "Kiro Krstevski- Platnik"- Prilep, and the Department "Mother Teresa "- Skopje, which operates within the PHI Gerontological Institution "13th November" – Skopje and operates under the jurisdiction of the Ministry of Labor and Social Policy (Table 1)[1]. These institutions have different capacity in terms of provision of protection. Until 2006 these public institutions for social protection of elderly worked under the state authority, but due to the above mentioned process of decentralization were transferred to municipalities retaining the same social function as public social protection institutions for elderly. In regards of funding they receive funds from the following sources: budget of the Republic of Macedonia; charges for the administered services to beneficiaries and funds that are designated from the budget of the Ministry of Labor and Social Policy for protection of beneficiaries accommodated by the Centers for Social Work.

Currently, there are 16 licensed private institutions that provide accommodation of elderly. Licenses are issued by the Ministry of Labor and Social Policy. Professional supervision for the work of public and private social protection institutions for elderly is carried out by the Public Institute for Social Affairs - Skopje.

The involvement of the private sector contributed to significant improvement in the institutional protection of elderly. The accommodation in the public institutions for elderly had capacity of 611 beneficiaries and was insufficient and incompatible with the ever growing demand. So far, with the establishment of the private social protection institutions the accommodation capacity in the country has been enriched for additional 464 places, which adds-up to total of 1075 beneficiaries (Pavlovski, 2013).

Non-residual protection of elderly provided by the center for social work assumes:

- Provision of immediate social service to elderly persons at different king of risks; administration of services and material resources as well as referral to available institutions that can adequately address the need of elderly person;

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[1] Analysis of the system of institutional care for the elderly in the Republic of Macedonia for the period 2012-2013, Institute for Social Affairs - Skopje

- Provision of assistance to individuals administered in a form of professional advice and counseling that will assist the elderly person to acquire additional information and will enable independent decision making, retention and development of personal potentials;
- Right on acquiring home care and assistance for elderly, persons with disabilities, persons with moderate, severe and profound mental disabilities who are unable to care for themselves and need care and assistance in meeting their basic existential needs;
- Right on acquiring daycare protection for elderly through services such as provision of meals, daycare, cultural and leisure activities, and hygiene activities;
- Right to placement in foster care for elderly and adults with physical disabilities and people with mental disabilities who are unable to care for themselves that due to family situation and housing conditions cannot provide protection otherwise.

The Social Work Center is established as a public institution for social protection with public competences for performing works on social protection. SWC are established on the territory of one or more municipalities. In the scope of its public authority SWC, according to the Law on Social Protection, decides on rights envisaged by the Social Protection Law and in terms of implementation of social protection as well as in terms of professional work, the center:

- Identifies, monitors, and analyses social phenomena and problems;
- Performs direct inspection for determination of actual situation of individuals or families;
- Initiates and undertakes preventive actions in accordance with the Law on Social Protection,
- Prevents and eliminates the reasons for emergence of social risk;
- Develops plans and programs for social protection;
- Develops and implements non-residential forms of social protection;
- Implements and conducts appropriate forms of social protection and administers immediate assistance to the individuals and families;
- Implements and conducts programs and other general acts of social protection, adopted and financed by the municipality, the City of Skopje, and municipalities in Skopje.

Other forms of non-residual protection defined by law are: daycare centers for the elderly, foster care, centers for provision of assistance at home, clubs for the elderly and support for independent living.

The involvement of municipalities, civil society organizations, and municipality branches of Red Cross of Republic Macedonia in the area of social protection of elderly resulted in establishment of seven day centers for elderly people and five centers for providing social assistance services at home for the elderly.

Daycare centers for the elderly are needed for elderly who have health and psychological problems associated with aging process. These beneficiaries have families that due to their work obligations cannot provide fulltime care for them.

The establishment of daycare centers is mainly a result of the established cooperation between the municipalities and the Ministry of Labor and social policy. Such collaboration contributed to establishment of daycare center in the municipality of Vevcani (2013), Gazi Baba (2012), Cair (2012), Centar (2012) and Cashka (2012). It is worth to note that the daycare centers in the municipalities of Cair and Centar are supported by the Red Cross of Skopje and city of Skopje. This form of the non-residential support is applied in the settlements of: Buchim, Bogomila, and Samokov.

The Program for Social Protection in 2015 (Official Gazette br.202/14) envisages enlargement of the network of daycare centers for the elderly in the municipality of Kisela Voda and Novici, as well as additional development of social services for the elderly and disabled persons in places where there is a need and possibility to establish centers for providing assistance in the homes of beneficiaries.

Centers providing assistance in the home of the beneficiary work within the daycare centers in the municipality of Centar and Chair, and center organized by the Red Cross in Kriva Palanka. These Centers apply a more individual approach in their work with the beneficiaries but their work is organized with participation of multidisciplinary team work.

Services in the centers that provide assistance in the home of beneficiaries aimed at: purchasing groceries, preparing food or distributing prepared meals, feeding assistance, assistance for dressing, hygiene maintenance assistance, assistance for timely and appropriate use of medication, care during illnesses, and transportation and assistance for conducting medical checkups at healthcare institutions.

Right to placement in foster care families for the elderly as a non-residual form of protection requires further development.

The right to financial assistance in the system of social protection for older people is realized through:

- Social material assistance,
- Permanent material assistance for people unable to work that are social unsecured;
- Material assistance for the care from other person;
- One term financial assistance and assistance kind;
- Material assistance for social housing; and
- Allowance for blindness and mobility.

Conclusion

The Republic of Macedonia is facing serious changes in population structure. The share of the elderly population in the total number of population is at continuous growth causing demographic aging of population. The process of demographic aging increases the need for the main stakeholders within the social protection system to provide social services that are in line to the needs of elderly.

The reform processes of social protection, in the Republic of Macedonia, were initiated in 2004.Predominantly the reforms were focusing on decentralization and pluralization of social protection system. The process assumed improvement in the legal framework for social protection, increasing the efficiency of protection for elderly, continuous promotion of non-residual protection, and enabling various physical and legal entities, including citizen associations, to emerge as providers of certain social services.

These processes have yielded modest positive results regarding the improvement in protection of elderly persons. There is evident need for improvement of social services in social protection for elderly on municipal level, especially in provision of institutional and non-residual protection for elderly. Participation of private legal entities in establishing institutions for social protection of elderly mitigates the problem of lacking of institutional protection for the elderly but there is a need for expansion of existing and establishing new public institutions.

Assessment on needs and develop non-residual forms of social protection for elderly both in rural and urban areas is required. The Program for social protection (2015) assumes opening of new daycare centers for elderly. Daycare centers for elderly, clubs for elderly and centers providing assistance at home should be opened in several cities in the country and should work in partnership with the Red Cross of Macedonia and citizens' associations.

The non-residual forms of social protection of elderly such as protection in foster families and independent living with support are not sufficiently developed. The Ministry of Labor and Social Policy through Social Work Centers and the civil society should engage more intensively in establishing housing units for independent living for older people with support and should stimulate emergence of foster families that should provide protection of elderly.

With the decentralization process in the system of social protection, local self governments should have played a key role in application of the concept of active aging and in strengthening and developing institutional and non-residual forms of social protection for the elderly. They were expected to incorporate more initiatives in their local action programs for social protection and allocate more funds for their implementation.

Multi-sector cooperation between stakeholders in social protection for the elderly should be strengthen through improved mutual coordination and implementation of joint social programs and development of non-residual forms of social services and services for elderly in community.

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Contemporary Models of Organization of Power and the Macedonian Model of Organization of Power

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Abstract

This paper is a critical analysis of the model of organization of power, which intends to prove that the traditional dichotomy parliamentary - presidential system has a relative methodological value in view of the character of the contemporary organization of power models. The Macedonian organization of power model is no exception to this statement. The political system is not determined only by the constitutional framework. It is also determined by the (un)democratic tradition, the model of political culture, the electoral and party system. In this sense, the same normative model works differently in different countries or different periods of development of the same political system. This is especially evident in the relations between Parliament and Government. The dominance of the executive government is not characteristic only of the organization of power model in the Republic of Macedonia, it is a global tendency as well. In that sense, the Assembly of the Republic of Macedonia shares the "fate" of the representative bodies in the contemporary parliamentary system. However, in the absence of a democratic tradition, the presence of subject political culture, strong elements of partocracy and party state, fragile and fragmented civil society and weak general public, the dominance of the executive over the legislative government acquires dramatic dimensions.

Keywords: organization of power; legislative power; executive power; political control

1. Introduction

 The separation of powers as a fundamental principle of the organization of state government has a long tradition and is an essential element of the philosophy of important political thinkers in search of ways and instruments to limit the absolute monarchical power. The idea behind the separation of powers is the guiding idea in overcoming absolute monarchy. This line of thought was supported by Thomas Hobbes, John Locke and Charles Montesquieu. Montesquieu, raised the question of separation of powers in book XI, Chapter 6, *"On the spirit of laws"*[1] in describing the English Constitution, although he did not specifically mention the phrase "separation of powers". It seems that the basic premise summarizing the theory of Montesquieu on the separation of powers is as follows: *"To prevent the abuse if power, it is necessary from the very nature of things that power should be a check to power."* Montesquieu advocated separation of the legislative (puissance legislative), the executive (puissance executrice) and the judiciary (puissance de judger).[2]

 The doctrine of Montesquieu on the separation of powers was brought to life in the U.S. Constitution, dated 1787, which inaugurated a presidential system of organization of power. "The intent was to remove the misunderstandings occurring at that time; it was to save the people from autocracy, by applying the principle of separation of powers."[3] Although the Constitution of the United States does not contain an explicit affirmation of the principle of separation of powers and government, it is nevertheless obvious, as the first, second and third article refer to the legislative, executive and judicial power. The legislative power belongs to Congress[4], the executive to the President[5], and the judicial power is exercised by the courts or, i.e. the judicial power of the United States has been entrusted with the Supreme Court.[6] "Every American

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[1] Charles- Louis de Secondat (Montesquieu), *De l'esprit des lois,* Paris, as found in R.Malnes, K.Midgard, *Политичка филозофија*, Скопје, 2008, pg.307

[2] R.Lukic, *Monteskjeova politička teorija,* Arhiv za pravne i drustvene nauke, Beograd, 1995, pg.119-134

[3] TH.O. Sargentich, "The limits of the Parliamentary Critique of the Separation of Powers", 34 Wm. & Mary L,. Rev.679, (1993)

[4] Article 1,Section 1 of the U.S. Constitution

[5] Article 2,Section 1 of the U.S. Constitution

[6] Article 3,Section 1 of the U.S. Constitution

knows that power in America is divided into three segments ... The function of Congress is to make laws, the President, to execute the laws, and the Court, to interpret the laws."[1]

When we say that the system is based on the principle of separation of powers, this means that the relations between the holders of state power are characterized by organizational and functional independence. In this respect, we refer to systems based on the principle of strict separation of powers (presidential system) and systems based on flexible separation of powers (parliamentary and mixed systems). It is notable that all forms of organization of state power occurred and developed empirically.[2] The parliamentary system originated in England, and the presidential system in the U.S. In fact, political science, builds the model of the parliamentary system based on the English political experience, and the presidential system based on the American model.

2. Important features of the parliamentary system

The parliamentary system of government is based on the principle of flexible separation of powers. Unlike the parliamentary system, the presidential system is based on the principle of strict separation of powers.[3]

In the parliamentary system there is a balance of the three powers, and mutual relations are regulated by mechanisms of cooperation of the legislative and executive authorities.[4] Apart from the flexible separation of powers, an important characteristic of parliamentary systems is the interdependence, i.e. the political responsibility of the Government to the Parliament, where the Parliament has the power to vote no confidence to the Government and the Government can ask the Head of State to dismiss Parliament. Furthermore, the ministerial and parliamentary functions are compatible, because members of the cabinet (the Government) must be members of Parliament, as is the case in England, but not in the Netherlands[5] Norway[6] and Luxembourg[7] .

The birthplace of the pure/classical parliamentary system is England (Mater Parliamentorum).[8] Although Great Britain has a constitution in the material sense, it is a specific example in its modern constitutionalism, in the absence of written, i.e. codified constitution. This legal and political paradox springs from and responds to a unique historical tradition in which the fight against absolute power, in support of limited power, and the recognition of the Parliament, as the carrier of the sovereignty and a school of democracy, along with the rule of law and the changing constitution discarded the need for a written Constitution.[9] In Great Britain, the contemporary model of government organization qualifies as a cabinet system or a system of cabinet government, even as a prime minister system, because of the dominant role of the cabinet, or the prime minister. In England, the House of Commons (lower house) selects the Cabinet and the Cabinet is accountable to the House of Commons, however the Cabinet can also dismiss the House of Commons in case of a no-confidence vote against them, according to the maxim stand or fall together. As for the responsibility of the Cabinet to the Parliament, the rare occurrence of a no-confidence vote does not diminish its importance.

In this country, the parliamentary system actually arose from and in relation to the political responsibility of the government and its two essential elements; first: the government is fully accountable for its work, i.e. the entire cabinet must enjoy the confidence of the House of Commons, and second, in case of no-confidence, the government resigns[10]. However, there

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[1] The Federalist, 1961, No.48. pg. 347

[2] С. Климовски, В. Митков, Т. Каракамишева и Р. Тренеска, *Уставно право,* Просветно дело, АД. Скопје, 2003, pg.350

[3] R.J Krotoszynski, " The separation of legislative and executive powers" , in Tom Ginsburg, Rosalind Dixon (eds) , *Comparative Constitutional Law,* Edward Elgar Publishing, Cheltenham, 2011, pg.234.

[4] С.Шкариќ, Г.Силјановска, *Уставно право,* Скопје, 2009, pg.508.

[5] Article 57, line 2 of the Constitution of the Kingdom of the Netherlands.

[6] Article 62 of the Constitution of the Kingdom of Norway

[7] Article 60 of the Constitution of Luxembourg

[8] С.Шкариќ, Г.Силјановска, *Уставно право,* Скопје, 2009, pg.512.

[9] In this respect see also О. Диамел, *Уставно право-Демократиите,* Скопје, 2004, pg.108

[10] С.Шкариќ, Г.Силјановска, *Уставно право,* Скопје, 2009, pg.512.

are still cases where the Prime Minister was overthrown by the House of Commons, the one with MacDonald in June 1924 and the one with Callaghan in March 1979[1].

With respect to the relationship between the legislative and executive power, it must be noted that, in England, although the legislative function is formally in the hands of parliament, in over 90% of cases, the Cabinet proposes the laws. The situation is similar in other modern democracies, with the exception of the U.S., where Congress has still retained a proactive role in the legislative process, and only the members of the House of Representatives and the Senate are authorized to propose and adopt laws. Nevertheless, the aforementioned statement with respect to the British parliamentary reality does not mean that British MPs have given up proposing legislation. It only means that in today's environment, the control function towards the Cabinet has become the dominant feature of the House of Commons. The budgetary function and control, has also been reduced to the close supervision of the executive branch policy, particularly with the departmental select commissions, introduced in 1979.

Throughout history and even today, the parliamentary system is found in various forms in Italy, Belgium, the Netherlands, Sweden, Norway, Japan, India, Canada and other countries.[2] After World War II, the Constitution of Italy introduced features of a classic parliamentarism. The organization of power is based on the principle of separation of powers.[3] The characteristic of the Italian parliamentarism is the responsibility of the Government before the two houses, unlike other countries with a parliamentary system in which the Government answers only to the House of Commons (lower house). The Parliament can delegate the legislative function to the Government, but only with prior, set out principles and guidelines by the Parliament, and only for a limited time and in certain areas.[4]

3. Presidential model of government organization

The presidential system is based on the principle of strict separation of powers into legislative, executive and judicial, as well as the system of checks and balances. This system ensures the independence of the three branches of government. The name of this system comes from the shape of the executive power, which is performed by a collegiate body – the President. The function of the head of state and head of government are united in one person – the President.[5]

Therefore, the flexibility of the executive functions in the collegiate body is the key feature of the presidential system.[6] Apart from that, the presidential system is characterized with: relations between the legislative, executive, and judicial powers, structured on the principle of checks and balances. In a presidential system, there is a greater degree of independence of each of the three powers, in comparison to the parliamentary system.[7]

There is no clear constitutional model of the presidential system in the modern democracies, except in the United States.[8] The U.S. Constitution introduces not only a model of presidential republic; it also introduces a model of a presidential system of organization of state power. More than two hundred years after the adoption of the U.S. Constitution of 1787, the U.S. presidential republic and the American presidential model of government organization still function efficiently with the help of the checks and balances among the three powers.[9]

The aim of the founding fathers of the American constitution was to create a government organization which will provide the right balance between the legislative, executive and judicial power. However, the relationship between the legislative and the executive power is not always determined solely and exclusively by the constitutional framework. In certain

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[1] О. Диамел, *Уставно право- Демократиите,* Скопје, 2004, pg.117.

[2] On the British cabinet system, the French fragmentary parliamentarism of the III and IV French Republic and the German chancellor system see V. Vasovic, str. 336-405; 456-466 and 577-639.

[3] Articles 55-137, of the Constitution of the Republic of Italy

[4] Article 76 of the Constitution of the Republic of Italy

[5] С. Климовски, В. Митков, Т. Каракамишева и Р. Тренеска, *Уставно право,* Просветно дело, АД. Скопје, 2003, pg.358

[6] С.Шкариќ, Г.Силјановска, *Уставно право,* Скопје, 2009, pg.503.

[7] Sokol-Smerdel, "Organizacija vlasti", Narodne novine, Zagreb, 1988, str.115.

[8] B.Guy Peters, The Separation of Powers in Parliamentary Systems, Chapter III, p. 68, in *Presidential Institutions and Democratic Politics-Comparing Regional and National contexts,* edited by Kurt Von Menheten, London, 1997.

[9] Г. Силјановска-Давкова,'' Современи "модели" на организација на власта: дилеми и предизвици'', *Zbornik pravnog fakulteta u Zagrebu* br.2, 2011, pg. 365-391

situations, the President can interfere in the legislative activity, which is the responsibility of Congress. When talking about presidential powers it should be underlined that he/she possesses the de facto authorities, which are not provided for in the Constitution. Many presidents in the American constitutional history have adopted executive orders. This power of the President of the United States is also seen in the recent initiatives of the incumbent President Barack Obama. Namely, on issues that he cannot push through Congress, he invokes the executive orders, which, in turn stimulates debate on the constitutionality of these Presidential acts.[1] In the case of international agreements, which fall under the authority of the President, that should be in turn ratified by the Senate, before entering into force, the practice shows cases in which American presidents sign so-called executive agreements, bypassing international treaties that require ratification.

Different political systems recognize different types of veto: pocket veto, partial veto, package veto.[2] The U.S. Constitution offers a pocket veto, which is often used. Namely, if Congress passed a legislative proposal and submitted this to the President for signing in the last ten working days before the end of session, the President can decide not to respond in any way, because from a formal aspect he is robbed of the possibility to state his position in the ten-day deadline which is provided for in the Constitution. By putting a pocket veto the president feels more comfortable, since it enables him to avoid explicitly explaining his reasons for not signing, the ordinary veto may create certain political problems. Basically, the consequences of pocket veto are that the specific legislative proposals must again go through the whole procedure of adoption, which in any case, creates difficulties for the proposal/bill to become a law. This demonstrates the importance and role of the President in such a system of separation of powers.

In the American political system, the President, as head of the biggest world power, *de facto* elected by the people, freely defines the composition of his "government" that the Congress cannot topple, and armed with the powers and means, he runs the country.[3] Since he/she is elected on direct elections, the President is not accountable to Congress, i.e. has no political responsibility, and remains in his post until the expiry of the four-year term, regardless of his/her policies and regardless of whether Congress or the voters are satisfied or not with his work. Accordingly, the only sanction which the U.S. President is subject to is him not getting re-elected on the following elections. In the U.S., in addition to the President, the President's aides and associates, as well as the members of his cabinet have no responsibility before Congress. They are appointed and replaced depending on the will of the President. Therefore, the principle of separation of powers in this regard is very consistently applied: independent in relation to the legislative, the executive does not bear political responsibility before the legislative branch.[4]

The President can only answer to impeachment charges[5]. In such circumstances, the procedure for liability begins in the House of Representatives, where the impeachment charges are raised with a 2/3 majority vote. Then, it goes to the Senate, which, in this case, is not chaired by the Vice President of the United States, who usually chairs the Senate, but the Chief Justice. In 1868, the Senate was one vote away from impeaching former President Andrew Johnson. In August 1974, the U.S. President Richard Nixon resigned to avoid impeachment on the Watergate Affair. In January 1998, impeachment was also raised against President Bill Clinton, but it failed because the Senate did not provide two-thirds of the vote required for his impeachment.

4. Mixed model of organization of power

The combined or mixed system is a form of state government, which is a combination of principles and decisions taken from the parliamentary and presidential system. This system appears as a way out of the difficult dichotomy presidential - parliamentary system. The theoretical literature devoted to this system is relatively poor. Sartori is one of the few proponents of the mixed system which gives an advantage over the extreme parliamentarism and the extreme presidentialism.

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[1] Available in www.usnews.com/debate-club/is-obamas-immigration-executive-order-legal

[2] Б. Ванковска, *Политички систем,* Скопје, 2007, pg.122.

[3] О. Диамел, *Уставно право-Демократиите,* Скопје, 2004, pg.122.

[4] M. Jovicic, "Parlamentarni sistem nasuprot predsednickom i skupstinskom sistemu", Arhiv za pravne i drustvene nauke, 1992. Beograd, pg. 43-64.

[5] The U.S. President can be impeached in cases of treason, bribery and other high crimes and misdemeanors.

Robert Elgie distinguishes three kinds of definitions for determining its main features. The first is governed by the real power of political institutions. As a semi-presidential system, this type of definition gives the double-hated executive power to the president who has pronounced powers.[1] In order to determine the existence of this system, it is sufficient to determine the greater power of the President in comparison to that of the prime ministers and cabinet. This definition, as a reflection of the semi-presidential system refers to most countries from Central and Eastern Europe, including the countries that emerged from the Soviet Union.

The second type of definition, combines constitutional decisions to the current power of the holders of executive power. According to Maurice Duverger, the first theorist who used the term mixed system, the semi-presidential political system is one in which the constitution contains the following elements: the President of the Republic is elected in direct elections based on the universal suffrage; he/she has greater powers; and opposite him/her, the President has the Prime Minister and the Ministers who have executive and administrative powers and can retain the position as long as they have the support of Parliament.[2] According to this definition, the semi-presidential system refers only to France and Portugal.

The third approach focuses on the institutional model, regardless of the actual relationship. Accordingly, there is a mixed system where the directly elected president, with a fixed term, exists side by side with the Prime Minister and Cabinet, which are accountable to Parliament for their work.[3]

The French Constitution of 1958 contains a model of a combined system. In this document, the most dominant and key figure in the constitutional system is the President of the Republic.

The President of the Republic appoints the Prime Minister. When the Government of the Prime Minister resigns, the President of the Republic dismisses him/her from office[4], adopts laws, opens and closes sessions of the French Parliament by decree. The French model of state power also has characteristics of a parliamentary system: the political responsibility of the Government to the Parliament; the legislative initiative of the Government; the great influence of the Government in drawing up the agenda of the parliamentary sessions.

Although previously, the combined system was defined as a way out of the dichotomy of the presidential - parliamentary system, this model itself is somewhat contradictory and confrontational, especially when the President and the parliamentary majority are not from the same political camp. The result of this relationship is an increase in the risks of possible conflicts and freezes of the institutions.

5. Macedonian model of organization of power

The European political space is a world of hybrid models of organization of power.[5] The Macedonian model of organization of state power belongs to the group of combined systems. Although it is dominated by elements of the parliamentary system, it has elements of the presidential system as well.

The parliamentary characteristics of the Macedonian model of organization of power are: the double-hated executive power; Government derives from the parliamentary majority, and is accountable to the Assembly; the Government is an (un)stable element of the executive power. However, some standard elements of a parliamentary system are lacking, such as: the compatibility of the MP and the ministerial position[6]; there is no possibility for dissolution of the Assembly by the President, at the request of the Government.

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[1] Г. Силјановска-Давкова,'' Современи "модели" на организација на власта: дилеми и предизвици'', *Zbornik pravnog fakulteta u Zagrebu* no.2, 2011, pg. 369

[2] M. Duverger, " A new Political System Model: Semi-Presidential Goverment" , *European Journal of Politicial Research,* 1980, no.8, pg. 166, as found in Б. Ванковска, *Политичли систем,* Скопје, 2007, pg.144.

[3] E. Robert(ed.), *Semi-Presidentialism in Europe,* Oxford: Oxford University Press, 1999, p.146.

[4] Article 8 of the Constitution of the Republic of France

[5] Г.Силјановска, "За македонскиот модел на организација на власта" , *во   Реформата на институциите и нејзиното значење за развојот на Република Македонија* , Скопје, pg. 371.

[6] Similar in the French model, institute vigorously support by De Gaulle

The elements of the presidential system can be identified in: the direct election of the head of state; the right of suspension veto; the responsibility of the head of state for violating the Constitution and laws (impeachment). Therefore, it is clear that this is neither a "clean" parliamentary nor a presidential system. This is a combined model of governance, in which there are relicts of the parliamentary system, or, as Professor Gordana Siljanovska refers to it, "Macedonian constitutional cocktail of the organization of power".[1]

Academician Evgeni Dimitrov[2] has an original view of the organization of state power in the Republic of Macedonia. He believes that the Macedonian model of organization of power has combined the parliamentary model with certain elements of the assembly system. "Regardless of whether this will be a temporary or a lasting phenomenon, in addition to the existing basic forms of organization of the state, the current theory of constitutional law and political systems should define another new model, which could be labeled as a parliamentary system with elements of the assembly system. A system to which the Macedonian model of organization of state power would most certainly belong.[3]

The impact of Government (executive) on the Assembly (legislative)

The legislative and executive powers are two wheels of the same machine, if their movements are not harmonized, the machine will not function properly.[4] The relationship between the legislative and executive authorities is not one-sided, on one hand, the legislature affects the executive, and on the other, the executive has tools to influence legislative. To assess the impact of the legislative power over the executive, the following issues are important: first, the method of determining the holder of executive power, second, the political control over the work of the executive power, i.e. the political accountability of the executive power and third, the change of the holders of the executive power.[5]

The general tendency in the parliamentary system is also present in the Republic of Macedonia, i.e. the imbalance in the separation of powers in favor of the Government, which becomes much more than the executive power. The Government of the Republic of Macedonia is deeply involved in the legislative authority through: the actual status of dominant proponent of the laws; proponent of the budget and other regulations; stating their opinion on the proposed laws and other regulations proposed by other authorized bodies; participation in the work of the Assembly and its working bodies and the right to request convening a sessions of the Assembly. Here, it is worth noting that over 95 percent of the adopted laws have been proposed by the Government and passed by the MPs, as they have been proposed, sometimes even without any discussion, in the style of the subject political culture and party obedience.

By the adoption of the Rules of Procedure in 2008, the Government had the right as the proponent to submit amendments right until the end of the debate. The practice shows that the government often abused this right. Sometimes, at the last minute, it proposed amendments that actually changed the previous content of a certain provision of the proposed law.[6]

The so-called "aggressive" government policy that literally models the parliamentary (dis)satisfaction depending on their needs[7] is constantly present in the current parliamentary life in the Republic of Macedonia.

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[1] Г. Силјановска, За македонскиот модел на организација на власта, во *Реформата на институциите и нејзиното значење за развојот на Република Македонија* , Скопје, pg. 347.

[2] PhD Evgenij Dimitrov, the first professor of Constitutional Law in the Republic of Macedonia

[3] Е. Димитров, "Специфичностите на Парламентаризмот во Република Македонија според Уставот од 1991", во *Пет години од Уставот на Република Македонија,* Здружение за уставното право на Македонија, Скопје, 1998, pg.208

[4] Е.Жиро, *Извршната власт во демократскиите на Европа и Америка,* Париз, 1938,pg.19, преземено од М. Ристовска, Односи меѓу законодавната и извршната власт во Република Македонија, *Пет години од Уставот на Република Македонија*, Здружение за Уставно право на Македонија, Скопје,1998, pg.230

[5] Ibid, pg. 230

[6] С.Гушева, *Законодавната дејност на Собранието на Република Македонија,* Скопје, 2009.

[7] Т. Каракамишева, "Основни забелешки за системите на организација на власта и за потребата од реформирање на политичките институции во Република Македонија" , во *Реформата на институциите и нејзиното значење за развојот во Република Македонија ,* Скопје, 2009, pg. 393-405.

Conclusion

Constitutional norms and guarantees have proven to be insufficient for the democratic political system based on the principle of separation of powers. The lack of a longer democratic tradition, the (un)democratic political culture, with strong elements of patriarchalism and servitude not only in the interparty relations, but also in the work of the Assembly and the Government, as well as in their inter-relations stimulates undemocratic tendencies and distortions in the political system of the Republic of Macedonia, which has inevitably led to lagging behind in the European integration processes.

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Considerations Regarding the Impact on Public Health Legalization of Soft Drugs in Romania

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General Issues: Legal

Social Sciences: Issues of identity and globalization

Abstract

This article aims to analyze the effects of decriminalization of soft drugs in Romania on the health of population, especially the young population and vulnerable groups, but also the costs of combating drug traffic and addiction treatment, which would lower considerably.In this study, we used the domestic legislation on drugs and legislative proposals for decriminalization of certain categories of drugs and tightening of legal status on illicit drug traffic and consumption.In Romania, the marketing of "light drugs" has gained momentum lately, there are about 400 markets so called "shops of dreams". Also, a substantial part of the marketing is done throughout virtual shops.The solution to prevent more serious criminal acts or to reduce the costs borne by society has sparked controversy, both among civil society and professionals in the field.

Keywords*:* soft drugs, legislation, public health, vulnerable groups, illicit drug consumption

Introduction

According to the World Health Organization (WHO), drug is the substance which is absorbed by a living organism, modifies one or more functions, in pharmacologically effect, the drug is a substance used in medicine or not, whose abuse is addictive and may cause serious physical and mental activity, perception and behavior disorder.

Depending on the applicable legal regime, drugs are classified into: legal drugs, which are permitted (caffeine, tobacco, alcohol, drugs) and illegal drugs, which are the subject of international conventions or national laws.

In Romania, Law 143/2000 on combating illicit drug traffics and consumption, there are defined as drugs herbal drugs or psychotropic substances or mixtures containing such plants and substances listed in Tables I - III. The same bill controls the substances classified nationally:

- high-risk drugs - drugs listed in the Tables I and II;

- risk drugs - drugs listed in the Table III.

As an alternative to conventional drugs, illegal in Romania as in other European countries also, the marketing of "soft drugs", so called legal drugs, has gained momentum lately. The so-called ethno botanical plants are marketed in "store of dreams" figuratively named "aromatherapy" or "ethno botanical". Much of the marketing is done through virtual stores; there are about 200 companies on the market and 400 stores. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) has analyzed the most common component product lines, sold under the name of "Spice" [1]. After some research that have decoded the molecular and biochemical structure of the weeds, European researchers found that consumers have described hallucinogenic effects caused by some synthetic substances, added by manufacturers, which are called cannabinoids. The most common chemical compounds are JWH-018 [2] and CP 47, 495.These are the

cannabinoid receptors that fit on a cell and trigger the activity, generating a psychoactive effect. Substances can be up to 28 times more potent than THC, psychoactive component of cannabis. To mask the adding of synthetic chemical components, manufacturers complete the mixture with a large amount of substances that pose no risk, like vitamin E, caffeine and menthol.

Theory

In the context of Romania's EU accession, the Romanian legislation continued the process of harmonization with the communitarian acquits, by drafting and adopting legislation to improve the national legal framework for reducing both demand and drug supply.

Under Law no. 522/2004[3] and the Government Decision no. 860/2005 [4] it was issued an order of the Minister of Interior and Admiistrative Reform and Minister of Public Health [5] on the methodology for completion and submission of standard records: admission to treatment because of drug use, recording cases of infection with HIV, HBV and HCV among drug users and medical emergencies arising as a result of drug use. Published in May 2007, the conjoint order contains provisions concerning definitions, notification criteria (inclusion and exclusion) of cases and instructions for completing the data collection sheets in line with European standards.

After creating the legal framework, through the Emergency Ordinance no.121/2006 [6], with approved amendments by Law no. 186/2007 [7], necessary for direct application as a source of obligations with European regulations [8], National Antidrug Agency (ANA), in exercising the capacity of national authority to implement the European regulations, through specialized structure, it started the authorization process for substances classified in category 1, achievement records for transactions involving scheduled substances of category 2 and 3 with the authorization of imports and exports.

Strengthening the collaboration with other countries has become a priority for post-accession period, reflected in the ratification of treaties or international agreements:

- Law no. 214 of July 2nd, 2007 on the ratification of the Police Cooperation Convention for South East Europe, adopted in Vienna on May 5th, 2006, signed by Romania at the same time [9];

- Law no. 317 of November 13th, 2007 to ratify the Additional Protocol, signed at Bucharest on September 29th, 2006, the Letter of Understanding between the Romanian Government and the Government of the United States on drug control and law enforcement, signed in Bucharest on July 3rd, 2001 [10];

- Government Decision no. 664 of June 27th, 2007 to approve the Agreement between the Ministry of Interior and Administrative Reform in Romania and the Russian Federal Service for Control of Drug Traffic on cooperation in combating the illicit trafficking of narcotic drugs, psychotropic substances and precursors, signed at Bucharest on March 14th, 2007 [11].

Results and Discussion

According to statistics provided by the European Monitoring Centre for Drugs and Drug Addiction in 2007, Romania was below the European average on drug use, but the number of consumers was on an ascending curve. Studies showed that in 2007 the number of illegal drug users rose by 70% compared to 1999 [12].

According to a study conducted in 2008 by the Ministry of Interior and Administrative Reform and the National Anti-Drug Agency, the most consumed drugs in Romania are two substances considered soft drugs: cannabis - 1.5% and 0.4% ecstasy. The first drug appears to be a favorite of those aged 15-34 years, followed closely by a more dangerous substance, named cocaine [13].

Although the current legislation punishes the drug consumption, there are places in which ecstasy and hashish are distributed in form of aphrodisiacs or aromatherapy products. In order to analyze the major demographic and social risks faced by the Romanian population as a whole, vulnerable social segments and to identify the alternatives in reducing inequities and social risks in the context of Romania's EU membership and the global economic crisis, the Presidential

Commission for Analysis of Social and Demographic Risk in Romania was appointed, within the Presidential Administration [14].

In its report, the Commission estimates that there are about 28,000 illegal drug users, most of them in Bucharest (24,000), and of these approximately 17,000 are injecting drug users (about 80% were males). In this context, the report proposes drug decriminalization in order to discover the consumers [15].

Following the Commission report, President Traian Basescu proposed the legalizing of consumption of soft drugs on September 22, 2009. Although the drug use should be discouraged, the Commission maintains that differences must be made between soft drugs and hard drugs, especially those injections - like heroin – that have devastating negative effects.

Further criminalization of drug use produces serious side effects such as reusing syringes that leads to disease transmission. In this regard, it is proposed the installation, in the neighborhoods with many drug addicts, of "slot machines and sterile injection kits", as in some European countries to prevent reuse of syringes [16].

Conclusions

Romania is the first country to consider legalizing the consumption of soft drugs, while many other countries in Europe and America are still discussing this issue. Netherlands is one of the most liberal countries in this regard, the Swiss Confederation has rejected the legalization of soft drugs to the limit, Belgium and Czech Republic are among countries that do not punish drug possession in small quantities and counts on a policy of annihilation of organized networks that could attract more and more followers.

Pro arguments

In Romania, the legalization of soft drugs could establish a better control on the sale of other banned substances.As the drug use could be monitored, combating drug trafficking related charges would diminish considerably.Increasing tax revenues by assessing the trading of this drugs.Reducing violence and drug addiction.

Most doctors and health specialists are against any kind of drug, sustaining that they slowly destroy the nervous system.

When used in excess or in conjunction with other noxious mile, soft drugs are a danger to the consumer, beginning to have reactions, such as uncontrollable tremors of the limbs, temporary memory loss, incoherent in speech and gestures, including depression and panic attacks, feeling of vomiting and stomach cramps, uncontrolled gestures, paranoia, etc. Excessive use of soft drugs can lead to mental illness, caused mainly by Delta 9 tetrahydrocannabinol substance, found in marijuana. In high doses, LSD can cause heart attack, coma, death, seizures.

The psychological factor is decisive, because trying this substances from mild curiosity will be higher, pushing up to try other drugs.

Under current legislation on drug use [17], all the facts involving the possession, sale or purchase of drugs for any purpose will be punished with imprisonment from 2-5 years and restrictions on rights. As in most European countries, drug trafficking (in a network of more than three persons) is more severely punished, with imprisonment from 15 to 25 years and interdiction of certain rights.

The decriminalization proposal of soft drugs must be the subject for a lucid and honest public debate, involving political class medical community representatives, legal and religious representatives and NGOs.

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Crucial Importance of Work Productivity in the Conditions of a-Typical Employment

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Abstract:

Work productivity is of crucial importance to all employers regardless of what solutions they use, traditional or flexible ones. Most human resource management programs are oriented on HR tools that are favourable for employee efficiency, and hence on organizational effectiveness and productivity. When examining different psychological variables that are relevant in psychology of work and organization, popularity and productivity prove to be vital, since this variable correlates with all the remaining psychological dimensions due to continuous and intensive search for ways to improve efficiency in the work place. This article presents the results of the research carried out on n=2118 a-typical employees.

Keywords: work productivity, a-typical employment, praxeology

Introduction

Each time in case of assessment of performance, regardless of measurement applied, efficiency, effectiveness, performance, productivity, or other praxeological differentiators, the intention of management specialists is the same - improvement of work performance.

Analysis of productivity may concern individual effects of work - an individual employee, a team of employees, that is employee group, an organizational unit - a section, a department, an organisation as a whole. Work assessment systems allow for measurement of the above factors taking into account flexible forms of employment (compare: Dobrowolska, 2014), organisational effects are the outcome of actions of specific units, as well as non-organizational factors such as a modification of legal regulations, crisis, cataclysm. Work effects may be quantitative and qualitative, social, organizational and may even be analysed from the perspective of an entire company. Undoubtedly organisations that use traditional and non-traditional employment models face the same problems related to work productivity.

Presentation of the author's research

The respondents were n=2118 people working in 9 flexible forms of employment: substitute work in accordance with Article 25 Point 1 of the Labour Code; temporary employment as understood by the Act on employment of temporary employees as from 9 July 2003 (Journal of Law 03.166.1608); self-employed, self-employment as understood by the Act 2 July 2004 on freedom of economic activity; teleworking in accordance with Article 675 and following of the Labour Code; employment for a specified period of time in accordance with Article 25 Point 1 of the Labour Code; employment in part-time work in accordance with Article 292 Point 1 of the Labour Code; work under a civilian-legal agreement on the basis of the freedom to contract i.e. Article 3531 Point 1 of the Civil Code; seasonal work in accordance with Article 25 Point 1 of the Labour Code; employment in the social economy, which includes: social co-operatives, cooperatives, cooperatives of the disabled and the blind, non-governmental organizations and entities listed in Article 3 Section of the Act from 24 April 2003 on public benefit and voluntary services (Journal of Law dated 29 May 2003 as amended).

Among 2118 respondents, 44% are women and 56% are men. Due to the number o the respondents it can be concluded that the analyses sample suggests lack of a visible disproportion between men and women with respect to flexible forms of employment.

Flexible employees have been divided into 9 professional groups, each of them with more than 200 people. The featured groups were as follows: 12.1 % working for a specified period of time; 13.2% working part-time; 10.7% working on contract;

10.3% of the self-employed; 10.4% of teleworkers; 10.4% working under a substitute work contract; 12.4% of temporary workers; 10.0% of seasonal workers; 10.5% of the employed in the social economy.

The respondents were adults of different ages, although all the respondents were in the so-called age a professional activeness, working age from 18 to 60 years for women and up to 65 years for men. 7% of the respondents were 18- 24 years old. The largest group - 42% are persons aged 25-34. 34% of the respondents are 35 to 44 years old. Another 12% of the respondents are between 35 -44 years, while 5% of the respondents were 55-65 years. An average age in the analysed group was 36, and the median was 35 years. The youngest respondent was 18 years old, and the oldest 65 years old. The distribution of results in the Polish sample of the tested fits fully into the *European characteristics of flexible employees,* which describes them as rather young, with an average period of employment in an organization - less than five years (Nollen, 1996).

Flexible employees who took part in the research are well-educated. More than half of the respondents (56 %) holds a university degree. Quite a large group of the respondents - 34% are people with secondary education. 6% of the respondents has a vocational education and only 4% of the respondents have primary education. Persons without any education represent only 0.3% of the sample.This is an interesting result in view of the fact that a social perception of flexible employment is related to a stereotypical and pejorative image of this type of employment regarded as " junk one" for poorly skilled ones. As it turns out, however, in majority of cases people involved in these forms of employment are well-educated.

Seniority of flexible employees fluctuates between a few months and several decades (maximum 41 years), the average was 8,5 years.Seniority of the biggest number of the respondents is up to 5 years - 42.6 %, the smallest number of the respondents is of a considerable seniority, which also corresponds to the already mentioned European characteristics of an average flexible employee (Nollen, 1996). Seniority was divided into 6 categories. The first group, up to 5 years, includes 42.6% of the respondents and the second one from 6 to 10 years - 29.8 %, the third from 11 to 15 years - 11.0 %, in the group of seniority from 16 to 20 years - 8.9% of respondents, from 21 to 30 years - 5.6% of the respondents and in the last group above 31 years - only 2.1 %.

In the majority of cases the researched flexible employees has had 2 - 3 employers so far (47 %). 14.6% of them have worked in only 1 place of work.The remaining respondents have changed work more often. 28% of them worked for 4 - 5 employers, and 12% of them had more than 5 employers. The results show a relatively small migration between employers, which might be expected in flexible employment.

Flexible employees who took part in the survey have worked under their current work contract for 5.5 years on average. A detailed distribution of responses with respect to the time categories is show on the chart below.Paradoxically, the highest percentage are people working not only under short-term contracts, up to one year - 19.3% and up to two years - 19.0 %, but also people with long-term employment relationship, more than 10 years. In the group from 2 to 3 years there is 12.4% of the respondents, in the group from 3 to 4 years - 8.2% of the respondents, from 4 to 6 years 15.0% of the respondents, from 6 to 10 years 10.6% of the respondents.

When it comes to location in the structure, the largest part of the respondents are subordinates (62 %). Flexible employees are also specialists (29%), but less often managers (7%) or directors (2 %).

More than half of the surveyed flexible employees (54%) works in the private sector.34% of the respondents is employed in the public sector, and the remaining part is employed the social sector (12%). The private sector uses flexible employment solutions much more often than the public one.

The biggest number of the respondents is employed in the public administration (31.8%) and in the services sector (28.5 %). The smallest number of the respondents works in health care (2.3%) and education (9.3%), 11.3 % of the respondents is employed in trade.

The variable work productivity is regarded as a subject-and- organizational determinant of behaviour of employees in non-traditional employment.It was decided that the variable efficiency should be kept and intuitive measurements should be applied while adding two questions measured separately by a total sum of results in a given question. The first question is as follows:"I think that I have been working effectively", the second - "I believe that I am a good employee", which the respondents answer using a scale from 1 (I do not agree) to 5 (I agree completely). The respondents working under flexible

contracts are generally regarded as effective employees. 88% of the respondents agree with the statement "I believe that I have been working effectively", including 50% of the respondents who agree with it completely. 89% of the responders consider themselves to be good employees, including 54% who agree with is completely.

While analysing the responses to the above questions, taking into account their forms of employment, one can see a statistically significant correlation between these variables. Analysis of a correlation using Kramer's V showed a statistically significant correlation between a form of employment and answers to the question "I believe I am an effective employee".Value of the factor is 0.108 and indicates weak correlation. The highest percentage of respondents who consider themselves to be effective employees was observed in the following groups: the self-employed, individuals working part-time, teleworkers and individuals working for a specified period of time.Whereas the lowest percentage of people who think they are effective employees was to be found in the following groups:individuals working under a substitution contract, individuals working under commission contract and temporary workers. Analysed results may be due to the specific nature of employment conditions. For self-employment promotes efficiency, which is directly linked with the work results, which translates into financial gratification. Relatively longer contracts in part-time work, individuals working for a limited period of time or teleworkers and privileges of the Labour Code may translate into a level of work productivity. Whereas characteristic for short contracts works without social securities carried out under commission contracts, temporary jobs and substitute works are not beneficial for work productivity of employees.

Distribution of responses to the statement "I believe that I am a good employee" are similar the one obtained for the first question. Also here the highest interest of individuals agreeing with this statement occurred in the following groups:individuals working under a contract for a specified period of time, individuals working part-time and the self-employed. While the smallest number of individuals who share this point of view was found in the following groups:individuals working under commission contracts and substitution contracts.

Work *productivity* significantly correlates with sex, education, occupation, industry and marital status. No correlation was obtained with the variables of age, sector, seniority, number of employers, duration of contracts, place of residence and number of children.

Correlation analysis has shown that there is a relationship between a sense of productivity and sex. Kramer's V is 0.098; $p<0.01$. Percentage of the respondents who consider themselves effective was higher among men (57%) than among women (50%). Education affects the sense of effectiveness, too; Kramer's V = 0.158; p<0, 001.In the group of the respondents with education below secondary school the percentage of individuals claiming to be effective employees is 48.8%. This is the lowest value in comparison to the remaining groups: among employees with primary education the percentage was 51.2 %, and among people holding a university degree it was 56%.Also, age significantly differentiates responses concerning effectiveness (Kramer's V = 0.170; $p<0.001$). The highest percentage of the respondents convinced of their productivity was observed in the group of professionals and free-lancers (55.1%). In the groups of directors, CEOs and business owners as well as technicians and civil service officials, trade and services workers the results are similar - 51 - 52 % believes that they are productive. The lowest percentage of people who claim that they are effective was found in the group of workers - 47.9 %. Statistically significant differences also occurred in the responses after taking into account specific sectors (Kramer's V = 0.172; p< 0.001). The highest percentage of positive responses to the question concerning productivity was found among heavy industry employees (63.3%) and other sectors (60.7%). A group of persons working in the public administration and services are similar - 52% are considered to be effective. The lowest percentage of people who think they are the effective employees occurred in the group of trade employees - 48.6 %. There were also statistically significant differences in the responses to the question on productivity in terms of the respondents' marital status, Kramer's V = 0.125, p<0.001. The divorced or the widowed (56.4%) consider themselves effective more often than the interviewed married males and females (53.7%) and maidens and bachelors (49.9%).

Summing up, productive employees are those holding a university degree, holding top positions - CEOs, directors, business owners, individuals representing industry, the divorced, the widowed and mainly women. Persons who consider themselves to be good employees are mainly women (correlation with sex), persons holding a university degrees (correlation with education), senior executives in the organization (correlation with the profession) and residing in big cities (correlation of the place of residence).

Analysis of correlations shown that there is a relationship between conviction of being a good employee and sex. Kramer's V is 0.085; p<0.05. Percentage of the respondents who consider themselves effective was higher among women (59.2%)

than among men (55.2%). Education affects significantly the responses of the respondents to the analysed question, Kramer's V = 0.155; p<0. 001. The higher education, the higher the rate of responders considering themselves good employees. In the group of the respondents with education below secondary school the percentage of individuals claiming to be good employees is 51.2%.In the group of the respondents with secondary education the percentage is 53.8%, and in group of people holding a university degree = 59.8%. There was also a statistically important correlation between profession and a sense of being a good employee, Kramer's V = 0.173; p<0.001.The lowest percentage of people claiming they are good employees was in the group of workers (52.1%). In the remaining groups this percentage is as follows: directors, CEOs, business owners: 59.0%; professionals and professional services (freelancers): 58.6%; technicians and civil service officers: 57.4 %; employees working in trade and services: 55.1%. The respondents' reaction to the analysed question differ with respect to their place of residence, Kramer's V = 0.116; p<0.05. The biggest number of the respondents who consider themselves good employees was observed among big city dwellers (60.3%). In small towns and villages this percentage is lower(56.5% and 52.1% respectively).

Conclusion

Rapid development of flexible organizational solutions designed to primarily reduce labour costs involves changes in HR policy and imposes employment of employees in non-traditions employment forms. Employees are therefore subject to penalties, requirements and rules that are different from those described so far in literature of psychology of work. These descriptions, as it has already been mentioned, are based on analyses of staff employed in traditional forms of employment, colloquially referred to as the permanent ones, and therefore become useless in the new conditions. in this context doubts are risen by every aspect of broadly understood psychology of work (cf. Dobrowolska, 2012).

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Universal Nominations Samples in Main Languages

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Abstract

Significant discoveries are made in Turkology in recent years. As a result, there is a great opportunity to explore in-depth of the history of the word. If to be exact, the most important things, the archetypes of consonant of Turkic languages (including world languages in its broad sense) are identified. Significant results are made due to the fact of clarification of original and archaic types of sounds. The importance of the restoration of archetype of consonants and vowels in retrospective direction or, on the contrary, the replacement of their synchronic variants that were formulated over time in perspective direction is the following: if etymology of any word is analyzed, it will be easier to explore its origin.

Keywords: universal, nomination, samples, main, languages

Introduction

Among many examples, sol' (salt) *(a white crystal substancewith apungent taste that is used as a flavoringfor food)*in the Russian language is an equivalent of tyz (**salt)** (a *white crystal substanceused to add a savory and spicy flavor to dishes)*in the Kazakh language. However, there is another doublet for this word Lexical meanings are the following - 1) *a salt swamp where feet are sunk into: 2) geogr.a desert and semi-desert where there is an easily soluble salt in upper layer, and sometimes it is a soil of steppe and forest-steppe zone;3) a white mark of salt solution.* In addition, we can notice that **sor** is used in its broad sense in ancient times in the Turkic languages (including the Kazakh language). If to compare this word with the Russian language equivalent "sol'" (соль), there is only one difference in **r~l** phonemes. Sonorant sound **l** is formulated from sonorant sound **r** in their course of historical development. In other words, the original and archaic type of **l** is- **r**. Its indigenous form –**sor** will be formed.Russians used it in ancient times due to the regulations of the language. Therefore, **sor** -is a common word for both Turkic and Slavic people from ancient times.

The words **shatu (шату)** in the ancient monuments was used in the meaning of "ladder". It's an incomprehensible archaism at present time. In the Kazakh language **saty (саты)** means: 1) *a ladder that is used* to *enter the house or to go up or down stairs;2) a portable framework of wood in the form of two long parallel members connected by several parallel rungs or steps for climbing up the roof of the house or barn.*It is very difficult to find out that words **shatu (шату)** and **saty (саты)** are rooted word without the appeal to professionals. The difference is in the matching of **sh (ш) ~ s (c)**and**u (у) ~у (ы)**. **Sh (ш)** and **s (c)** are dialectic signs of Oguz and Kypchak languages. Rounded vowel **u (у)** in the Oguz languages is always changed into the unrounded vowel **у (ы)** in the second and third syllables in the Kypchak languages: *azuq> azyk, aguz> auyz, qabuq> qavyq,* and etc. Vowel **u (у)** remained as an archetype in the Ogyz languages, whereas in the Kipchak

languages it was reduced. Considering the fact that the sound **Y (Ы)** was originated from **U (У),** there will be no doubt that these two words were originated from the same word.It can be shown like that: *shaty (шаты) ~ saty (саты) < satu (саtу).* The above-mentioned examples show the importance of original, ancient and archaic types of sounds when dealing with etymological researches.

As a result of in-depth study of the linguistic economy the restoration of the original form of extinct sounds, syllables with the help of **original type, ancient type and archaic type** is very essential in the course of the historical development. For example, variants that are common in the literary language: *balbıra ~ albyra, badyraq ~ adyraq, baqyray ~ adyray, bedireyбalбыра ~ албыра, бадырақ~ адырақ, бақырай ~ адырай, бедірей ~ едірей)* show that sonat **b** was sometimes remained, sometimes lost at the beginning of these words. But the ancient form – **b** is not a form of sound reduction; it's easy to restore the reduced form because of being of the same variant. Moreover, we can notice that sound **d**in variants *dokigen ~ onkigen, dabyra ~ abdyra, delben-delben ~ elben-elben (дөңкиген ~ өңкиген, дабыра ~ абдыра, делбең-делбең ~ елбең-елбең)* and sounds **t, s** in variants *tarbi ~ arbi, sarqıra ~ arqıra (тарби~ арби, сарқыра ~ арқыра)* were reduced [2, 87-130 pp.].

This phenomenon is observed in the comparison of the historical manuscripts with the modern Kazakh language. For example, **asyrga – syrga** (**асырға–сырға**) in the manuscript "Khusrau ua Shirin". La'aldın qosh *asyrgalar* qulaqda (Ла'алдын қош*асырғалар*құлақда) - double earrings made from ruby stone. In the Kazakh language syrga (*earrings)* means *fashion jewelry for women's ears made from various precious metals and stones (gold, silver, diamonds, sapphires, rubies and etc.).* Here the sound **a** is reduced at the beginning of the word. But it remained its lexical meaning. In the ancient Turkic dictionary *artut(артут) is a gift, offering:* artut alyp anungyl (артут алып анунғыл) – tartu (тарту) or to present. In the Kazakh language **tartu (тарту)** *means to present a special gift and valuable present for someone.* In the language of historical monuments the word **artut (артут)** is the contemporary archaism, which is completely understandable. The omission of consonant **t** and its gradual disappearance made it archaic word. The difference from tartu (тарту) is that it is presented in ancient form: *tart+ut (тарт+ут).* The plural meaning of this word in the Kazakh language is lost and that's why last sound **t** seems to be subject of elision.

We don't have a purpose to numerate findings founded in the article. We are trying to prove that the origins of world languages are the same with the help of previously unknown regulation and laws of different languages and with the help of a series of articles. There are similarities in terms of nouns, adjectives, numerals, verbs, pronouns and etc. First of all, we found it right to start from related nominations that are common for all languages of the world.

There is a proof of the existence of objective and historical basis of the same lexical database for all world languages. Information sent through representatives of God is becoming a reality one after another scientifically. It is also true that the world suffered from flood. According to legends come to us, all people at times of God Nukh (Noi) spoke in one language. There was no need of a rich vocabulary stock for a few people escaped in the ship. Everyday vocabulary was used then. Hence, the whole system of the ancient language was broken down. The narrow range of vocabulary used by the flood survivors was formulated as a foundation for all languages of the world in the course of historical development. According to our experience, there are thousands of archetyped roots.

PAPA (FATHER). According to the information in "Etymologeced dictionary of Turkic languages" by E.V. Sevortyan, the forms **papa> baba, baba> aba> ebe, papa > apa** (that stand for father) that mean the concept of parents are basically spread in all world languages (more frequently in one language and to a lesser extent in another one). There were no voiced consonants and close vowels according to the development evolution of language not only in Turkic languages, but also in all world languages in the ancient unknown period in the history. Voiced consonant and close vowels are gradually appeared in the dynamic development of voiceless consonants and open vowels [1. Thus, the variants **papa> baba> aba> ebe** are formed on the basis of the processes of voiced consonants, closed vowels and linguistic economy. The most correct list of these variants is **papa** and **baba** without taking into account their close and economized forms. The variant **baba** is formed as a result of changing voiceless consonant **p** into voiced consonant **b.** Thus, the most ancient form and archetype of all variants is **papa.** According to scientist, forms **papa** and **baba**are spread in the Iranian, Semitic, Indian, African, Chinese, Caucasian and European languages in the meaning of "father", "grandfather", "grand grandfather" and etc.[1. 5-38 pp.]. For example, in the Russian language p**apa** is a *father* (primary meaning), otez – *a fatherin relation to theirchildren* [4].

The first sounds were lost in the course of phonetic development in some languages: **papa> apa, baba> aba.** The reason for this is due to the shift of word stress. The first syllable was stressed in ancient times, then it was moved to the second syllable. In this case, the first sound does not play a discernable role. If word stress remains unchanged, **papa** and **baba** will be stable**.** All wisdom is here.

Both forms are spread in the "Ancient Turkic Dictionary" (ATD) and there is a difference in meaning between them: **Aba** I mother (ATD); **aba** II [tib. A- pha] father (ATD); **aba** III an ancestor; **aba** iazty ersay bayat qynaty- when ancestor transgressed, the God punished him; **aba** oglany - human, humanity: tortutti *aba oglanyn* bir bayat - single God created human being (ATD); **apa** I. elder relative, elder sister: *apam* olgen erkanta bitig berimiz - when my elder sister died, we gave (this) document; 2. a mother [6].

We can notice that **apa, aba** are used both for men and women, their meanings are not classified by the gender. However, it is common not only for the Turkic people, but for all nations in the world as well. The common viewpoint of Turkologist is the following: "Composition and relationship of meaning abaand others reflects the systemof consanguinitythat emergedin the early stagesof tribal relationsof the Turksuntil the formationof family andkinship relations, wherethe concept of"father"-"mother"and their offspring are central notions, whereas in the term apa, these meaningsdon't bear activeuse [3. 56p.] In spite of not being classified into a gender groups, the above-mentioned nominations of the most ancient times were soon gradually changed, each form took a certain lexical meaning or there was a little semantic difference. According to linguistic facts, Turkic people used **papa** as **apa** as a result of omission of the first sound. These changes weakened the seme on gender, and gradually it was lost. Finally, **apa** is used for only female gender. The voiced variant of **apa** is **aba,** and on the contrary, it was more common to man and it became stable in some languages. For example, **aba> abu** means "father" in the Arabic languages. Noun **apa** in the Kazakh language is a seme which is used for woman.

Apa. 1. A mother of a child. 2. A sister who is elder than others'. The first meaning of these definitions given in the explanatory dictionary of the Kazakh language -a mother of a child – is peculiar to dialectical feature rather than to national specifics. And the lexical meaning of "a sister who is elder than others'" is common for all Kazakh nation.This word has variants in the spoken language such as **apeke(әпеке), apke (әпке)**. It is clear that apke (әпке) is derived from apeke (әпеке). And pair **eke**may be the origin of the word **ekech** (small) from the medieval manuscript. Then it stands for "a little sister" (kishi apa). The last consonants ch ~ sh seems to be extinct. Their way of development : *apa ekech> apekech> apeke> apke (апа екеч>әпекеч>әпеке>әпке).*

Apa is a word used to call a woman who is older in the Kazakh language**.** It means "a mother in law", "stepmother", "brother's wife" in other Turkic languages and besides it stands for "a woman" in general. Of course, all derived meaning appeared later.

Therefore, we consider wide-spread **papa** as a original form of **apa**, which is Turkic variant. In other words, it is just one step of this chain **papa> baba, papa> apa> appa, baba> aba> ebe**. Some Turkologists assume that the archetype of **apa (апа)**can be **appa (аппа)** [3. 54p.]. We cannot agree with it. The sounds interpreted together in some languages because of some reasons are the rule of law. For example, famous figure of Islam, an outstanding person Kosha Akhmed Jasaui (Йасауи) can be said as Jassaui (Йассауи) in the spoken language. **Achy (ачы – bitter)** gradually became **ashy>ashshy>ashy (ашы>ашшы>ащы)** in the ancient Turkic languages.Secondly, **appa (аппа)** occurs in certain regions and in certain languages (in Balkar languages, Turkic and Tatar dialects) and it is not Turkic phenomenon at all. On the contrary, **appa(аппа)** is formulated from the ancient form **apa (апа):apa (апа)> appa (аппа).** It can be pronounced as **aqa (aga)>aqqa, ana>anne (ақа (аға)>аққа**, **ана>анне)** in the Turkic languages.

Over time, semantics of not only the form of **papa,** but also **baba** is classified. For example, **baba** which meant both father and mother took a meaning of "father's father" and "mother's father" in the Iranian and Turkic languages, whereas in the Russian language it was used in the meaning of "old woman" reflected in the language in the form of **baba, babushka (grandmother)**. In short, historical, social, cultural and political circumstances lead to the change in a wide range of meanings. The most ancient form **papa** is still present in the Indo-European languages, but this form has been changed slightly in terms of phonetics in different system of languages. According to facts, some languages kept the seme related to male gender, whereas other languages developed the seme of female gender.

Thus, the issue on genetic basis of all languages of the world is appeared. However, scientists doubt about genetic relationship and common basis of all languages. Applying to various excuses, they don't want to recognize that all

languages are formed from one archetype For example, they believe that the similarities of all languages are formed by speech babblings of infants that doesn't bear any meaning: "Theoretical difficulties associated with terms of kinship, are generally clear. They lie in the fact that the commonality of basic terms of kinship (as well as some other lexical or lexical-grammatical categories) in different language families (Indo-European, Altaic, Finno-Ugric and others) needs to be explained, in which we must obviously exclude genetic commonality of all these lexical categories. Otherwise, there is a question about the genetic relationship between the language families itself. The hypothesis of the origin of babbling of terms of kinship is designed to resolve this conflict "[3. 57p.].

We cannot agree with the hypothesis that related nominations are formed from the infant's speech babbling. Repetition of one syllable twice in words such as **pa +pa, ba + ba, she+she, ma + ma** can't prove this hypothesis. In our view, these repetitions are used for the purpose to "call" and "draw attention". They are just addressing words of children for parents. If so, the basis for the emergence of such nominations bears some reason (motive). However, this motive is forgotten because many thousands of years passed.

The existence of special phenomenon in linguistics is observed as a result of long years of study, which wasn't under the attention of linguists for many years. The basic lexis of any language is formed with the help of lexeme containing only one consonant and one vowel. Language unit which contains only the combination of one consonant and one vowel and which holds either lexical or grammatical meaning; which is unknown in history and formed from the ancient times is called archeseme (tubirtek) by us. Archeseme is language unit like a phoneme, morpheme, word, phrase and sentence. Forgotten motives can be restored owing to the theory of archeseme.

Papa, baba – are not babble of infants, they are independent words used by adults. Parents taught their children these words, especially the archetype **pa, ba** in the meaning of a head and leader of the family. Let's try to find out the etymology of these archetypes.

The nomination **shamba** in the Sanskrit (Persian) language contained two parts in the ancient times. **Sham** means "day", **ba** means "main", "first". Then, the whole word refers to "the main day". According to religious faith, the first day of the week is the date of the movement of the whole world. The Kazakh proverb "Saturday is good luck" originates from this. The syllable **ba** is also used in the same meaning in words such **as baash, bash, bas** in the Turkic languages. At the beginning it seemed that long pronounced vowel **a** in **paa~baa** was used to call men, whereas short-pronounced vowel **a** in **pa ~ ba** was used to call woman. If children wanted to call both father and mother, they just said **paapa ~ baaba.** That's why there were no gender differences referring to these words. There is also part **va** in the Russian word **golova** (bas - head). Consequently, words **papa,** baba are used to call members of family. The lexeme **papa** that is used to call parents was developed in three directions in terms of phonetics.1) Remaining the original form: ***papa>papa.** 2) Being voiced, economized and closed: *** papa> baba>aba > ebe.** 3) Omission of the first sound in spite of being closed: ***papa> apa> appa.** In spite of changes in terms of phono-semantic sense, the word **papa** haven's lost its gold core of being the most common word for all world languages.

ANA (NANA- MOTHER). In the Kazakh language.*1. a mother.2. A mother in general 3. Basis, main, root.* This word is spread in all Turkic language in its different forms **ana ~ ene~ ine~anna,** etc. Moreover, **ene** is used inTungus-Manchzhur language, **eme** is in the Mongolian.**Nana** is used in the Indo-European languages. That is one of the most common words in the world. There are a number of primary and figurative meanings in the Turkic languages. 1) The meaning of "mother" is widely used in all Turkic languages. 2) It refers to "a mother of father" – "grandmother" in Turkish, Turkmen, Karashai-Balkar, Tatar, Uzbek dialects. 3) It is used in the meaning of "respected mother" in a number of languages. 4) It is used as a "female animal" in some Turkic languages. 5) In the Tyva language it stands for "teacher". 6) Sisters are called with this nominations in the Tuva language and in dialects of the Turkmen language. 7) Kazakhs call mother of his wife as "ene".

Turkologists are attempting to discover the origin of this word. G.Vamberi associates it with the verb **em** which means to "suck", "nurse". G.Ramstedt compared all forms in the Tungus-Manchzhur, Mongolian, Korean languages and recognized the common basis for all languages. M.Ryasyanen looked for the origin of the nomination**ana** in the Ural-Altai languages. These languages consist the Finnish, Hungarian languages. G.Derfer believes that this word appeared as a result of child's babbling, and he compared all similar parallels in the Indo-European languages [3. 278-281pp.].

In this case, we would like to propose a new version of etymology of **ana** which will explore its origin fully. If we compare interaction of sonorants **m, n, ng** (м, н, ң**)** we can notice that **n** (**н**) was the first sonorant, **m** (**м**) and**ng(ң**) were the latter

phonemes.There are enough language facts that can prove it. For example, in the ancient Turkic language – **unytmak** (**унутмақ** - to forget) - in the Kazakh language **umytpaq (ұмытпақ)**; in ancient Turkic language *** tonguz (тоңуз)** in theTurkish language **domuz (домуз)**; in the ancient Turkic language *** sunguk (сүңүк)**– in the Turkish, Azerbayzhan, Chagatai languages **sumuk (сүмүк)**; in the ancient Turkic language *** konglak** (**көңләк** - dress) – in the Turkish language **gomlak (гөмләк)**; in the Tatar dialects **agyn (ағын)**– in theKazakh language **agym (ағым)**; in the Kazakh language **menin** (**менің** -my) – in the Tatar language **minim (миним)**; in the Kazakh language **Zhanpeyis> Zhampeyis (Жанпейіс>Жампейіс), Qurmanbek> Qurmambek (Құрманбек>Құрмамбек), endi ~ emdï** (**енди~емди** - now) and so on. One of the prominent linguists L.Levickaya and specialist of Altay studies M.Ryasyanen recognize **n(н)** as a first phoneme rather than **m (м)** [2.68-69 pp.].

Linking word **na (на)** in the Russian language is used in the meanings of"here you are" and "to take". Interjection **ma (мә)** in the Kazakh language is also used in the meaning "to take" in the form of gesture. Similarities in lexical meaning and form of both words prove that these words were of the same origin once upon a time. That word may have been used as a basis for nominations **na+na (ana)** (**на+на (ана))**, and **mama (мама)** in the Indo-European languages. In other words, mother gives a suck to her child with words **na, na (ma, ma) (на, на (мә, мә))**.And consequently, baby understood the word **na** as "breast".

Mama (мама)in theKazakh language is considered as a word borrowed from the Russian language. It means – a mother.But there is also one more meaning of **mama** in the Kazakh language which refers to "a part of a body of a woman to produce milk and a breast of a woman to feed a child". There is also a section on "How Adam argued with mother of Haya and how they get reconciled" in the work called "Kissa-ul anbiya"by Rabguzi in the XIVth century. This fact proves that **mama** is spread not only in Indo-European languages, but in the Turkic languages as well.We can rely on the fact that **m** was formed from **n** and we can restore any word with the help of interchange of **m** into **n.**If we reconstruct the original form of **mama**, it is easy to come to the form **nana.**The form **nana** is the same as in the Indo-European languages. It is obvious that in the course of historical development the lexeme **nana** gradually became **mama**. A great maternal function of a mother for her children – is teaching and upbringing. But Russians entrust this function to nyanya (nurse), and generally speaking **nyanya** came from the word **nana**: **nana> nyanya (нана>няня)**. The first two letters of the word mat' (**мать)** in the Russian language which means "mother" is harmonious with the lexeme **mama**. Overall, all these words remind a mother of a child.Thus, the archetype of all analyzed words is nana. The table of their phonetic development can be shown in the following way:

1.   ** Nana> mama> ama> eme (Нана>мама>ама>еме)*

2.   ** Nana> ana> anna> ene> enne (Нана>ана>анна>ене>енне)*

We can notice the following changes if we pay attention to the table **nana> mama> ama> eme:** 1) **mama (мама)** is formed as a result of the change of **n** (**н**) into **m** (**м**) in the word **nana (нана)**; 2) **ama (ама)**is found due to the omission of the first letter of **mama (мама)**. But despite of the omission of the first letter, it hasn't lost its lexical meaning; 3) Open vowels became close vowels in some languages, and consequently **eme** (**еме**) is formed. This form is used in the meaning of "mother" in some Turkic languages.

We can notice the following changes if we pay attention to the table consisting the following parallels ***nana> ana> anna> ene> enne (*нана>ана>анна>ене>енне)**: 1) **ana(ана)** is formed as a result of the linguistic economy which lead to the disappearance of the sonorant **n (н)** in the word **nana (нана)**; 2) **anna** is formulated to show the high emotion, emotive state of a person.It close form is**enne** ; 3) **ene** is process of changing open vowel into close vowels. The first parallels are peculiar to the Indo-European, Tungus-Manchzhur and Mongolian languages, and latter parallels are characteristics of the Turkic languages. In short, in spite of various changes of this form ***nana ~ mama ~ ama ~ eme ~ ana ~ anna ~ enne~ene~ine (нана ~ мама ~ ама ~ еме ~ ана ~ анна~енне~ене~ине),** it hasn't lost common similarities and interrelation and it kept the fact that it is the universal lexeme for all languages of the world.

ATA (TATA). This word in the Kazakh language is used in the following meanings. *1. a father. 2. a big father, and a father of a father, grandfather. 3. a tribe or group of people who are relatives by their blood; 4.a gender, race, place of origin and*

a breed. 5. a father-in-law of spouses. 6. The elder, the old man(in the sense of respect). *7.* in a firgurative meaningit refers to the *basis of something or the beginning of something.*

The word was used in the meaning of "father" in the monuments (XI.) "Qutadgu Bilig": *if your father died, I will be your father* [6. 65 p.]. It was also used in the same meaning in the XIVth century monuments: *die like his father* [7. 41 p.]. According to this, meanings such as "a father of a father", "a father-in-law of spouses", "origin", "breed" appeared gradually over time in the Kazakh language.

Ata is almost present in all Turkic languages. In the Chuvash, Azerbayzhan, Tatar languages and in the Turkmen dialects it means "father"; in the Turkic, Turkmen, Karaiym, Kyrgyz, Karakalpak, Uighur, Altai, etc. languages it stands for "a father of a father", "ancestors"; in the Turkic dialects and monuments it refers to "a brother or a sister". This word has also the meaning of "man" in the Nogai, Tatar, Bashkir languages [3. 200-201pp.].

There are a few phonetic variants of **ata**: *a:ta, ata, ada, ede, ati,adi.* However, we can notice the processes of changing of sounds into voiced consonants and close vowels. Some researchers believe that this term among other words that mean kinship relationship may occur later in time. According to authors of the dictionary of "Etymology of Turkic languages", **atta** (**атта**) means "a father", "ancestor" in the Latin, German, Albanian languages. It is used in the same sense in the Hittite, Hurrit and Elam languages. These facts identify that this word appeared immediately after the words *papa, baba, nana, mama.*

Children born one after another without any gap is called **tete (тете)** in the Kazakh language. This word is pronounced as **tata (тата)** in Ural region which is an open variant of vowels. Both **tete (тете)** and **tata (тата)** are formed as a result of repetition of the first syllable twice like in words such as *ba+ba, pa+pa, na+na, ma+ma, she+she*. Almost all words which showed kinship relations in the unknown ancient times kept these regulations. The shift of the word stress from the first syllable into latter ones lead to the omission of the first letter.**Tata** also lost the first letter, and then used as **ata (ата)** in the Turkic languages. Initially, children called age mates' (tete (tata)) of his father as **ata,** then gradually it may be used in the meaning of a"father". Changes in meaning are regulated by relationship among people and internal and external factors. In modern literary language **tate** symbolizes a sister who is elder than others'. There is no doubt that *tete, tata, tate (mete, mama, məte)*are similar roots in terms of phonetics. There is only a change in vowels.

Tetya (тетя – aunt) (a sister of father or mother and uncle's wife), **dyadya (дядя– uncle)** (a brother of father or mother, and aunt's husband) in theRussian language are initially used to call age mates of parent like a term **tata (тата)**. Thus, we can come to conclusion that the lexeme **ata** moved aside the lexeme **papa** in spite of the appearance later than **papa**. Variants derived from **papa** such as **aba~ebe** *(papa>apa>aba>ebe)* (**аба~ебе** *(папа>апа>аба>ебе))* in the Mongolian, Tungys-Manchzhur languagesare used more frequently than **ata (ата).**

Dada (дада)is formed as a result of the process of changing voiceless consonants of **tata (тата)** into voiced ones. The variant is spread in the Turkish, Azerbayzhan, Uighur, Uzbek languages. Basically, it means "a father", "a father of father". The origin hasn't been discovered by Turkologists yet [3. 212-213 pp.]. **Dada (дада)**stands for"a father of father" in the Persian language [5]. In the Russian language it is **ded (дед)**which is closed variant (a father of father or mother) [4]. The Persian language and Russian language belong to the family of Indo-European languages. Some words are universal for many languages, but why aren't they considered to be the common words for all world languages? Because majority of scientists understand various versions of this variant *tata, ata, atta, tate, tete, tetya, dyaydya, ded, dada (mama, ama, amma, məte, mete, mëtя, дядя, дед, дада)* as separate words. They don't take into account their phono-morpho-semantic way of development. Phonetic, morphological and semantic derivations must always be taken into consideration.

The most ancient (archetype) form of the above-mentioned variant – if we don't take into account voiced, economized, closed forms, - is * **tata (тата)**. It is formed with the help of repetition of archesyllable **ta (та)** twice.The form **ta (та)** is a universal numeral for all languages in the world. It means *one, single. .*

The lexical meaning of this form can be determined on the basis of materials of the Russian, Persian, Turkic languages without any doubt. **Ta (та)** is a root for both "ta +q" («та+қ») that means "single, only" and "ta+l" («та+л») that stands for "one item or piece of the similar type". This dead root was founded as the foundation for lexemes"ta+ram", "ta+ rmaq", "ta+rau", "ta+ra" («та+рам», «та+рмақ», «та+рау», «та+ра»). All these words means "privatization, personalization". It also proves that the form **taq (тақ)**is not pure Iranian word, it's Turkic word.

The above-mentioned facts clearly demonstrate that there is a regularity of the change of open root into closed root in the course of historical development. According to this regulations, **zhek (жек)** is a closed variant of taq **(тақ)**. Thus, the following matching is formed:**t ~zh, a~e, q~k (т~ж, а~е, қ~к)**. But **zhek (жек)** is not used alone; it is a part of the double word **zhekpe-zhek (жекпе-жек)**(a fight of two people with each other). The dead suffix **e** in the ancient form was added and so the word **zheke (жеке)** (only, single) was appeared. This fact proves that one-syllable word **taq (тақ)** is not pure Iranian word; it is rather common for all world languages.Let's pay attention to the fact on typological point of view. The meaning of "one, the only, the unique" is given by the word **od+in (од+ин –** pronounced as **ad+in) in** the Russian language. Here consonant **d** is a variant of voiceless **t**. **Ad~ta (ад~та)** are variants of vowel harmony. Vowels may be placed both after and before consonants according to regulations of internal flection. Therefore, both **ad (ад)** and **ta (та)** means "one".

The element **ta(та)** with the meaning "one" is spread in other words of our language. Let's pay attention to the etymology of the adjective **tap-tuynaktay (тап-тұйнақтай** -clean, accurate). The word **tuynaq (тұйнақ** - hoof) is found in the XIVth century monument "Khusrau ua Shirin": Temir teg tuynaqy taglar qazar ol (Темір тег **тұйнақы** тағларқазарол - iron hoof digs the land) [7. 211 p.]. **Tuynaq (тұйнақ)**in the monument and **tuyak (тұйақ)** in the Kazakh language are the same. Only the letter **n (н)** was lost because of the linguistic economy. All animals in zoology are divided into odd hoofed animals and pair hoofed animals. Thus, **tak+q (та+к)** and **ta+p(та+п)** are rooted words. Latter letters **q (қ)** and **p(п) –** are epithesis sounds that are added to the end of one syllable words. Privilege of accuracy of odd hoofed animals over pair hoofed animals was taken into consideration, and thus the word was used in its figurative meaning from the ancient times. The primary meaning of it was completely forgotten.

Now let's pay attention to the etymology of the word **tay (тай)**. **Tay (тай) -** *a one year old foal of horse.* One year has passed and foal became **tay**. I'm overwhelmed by riding a **tay** (Бір жыл өттіарадаҚұлыншағым**тай** болды. Тайғамініпбарамдеп, Көңілімдежайболды) (Talgarov. Tory taymyz). Here, the root **ta (та)**in the word **ta+y (та+й)** means "one", **y (й)** is epithesis sound.If one pair of socks is lost, the Karakalpaks say «**tay** of one socks is lost" which is in the spoken language (it's taken from the talk of students').So there is no doubt that **ta (та)** means "one, the only, single" due to the above-mentioned facts.

The form **ta** of the locative case always indicates the meaning of "one". For example, Asan is at **school (mektep+te).** This combination clarifies that Asan and school are in one place. Watch is in the chest (**sandyk+ta**). Watch and chest are in the same place, we can find them in one place. The more sentences we analyze, the more sure we become that grammatical meaning of the locative case is "one".

Conclusion: **ta (та)** is numeral that is used in the lexical meaning "one" in the Turkic languages (as well as in all languages of the world). In the course of historical development it gradually became more and more abstract and became the language element which means permanent place and location. Consequently, we start to identify it as the suffix of the locative case. As linking words **ta, te, da, de (та, те, да, де)** show any object separately and individually (both Asan and Usen – Asan da, Usen de), we consider that they are similar to the suffixes of the accusative case.

Now, let's again pay attention to parallels that are common for all languages of the world

tata~ata~atta~tate~tete~tetya~dedya~ded~dada (тата ~ ата ~ атта ~ тәте ~ тете ~тетя~дядя~дед~дада).

The archetype of these variants is a form of **tata (тата)**. As **ta (та)** was used in the meaning of "one" in the ancient times, tata **(тата)** is transferred into the Kazakh language as " **birbir**" (бірбір - oneone). There are several brothers from one parents. **Tata (тата)** is a relative, who doesn't have any children, who is one of the closest person to you among them. As it was used differently in different parts of the world throughout the history**,** the scope of their use was widened. The numeral **ta (та**) that means "one" in theancient times has been changed completely in terms of phone-semantic way. Therefore, all nominations of a common relations for all the languages of the world have motive.

We are going to discuss such nouns as**kun** (sun), **ot** (fire), **zhol** (road), numerals such as **eki** (two), **bes** (five), **on** (ten) as well as adjectives such as **ak** (white), **sary** (yellow), **kyzyl** (red), and pronouns **like men** (I), **sen** (you) that are universal for all languages in the next articles.

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Men and Women Images in Advertisement – A Genderist Approach

Esra Saniye Tuncer

Abstract

In this study we tried to gain some conclusions about "men and women images" related on social gender and sexism by semiotic analysis on advertisements published in various papers, magazines and internet. It was concluded that gender has been frequently used in this advertisements texts. Especially patriarchal (man dominant) values have been dominantly used in them. Men and female images placed in these advertisements have been paralleled with traditional myths related to ideology of gender and sexuality/sexist/genderist perspective. Further in these texts while men have been presented as subject position, women have been presented as objects. When these texts were examined about using of technology it is seen that while men are presented as user of technology as subjects, women are generaly identified with technology as objects. Thus this stuation can be evaluate as a reflection of the patriarchal social and cultural structure. Finally it can be said while advertisements reflects the values of cultural and social structure in which they were produced, at the same time they reproduce and reinforce these social and cultural values as well.

Keywords: Semiology/Semiotic, advertisement, woman-man, image, genderism/sexism, genderist/sexist.

(Siemens Reklam Metni Örnekçesinden Hareketle, Reklamda Kadin Ve Erkek İmgesi - "Cinsiyetçi Reklamcilik")

Özet

Bu çalışmada, göstergebilimsel çözümleme yoluyla gazete, dergi ve internet reklamlarında kadın ve erkek imajlarına, bir başka deyişle "cinsiyetçi reklamcılığa" ilişkin birtakım verilere ulaşılmaya çalışıldı. Buna göre söz konusu reklam metinlerinde cinsiyetin yoğun olarak kullanıldığı saptandı. Bunda özellikle erkek egemen değerlerin egemen olduğu gözlenmektedir. Burada özellikle cinsiyetçi ideoloji doğrultusunda geleneksel mitlere uygun kadın ve erkek imgelerine yer verildiği saptanmıştır; incelenen reklamlarda kadın ve erkek "cinsellik ve cinsiyetçi" bakış açısıyla ele alınmıştır. Söz konusu metinlerde erkek daha çok özne konumuyla sunulurken kadının nesne konumunda sunulması önemli bir nokta olarak dikkati çekmektedir. Bu da patriarkal toplumsal ve kültürel yapının bir yansıması olarak değerlendirilebilir. Sonuç olarak denilebilir ki; reklamlar, içinde üretildikleri toplumsal ve kültürel yapının değerlerini yansıtırken aynı zamanda onları yeniden üretmekte ve güçlendirmektedir.

Anahtar Kelimeler: Göstergebilim, reklam, kadın-erkek, imge, cinsiyetçilik, cinsiyetçi.

GİRİŞ

Reklamlar imgeler ve çağrışımlar yoluyla bizi sürekli uyarırlar. John Berger(1995)'a göre bir yapıt ya da metin ne denli imgelem yüklü olursa biz de metin yaratıcısının (burada reklam yazarı) görünenleri algılayışına o denli derinden katılırız. Berger'ın da belirttiği gibi, her zaman tek bir nesneye değil, nesnelerle aramızdaki ilişkilere bakarız.

İşte göstergebilim de salt nesne, olay ya da olgularla değil bunların insan ve dünyayla olan bağıntısını, ilişkilerini incelemekte; anlamın karşıtlık, ayrıklık, farklılıktan doğduğu ilkesinden hareket etmektedir. Gerçekte metinler de, içindeki ilişkilerin önemli olduğu ve hiçbir şeyin kendiliğinden olmadığı dillere benzer varlıklar olarak ele alınmaktadır. Metnin içerdiği imgelerin taşıdığı göstergelerin ve bu göstergelerin gönderme yaptığı başka imgeler, nesneler, olgular ya da durumların tarihsel geçmiş içindeki yeri ve ilişkilerinden doğan bağıntılar da, metne olan değer yargılarını ve algılayışı etkilemekte, bir bakıma yeniden oluşturmaktadır.

Göstergeler ve bağıntılar bu bakımdan göstergebilimsel çözümlemenin anahtar kavramlarından ikisini oluşturur. Metinlerde anlam, ilişkilerden ve özellikle de göstergeler arasındaki ilişkiden doğmaktadır. Bu bakımdan dilsel ya da değil sözsel ya da görsel tüm iletişim materyalleri, içinde anlamın düzenle(n)me ilkelerinin yeraldığı metinler olarak görülmekte; dolayısıyla reklamlar da göstergebilimsel incelemeye konu edilebilecek anlam içerikli metinler olarak kabul edilmektedir. Reklam metinleri, göstergebilimsel yaklaşımla, kodlanmış iletilerdir (Berger,1996:111) ve kültürel birer gösterge olarak işlev görmektedirler.

Bu çalışmanın inceleme nesnesi durağan reklam görüntülerine sahip metinlerden oluşmaktadır. "Birçok görüntü gibi reklam

görüntüsü de çokanlamlıdır ve kuşkusuz her görüntünün dile dönüştürülebilir bir iletisi, dilsel bir yorumu vardır." (Çamdereli,2000:96). Görsel nesne, bildiri oluşturma ve bu bildiriyi doğru olarak çözümleyip yorumlama olanağı veren düzgüleri kapsamaktadır (Berke,1998:90). Öte yandan, "reklamın 'söyledikleri' yalnızca söylemek istediği şeydir" (Parsa'dan aktaran Çamdereli,2000:97). Barthes(1999:245-246)'ın da dediği gibi "her reklam, ürünü söyler (bu onun yananlamıdır) ama başka şey anlatır (bu onun düzanlamıdır). Reklam dili, düzanlam ve yananlamsal bildiriyi birbirine eklemleyerek "anlatı"yı oluşturmaktadır. Keza Barthes(1999:239)'a göre reklam tümcesi gerçekte iki bildiri içerir ve reklam dilini kendi özelliği içinde oluşturan da bu üst üste yığılmalardır.

Reklam ilk bakışta açık, anlaşılır biz dizge sunsa da, göstergelerini saklı tutar. Çözümleme işlemiyle bu saklı göstergeler ortaya çıkarılır; anlamları yorumlanır. Saussure – Hjelmslev geleneği içindeki anlamlama, ayrılıkların yaratılması ve/ya kavranmasından ibarettir (Greimas ve Courtes'ten aktaran Rifat ve Rifat,1998:314). Benveniste(1995:110)'e göre, göstergeyle gösterilen arasında bir ayrılığın bulunması ve her göstergenin bir göstergeler dizgesi içinde ele alınarak anlamlandırılması gerekir.

Bu araştırmada, göstergebilimsel açıdan "metinlerarası metin" özelliği taşıyan reklam metni semiyolojik/semiotik yöntem yaklaşımıyla incelenmiştir. Çalışmaya konu olarak "Siemens" markasına ait mobil telefon reklam metni seçilmiş ve göstergebilimsel bir yaklaşımdan hareketle metnin anlambilimsel açıdan yorumlanması ve açıklanması yoluna gidilmiştir.

Çalışmada, "konu-nesnesi" olarak seçilen "mobil telefon" nezdinde - çalışmanın aynı zamanda bir varsayımı olarak öne sürülen - reklam metninde toplumsal cinsiyete bağlı teknoloji kullanımını incelemek, "kadın kimliklerini erkeklerin kimliklerine bağımlı olarak kuran" (Binark,2000:169) ataerkil kültürün, diğer bir deyişle erkek egemen toplumsal cinsiyet ideolojisinin söz konusu reklam metinindeki görünümlerini ortaya çıkarmak / gözler önüne sermek amaçlanmaktadır.

Bu amaçla çalışmada, göstergebilimsel bir metin olarak kabul edilen reklamlardaki / reklam metnindeki göstergelere, bunların gösterilenlerine ve anlamlandırma düzeyi içinde yer alan anlam kategorilerine (düzanlam ve yananlam) ve reklam metinlerinde ağırlıklı olarak yer alan eğretilemesel (metaforik), düzdeğişmecesel, simgesel ve metinlerarası özelliklere yer verilmiştir. Çalışmanın "örnekçesi" olarak seçilen mobil telefon reklam metnindeki göstergesel öğelerin eklemlenişinden doğan anlam ilişkileri, benzerlik ve farklılık (ve/ya karşıtlık) yaratıcı durumların da göz önünde bulundurulması yoluyla analiz edilmeye çalışılmıştır. Çalışmada, reklam metni görüntülerindeki imgesel yapının çözümlenmesinde, göstergelerarası ilişkiler dikkate alınmakta; görsel (görüntüsel) birimleri (resimleri) biçimlendiren öğelerin belirlenmesinde göstergebilim yöntem ve terimlerinin yanı sıra, toplumbilim ve ruhbilim yöntem ve kuramlarından yararlanılarak, metinin imgesel yapısındaki benzerlik ve farklılıklar ile anlam iletimi / oluşumu incelenmektedir.

Bunun yanı sıra çalışmayla, ortak kültür paydaları sayesinde bir nesneyi kullanan kişinin (mobil telefon kullanan kişiler) bu nesne aracılığıyla kendisi (kişiliği, yaşam tarzı, beğenileri, sosyo-ekonomik düzeyi, değer yargıları, yaşadığı toplum/kültür ve bu toplumda/kültürde yüklenmiş olduğu roller vs.) hakkında kendi dışındaki kişilere ilettiği ya da iletmek istediği bildirilerin söz konusu olduğu bildirişim sürecinde reklamların rolünün gözler önüne serilmesi amaçlanmıştır.

Yukarıda belirtilen amaçlar doğrultusunda çalışmaya yön veren temel varsayımlar şunlardır :

Siemens mobil telefon reklamında,

- teknolojinin gelişkinliği olgusu ön plana çıkarılmakta, diğer bir deyişle teknoloji yüceltilmektedir.

- cinsiyetçi unsurlar / değerler ön planda olacak şekilde ve ağırlıklı olarak işlenmekte, reklam metninde bu değerler yeniden üretilmekte ve doğallaştırılmaktadır.

- cinsiyetin yoğun olarak kullanılmasında erkek egemen değerler belirleyici rol oynamaktadır. Reklamlarda özellikle cinsiyetçi ideoloji doğrultusunda geleneksel mitlere uygun kadın ve erkek imgelerine yer verilmekte; kadın ve erkek "cinsellik ve cinsiyetçi" bakış açısıyla ele alınmaktadır.

- patriarkal toplumsal ve kültürel yapının bir yansıması olarak erkek daha çok "özne" (etkin /etken, erk = güç-lü)konumunda sunulurken, kadın "nesne" olarak "edilgen" konumda sunulmaktadır.

- toplumsal ve kültürel yapının değerleri yansıtılırken aynı zamanda bu değerler yeniden üretilmekte ve güçlendirilmektedir.

- metnin içerdiği gösterge ve kodlar aracılığıyla anlam, alıcı gözünde yeniden üretilmekte, doğallaştırılmakta ve tüketici psikolojisine dönük olarak şekillendirilmektedir.

- içerilen mesajlar, ürünü pazarlayan kesimin amaçlarına koşut olarak alıcıya iletilecek şekilde / iletilmek üzere düzenlenmektedir ve reklam metninde, varolan kapitalist değerlerin (sahip olma, güç, zenginlik, yoksunluğu giderme, vs.) bir takım albenili görüntü ve simge / semboller aracılığıyla işlenerek alıcının zihninde canlandırılması yoluyla alıcı, cezbedilmeye / yakalanmaya çalışılmakta ya da cezbedilmekte / yakalanmaktadır.

Çalışma boyunca bu varsayımların tespitine çalışılmıştır. Çalışmada aynı zamanda, incelemeye tabi tutulan ve söz konusu varsayımları içeren mobil telefon "reklam metninin, bildirişim süreci kapsamında yer alan metinlerarası gösterge ve gösterge dizgelerinden oluştuğu" savı desteklenmeye çalışılmıştır.

I. GÖSTERGEBİLİM VE REKLAM

(Reklam Dilinin Göstergebilimsel Boyutu)

Roland Barthes (2000:104), dil'in doğası gereği kurgusal olduğunu söylemektedir. Dilin doğasından kaynaklanan bu kurgusallık reklam dilinde teknik dilin (teknolojinin) kurgusallığıyla birleşmektedir.

Reklam, görsel olan ya da olmayan tüm diğer iletişim materyalleri gibi bir 'metin'dir ve reklam metni de anlam içeren ve anlamlama oluşturan ileti ve göstergelerden örülüdür.

Bilindiği gibi göstergebilim, gündelik yaşamda türlü şekillerde (görüntü, ses, yazı, vb.) ve bir bütün olarak karşımıza çıkan metinleri (bir reklam metni, bir müzik yapıtı, bir fotoğraf, bir gazete yazısı, bir film, bir heykel, bir tiyatro ya da pandomim gösterisi, vb.) anlam içeren birer göstergesel dizge olarak kabul etmekte ve incelemektedir. Göstergebilimin çözümleme ağına takılan tüm anlamlı bütünler / anlatılar / metinler o andan itibaren bir konudile dönüşmekte ve bu bilim dalının kendine has, doğal dillerden ayrı olarak oluşturduğu bir "üst dil" aracılığıyla incelenmektedir. Reklamlar da diğer tüm dilsel ve dil dışı dizge ve metinler gibi anlam ve göstergebilim terimcesiyle çözümlenebilecek metinlerdir. Bu bakımdan reklam göstergebilim çalışmaları arasındaki yerini almıştır.

Göstergebilimsel alan, göstergeleri ve bu gösterge çeşitlerinin anlam iletme ve taşıma biçimleriyle, göstergeleri kullanan insanlarla ilişkilendirilme biçimlerini kapsadığı gibi, toplumun gereksinimlerini karşılamak için, yine toplumsal ya da kültürel yapının içinde gelişen ve işleyen kodların ya da sistemlerin kullanımıyla şekillenen metinsel (ya da anlatısal) yapıları da içermektedir.

Son derece farklı biçimlerde ortaya çıkabilen ve kişinin duygu, düşünce ve değer yargılarıyla şekillenen anlatılar (yazı, davranış, görüntü, müzik, söz, vs.), birimlerin birbirlerine eklemlenmesiyle birtakım anlam aşamalarından geçerek, karşıt, çelişik, bütünleşik yapılar halinde oluşurlar. Reklam metni de görüntü'sü, söz'ü, müziği, oluşturduğu özel dil'iyle bir anlatıdır. Sanatsal ve söylensel düzeydeki anlatılardan yararlanır. Reklam metni, "reklam görüntüsü, reklam sözü, reklam yazısı, reklam müziği" gibi birimlerin karşıt, çelişik, bütünleşik yapılar halinde eklemlenmesinden ve ilişkilerle donatılmış anlam katmanlarından oluşmaktadır.

Barthes(1999:239)'a göre "her reklam bir bildiridir" ve her "reklamın bir çıkış kaynağı (piyasaya sürülen ve övülen ürünün ait olduğu firma), bir alış noktası (halk) ve bir aktarım kanalı (yani reklam iletme aracı denilen şey) vardır". "Her bildirinin, bir anlatım ya da gösteren düzlemi ile bir içerik ya da gösterilen düzleminin birleşiminden oluştuğunu bilmekteyiz" diyen Barthes (1999:239), reklam tümcesinin gerçekte iki bildiriden oluştuğunu belirtir. Buna göre, reklamda birinci bildiri, tümcenin, taşıdığı reklam amacından tam olarak soyutlanıp sözcüklere sıkı sıkıyabağlı kalınarak kavranmasıyla oluşur (Barthes,1999:240). Barthes(1999:241)'a göre " bu bildirinin de bir anlatım düzlemi (sözcüklerin sessel ya da çizimsel tözü, algılanan tümcenin sözdizimsel bağıntıları) ile bir içerik düzlemi (aynı sözcüklerin ve aynı bağıntıların gerçek anlamı)vardır" ve "her dilin "aktardığı" kabul edilen gerçeğin karşısında, bu birinci bildiri düzanlam bildirisi olarak adlandırılır."

Barthes (1999:242) reklamı içerdiği ikinci bildiriye bağlı olarak özel bir yananlam olgusu olarak tanımlar. İkinci bildiri Ona göre (1999:241) "bütünsel [global] bir bildiridir ve bu bütünselliği de gösterilenin tekil özelliğinden alır. Bu gösterilen tektir

ve bütün reklam bildirilerinde her zaman aynıdır: Bir tek sözcükle belirtecek olursak, ilan edilen ürünün mükemmelliğidir bu". Örneğin (Barthes'ın verdiği örneğe göre) "Astra yağların en mükemmeli, Gervais de dondurmaların en mükemmelidir. Bu tek gösterilen neredeyse bildirinin temelini oluşturur, bildiri sunmadaki amacı tümüyle tüketir: Bu ikinci gösterilen algılandığı anda, reklamın yapılmasındaki amaca da ulaşılmış olur" (s.241). Gösterileni, ürünün mükemmelliği olan bu ikinci bildirinin göstereni ise "her şeyden önce, retorikten (biçem oyunları, eğretilemeler, tümce durakları, sözcük birleşimleri) kaynaklanan biçem özellikleridir" Barthes(1999:241)'a göre. Aynı zamanda "kendisi de gösterenler ile gösterilenlerin birleşiminden oluşan birinci bildiri, bir çeşit kopma, uzaklaşma hareketiyle ikinci bildirinin basit bir göstereni durumuna gelir, çünkü ikinci bildirinin bir tek öğesi (gösteren) birinci bildirinin bütününe yayılır"der Barthes (1999:242).

Göstergebilimcilerin anlamlama biçimlerini dizgeli ve dizgesiz diye ayırdıklarını söyleyen Pierre Guiraud (1990:37), E. Buyssens'ın yaptığı ve G. Mounin'ce yinelenen şu tanıma yer verir:

"Bildirilerkalıcı ve sürekli göstergelere ayrıştırıldığında, ortaya dizgeli belirtgeleme biçimleri çıkar: Daireleri, dörtgenleri ve üçgenleriyle yol belirtgelemelerinin durumu böyledir; çünkü bu biçimler, çok belirgin belirtge öbekleri oluşturur; ama tersine durumda dizgesiz olanları söz konusudur: Bir deterjan markasına ilgiyi çekmek amacıyla biçimi ve rengi kullanan reklam afişi ya da hatta aynı deterjan markası için arka arkaya kullanılan değişik bir dizi afiş bu türdendir."

Reklam çoğunlukla eğretilemelere dayanır, benzerliklerden yararlanır. "Eğretileme reklamcıya, benzeyen ile benzetilen, düzdeğişmece de bütün parça arasında bir seçim (benzeyen ve parça) yapma olanağı" verir (Büker ve Kıran,1999:54). Barthes(1979:46-47)'a göre, reklamda yani "tanıtıda kullanılan bir takım fabrika markaları salt "soyut" nitelikli (benzerlik taşımayan) biçimlerden oluşur. Ne var ki, bunlar, gösterilenle benzerlik bağıntısı kuran belli bir izlenim (örneğin "güçlülük" izlenimi) de uyandırabilir: Berliet markası (birçok okla donatılmış bir yuvarlak) hiçbir biçimde güçlülüğün öyküntüsüdeğildir;… ne var ki örtülü bir benzerlikle güçlülük izlenimi uyandırır. Demek ki benzerlik olgusuyla benzemezlik olgusunun bir tek dizge içinde bir arada bulunduğu tartışma götürmez".

Bilindiği gibi göstergebilim "anlatılarda, metinlerde anlamların nasıl birbiriyle eklemlenerek üretildiğini araştıran, öncelikle de bu üretim sürecini ortaya koyabilecek bir kuramsal aygıt (düşünme modeli) geliştiren bir bilimsel tasarı" (Rifat,1996a:17) şeklinde düzenlenir.

Göstergebilimsel açıdan bakılacak olursa "reklam iletilerinde belli bir anlam yaratılır, anlamlandırmaya gidilir. Biçim ve içerik düzlemlerinin birleşiminden ortaya çıkan bir süreç niteliğindeki anlamlandırma tümüyle bireyin iletideki göstergeleri okuması, algılamasıyla ilintilidir" (Küçükerdoğan ve Sarı,2000:219). Yapısalcılık ve göstergebilime göre, kodlayıcının yaptığı seçim doğrultusunda temel anlamlar ve yan anlamlar kazanan göstergelerden herhangi anlamlı bir 'mesaj' oluşturulabilir (Mc Quail ve Windahl,1997:170). Aykut Köksal (Turan ve başk.,1995:117)'a göre, reklamda "kodlanmış mesaj", reklamcı için başlı başına 'ürün'ün kendisidir. Bu mesaj, üründen farklı bir araca yüklenildiği vakit reklama uygun, reklama özgü bir hale gelmektedir. Burada reklamcının hedefkitle olarak tanımladığı kitlenin bu kodlanmış mesajı çözmesi söz konusudur. Bu bağlamda da herşey reklamın sınırlarının içine girmektedir.

"Reklamcı mesajını iletirken, daha doğru bir tanımla kodlarken genellikle toplum tarafından onaylanmış söylemleri çıkış noktası almak ister" (Turan ve başk.,1995:119). Barthes(2000:95)'a göre; "Resim, gerçeğe onu görmeden de öykünebilir. Söylem, göndergeleri olduğundan kuşku duyulmayan göstergeleri bir araya getirir…". Burada Kurtuluş(2000:73)'un sanat yapıtları için söyledikleri reklam için de söylenebilir. Nitekim reklamda da "resmi anlamlandırma işleminde, kişisel imgelem gücünün ve önbilgilerin etkisi olduğu açıktır. Resimdeki imgelerin izleyici tarafından algılanması bir takım kültürel birikimleri içerir. Sanatçının kodlara ve uzlaşımlara aykırı bir biçimlendirme edimine girme olasılığı gibi, izleyicinin de bunları açımlaması farklı düzeylerde gerçekleşebilir. Anlamın çok yönlülüğü de bu noktada ortaya çıkmaktadır" (Kurtuluş,2000:73).

Göstergebilimin başlıca iddiası da "anlam yelpazesinin, dilin doğasına ve hem gönderenin (kodlayıcı) hem de alıcının (çözümleyicinin) paylaştıkları bir kültürde gösterge ve sembollerin kalıplar halinde düzenlenmesine dayalı olduğudur. Göstergebilim kodlanmış metnin gücünü önemser. Anlamın belirlenmesini bununla yakından ilgili görür" (Mc Quail ve Windahl,1997:170).

Reklam metinlerinde "yananlamın ortaya çıkışı da bir kod açımıdır ve bunun yapılabilmesi için uzlaşımsal bir öğeye gereksinim vardır. Böylece anlam toplumsal uzlaşımla oluşturulur" (Kurtuluş,2000:73).

Reklam "imgeyi yaratırken, hem ikonik, hem indeksikal, hem de sembolik göstergeleri kullanarak bu göstergelerin olanaklarından yararlanır" (Yazıcı,1997:114). Pierre Guiraud (1990), imgelerin söylensel kökenli oluşundan söz etmekte ve " görünüşte en özgür, hiç değilse en ussal" dediği "seçimlerimizin çoğunluğu"nun, "söylensel kökenli bilinçaltı betimlerle koşullanmış" (1990:96) olduğunu söylemektedir. Nitekim (Guiraud'a göre) "çağdaş bilim, davranışlarımızın bu göstergesel ırasını açıkça ortaya koymuştur. Pavlov'un köpeği nesnelere değil, nesnelerin imgelerine tepkir. Davranışbilim de, davranışlarımızın, göstergelere koşullanmış birer tepki olduğunu ortaya koyar. Ayrıca, Psikanalizçısından bu göstergeler, ilkil, bilinçaltı ve bilinçdışı durumlardan kaynaklanır. Jung'un görüşü ve "ilkiltürler" kuramına göre, bu durumların bir bölümü topluma; bir bölümü de, Freud'un da belirlediği gibi, tek tek bireylere özgüdür" (1990:96).

Sözgelimi "neden şarap ya da süt içeriz? Fransızların patatesli biftek tadalımı nereden gelir? Hayranlık ya da önyargılarımız neye dayanır?" gibi konuları Roland Barthes (1957,1975), Mythologies (Söylenceler) adı altında topladığı denemelerinde sergiler(Guiraud, 1990:96) ve ekinsel farklılık gösteren bu alışkanlıkların (sözgelimi "sütün, patatesli bifteğin, otomobilin, dinlencenin, yazın'ın, vb.") bir söylencesi olduğunu gösterir (Guiraud,1990:97). "Mythologies'de Barthes, kitle kültürünün çeşitli ifade biçimlerinin içinde reklamı da modern bir mit olarak ele alır." (Mattelart,1991:116).

Beğeni ve yargıları doğrulama adına öne sürülen nedenlerin ise - ne kadar içtenlikli olsa da - bütünüyle us dışı olduklarını belirten Guiraud (1990:97), bununçağdaş reklamcılığın ortaya koyduğu bir olgu olduğunu, reklamcılığın bundan gerekli payı aldığını öne sürer ve Amerikan toplumundan (başka toplumlarda da pek farklılık göstermeyen) şu örnekleri verir (1990:97-98):

"Amerikalı tiryaki kendi sigara markasına bağlıdır; oysa işin gerçeğinde, deneyim göstermiştir ki,genelde, aynı Amerikalı bu markayı tanımakta bütünüyle yetersizdir? Uygulayımcıların buradançıkardığı sonuç kısa ve kesin: "Sigaraları değil, sigaraların imgelerini içiyoruz." Bayanların tutumu da aynı ölçüde açık: Onlar da "yumuşatıcı", "pekleştirici", "gençleştirici" kremlere değil; gençliğin, çekiciliğin, aşkın imgelerine para verirler. Buradan adın, ambalajın ve artık "marka imgesi" denilen her şeyin önemi çıkıyor ortaya. Tecim, bütünüyle us dışı, bilinçdışı ve bilinçaltı düzeylerde işleyen simgeler pazarlıyor."

Baudrillard(1997)'ın da belirttiği gibi (Dağtaş,2000:134), "çağdaş tüketici kapitalizmde, tüketiciler ürünleri değil, göstergeleri tüketir. Bu göstergeler tüketiciye reklam aracılığı ile ulaşır".

Günlük yaşamda karşılaşılan en yaygın göstergeler, resimler ve çizimlerdir. Bunların büyük çoğunluğu da genellikle reklamlara ait resim ve çizimler olmaktadır. Bunlar reklamı yapılan ürünün sembolü veya markası olabilmektedir. Ünsal(1971:188)'a göre reklamda "her mal, servis veya iş genel olarak bir marka veya sembole bağlanmıştır. Ayrıca her malın, reklamlarda kendine has tarzda anlatımı gerekmektedir. Halkta olumlu izlenimler bırakabilmek için, kullanılan reklamdaki işaretler, semboller ve usuller, onun kanaat ve inançlarına aykırı düşmemelidir". Hatta denilebilir ki, reklam işaret ve sembolleri bir yerde halkın, kültürün kanaat ve inançlarının sembolü, göstergesi haline getirilmektedir.

II. MOBİL TELEFON REKLAM METNİNİN GÖSTERGEBİLİMSEL ÇÖZÜMLEMESİ

(SIEMENS MOBİL TELEFON REKLAM METNİ)

2. 1. GÖRÜNTÜSEL ÖĞELER

2. 1. 1. Görüntüsel göstergenin ilk göze çarpan görüntübirimi, takım elbise giyimli ve orta yaşın üzerinde olduğunu belirten kırlaşmış saçlarıyla, iri yapılı uzun boylu, mavi gözlü, esmer bir erkek'tir (düzanlam). Erkeğin, sağ omzunda tek eliyle tuttuğu, üzerine pardösüsünü attığı seyahat çantası ve yine sol elinde bir başka seyahat çantası - erkeğin çantayı tutan sol elinin gerilmiş ve sıkılaşmış görüntüsü, çantanın oldukça dolu ve ağır olduğu izlenimi uyandırmaktadır - ile koltuğunun altında, sol eliyle belinin yan tarafına dayadığı dörde katlanmış çeşitli gazetelerle birlikte tuttuğu - gazetelerin katlanmış haliyle aynı boyda olan - mini özel çantası bulunmaktadır (düzanlam).

Erkek, iş güç sahibi, ciddi ve seçkin görünümlü giysiler içindedir. Bilindiği gibi, kişinin giyimi, sahip oldukları ve yaşam tarzı, "onun zenginliğinin, gücünün ya da sosyal konumunun bir imleyenidir" (Berger,1996:121). Dolayısıyla biz de, erkeğin titiz ve "ciddiyetlik" kokan (yananlam) giyim tarzı ve eli kolu dolu bu vaziyetinden, - akıl yürütmelerimiz ve dünya hakkındaki deneyimlerimiz yardımıyla - sık sık seyahat ettiği ve bu seyahatlerin iş seyahati olduğu, dolayısıyla erkeğin

bir "işadamı", "çalışan bir erkek olduğu (düzanlam) bilgisini edinmekteyiz : O, bir iş seyahatine çıkmak üzeredir veya iş seyahatinden dönmektedir (Bu bulgu daha ileride açıklayacağımız uzamsal birimlerle de pekişmektedir). Bu bulguları destekleyici bir başka görüntüsel gösteren de, erkeğin üzerinde taşıdığı ve iletişimi kulaklığı aracılığıyla sağladığı bir "mobil telefon" görüntüsel birimidir. Kulaklığın uzantılı kablosu erkeğin göğsünden aşağı doğru uzanarak kemerine takılı olan mobil telefona bağlanmaktadır. Dudaklarının bir şeyler söyleyecekmiş gibi aralık olması, ve kulaklıkların kulağında oluşu, erkeğin mobil telefonda konuştuğu görüntüsünü vermektedir (düzanlam).

Erkek, (ayakta ve dimdik duruşu ile) kendinden emin, güçlü(lük) ve kararlı(lık) (ellerinin kollarının mobil telefonu tutamayacak kadar dolu oluşuyla da) aynı zamanda çalışkan olduğu (çalışkanlık) yananlamlarını oluşturmaktadır. Ayrıca, erkeğin hareketsiz ve durgun görünümdeki yüz ifadesi ve mimiklerinin yanı sıra, bakışlarından "heyecanlı olduğu" okunmaktadır : erkeğin heyecandan sesi soluğu kesilmiş ; büyümüş ve karşıda bir noktaya sabitlenmiş bakışları heyecandan adeta taş kesilmiştir. Şimdi, bağlamsal olarak - aynı zamanda - bu savı destekleyici ve açıklayıcı olan metindeki diğer görüntüsel birimlere geçiyoruz.

2. 1. 2. Görüntüsel göstergenin sağ tarafında, kısa kollu kırmızı bir t-shirt ile beyaz mini etek giyimli - metnin neredeyse dörtte üçünü kaplayan büyüklükte - genç bir kadın bedeninin oturur vaziyetteki görüntüsü (düzanlam) yer almaktadır. Metinde kadın bedeninin yalnızca sağ kol, sağ göğüs ve - birbirine yapışık dairesel biçimlerdeki diz kapaklarının öne çıktığı - bacaklarından oluşan uzuvları görülmektedir. Kadının başı ve ayakları görüntüsel göstergeye dahil edilmemiştir. Metnin kenarında kalan kadın bedeninin, neredeyse metnin - boyutsal olarak - yarısına ulaşacak büyüklükte görüntülenmesi, kol, göğüs ve bacak uzuvlarının metinde parça parça sunulduğu izlenimi uyandırmaktadır. Parçaların - bu boyutsal büyüklüğü ve - gerçekte normali aşan bu devasa görüntüleri bedenin fiziksel ve anatomik bütünlüğünü bozmakta, parçaları bütünden koparmakta / bütüne ait olmaktan çıkarmaktadır. Bedeni parçalanmış ve (böylece) gerçek bütünlüğü bozulmuş olan kadın burada, "yakın çekimlerle parçalara ayrılmış ve stilize edilmiş gövdesi metnin içeriği haline gelen ve izleyici-okuyucunun bakışının doğrudan alıcısı olan bir ürün"dür (Mulvey,1993:22) artık.

Metinde kadın bedeninin (kol, diz kapağı, bacak gibi) görünen parçalarının bu birbirinden kopuk ve çıplak görüntüsü, ilk etapta tanımlanmalarını güçleştirmekte ; gözü, bir bütünün parçaları olduğu konusunda yanıltmaktadır. Her bir parça ilk bakışta ayrı bir bütünmüş gibi algılanmaktadır. Bu algısal yanılgı, ilk birkaç saniyede oluşmakta, hemen sonrasında parçalar bütün içerisinde yerine oturmaktadır. Bu şekilde "tanımlanamayan" bir "varlık" haline getirilen kadının, bedenine ait parçalar - bu sebepten ilk etapta belli bir bütüne ait olmayan - farklı görüntülerde algılanmaktadır : örneğin üst kısımda yer alan ve üstten bir bölümüne kırmızı renk (bir giysi) giydirilmiş, çıplak görünümdeki sütun biçimli görüntüsel birimin ilk etapta "bir bacak" olduğu sanısına kapılınmakla birlikte, çok geçmeden bunun (aslında) bir "bacak" değil, kısa kollu kırmızı t-shirt giyimli bir kadın "kol"u olduğu anlaşılmaktadır. Aynı şekilde, oturma esnasında bacakların iki büklüm oluşuyla yuvarlaklaşan diz kapakları, burada birtakım (görüntü ve ışık gibi) kurgusal tekniklerle gerçekte olduğundan daha büyük ve bulanık görüntülenmek yoluyla biçimsel bir bozulmaya uğratılmıştır. Böylelikle, diz kapaklarının adeta şişirilmiş olan bu birleşik görüntüsü, - metne ilk bakıştan itibaren - "çıplak bir popo" izlenimi uyandırmaktadır.

Yazarlara göre (Büker-Kıran,1999:59) "çıplak beden başkaları tarafından (reklamları izleyenler) seyirlik bir malzeme olarak tüketildiğinde nesne statüsü edinir ve nesne olarak kullanılır." Bu reklamda da kadının çıplak olan kol, diz ve bacak gibi kısımları biçimsel bir bozulmaya uğratılarak (kol'da) "çıplak bacak" ve (diz'de) "çıplak popo" izlenimi uyandırılmakta ; böylece "çıplaklığı"nın ön plana çıkarılmasıyla kadın "tümüyle seyirlik bir nesne olarak" (s.59) tüketilmektedir. "Reklamda kadın bir yandan erkek bakışının nesnesi olarak kurban edilirken, öte yandan fetiş nesnesine dönüştürülür" (s.109). Nesneleş/tiril/en ve ikincil, edilgen konuma yerleştirilen kadın böylece iki kez aşağılanmış olur.

Görüntüsel göstergede kadın bedenine, bütünden ziyade, "bacak"görünümündeki kol ile "popo" görünümündeki diz kapaklarının görüntüsü hakimdir. Kadın bedenini oluşturan her parça bedenin cinsel etki uyandıran bir bölgesine aittir : göğüs, (kol'da "bacak" yanılsaması yaratıldığı için) kol ve bacak, (diz'de "popo" yanılsaması yaratıldığından) diz ve popo.Bedenin parça parça ve net olmayan (bu flu) görüntüsünün ilk bakışta algısal bir yanılgı / yanılsama yaratması ve diz kapağının, birtakım kurgu teknikleri sonucu "popo", kolun ise "bacak" biçimine büründürülmesi reklamcı tarafından cinsiyetçi ideoloji amaçlı yapılmış bilinçli bir biçimlendirme edimidir. Reklamcı bir aldatmacayla izleyici-okuyucuyu, kolun "bacak", dizkapağının "popo" olduğu konusunda yanıltmaktadır. Bu şekilde, reklam metinlerindeki cinsiyetçi söyleme dayalı olarak kadının cinselliği sömürülmekte, bir yandan da kadınlar "tüketici" konumuna indirgenmekte / davet edilmektedir (Binark,2000:206).

Görüntüsel göstergenin sağ kenarından hafif bulanık bir görüntü olarak beliren kadının yalnızca sağ kol, sağ göğüs ve diz kapaklarının yuvarlaklığının belirginleştiği bacakları görülmektedir. Kadının başı, ayakları ve bedeninin geri kalanı görüntüsel göstergeye dahil edilmemiştir (bedenin "kafa, baş"tan oluşan bölümü "insan onurunu", "kişiliği", "bireyliği", kısaca "insan olma"yı simgelemektedir ; "insan başı"nın "dik olması" onurluluğa yorulmaktadır). (Bu bakımdan,) kadının kafasının / yüzünün görünmemesi, sadece bedenine, özellikle de bedeninin çıplak yerlerine yer verilmesi kadını "kişi" ve "birey" olmaktan uzaklaştırmakta, - cinsel bölgelerini vurgulamakla ve çıplaklığını ön plana çıkarmakla - "cinsel bir obje, bir fantazma aracı" haline getirmektedir.

Reklamda kadın, arzu'nun, en önemlisi de cinsel arzu'nun nesnesi haline getirilmektedir. "Popo" cinsel bir organ olarak "cinselliğin ; cinsel arzunun" önemli bir göstergesidir. "Arzu kavramı psikanalitik anlamda cinsel arzunun uzantıları olarak algılanabilir. Cinsel arzu, kişinin çiftleşme, iki kişi olma isteğidir" (Adanır'dan aktaran Güçhan,1993:29). Çıplak beden (özellikle de - reklamda yer verilen "popo" gibi - cinsel bölgelerin çıplaklığı) izleyicinin libidosunu canlandırmaktadır. "Freud libidoyu, "kafamızın içindekileri yansıtan cinsel içgüdü kuvveti" şeklinde tanımlar. Libido değişik şekillerdeki şehvet ya da tensel hoşnutluklar ve elde edebileceğimiz hazza işaret" etmektedir (Özgü ve Baymur'dan aktaran Güçhan,1993:29). Reklamda "cinsellik" ve "cinsel arzu", doğal olmayan (kurgusal) tekniklerle oluşturulan sembolik düzeydeki görüntüler ve (popo ve bacak) yanılsamalar(ıy)la dışavurulmakta, izleyici-okuyucunun duygularını etkilemek ya da sömürmek amacı bir yana, örtülü olarak bilinçaltı baskıları deşmek amacıyla (sembolik görüntüler ve diyaloglar - burada 'ses' - aracılığıyla) sergilenmektedir. Paglia'ya göre, "okur ya da izleyicinin duygusal tepkisi erotik tepkiden ayrı tutulamaz." Zira "duygusal uyarı duyusal uyarıdır : duyusal uyarı cinsel uyarıdır" (1996:90). Bu yolla reklamda gizliden gizliye izleyici-okuyucuya bir çeşit şiddet uygulanmaktadır.

Yazarlara göre "gerçek dünyada olumsuz olarak kabul edilen şiddetin görüntüsünün de olumsuz olması nedeniyle, bu görüntülerin reklamın esenlikli evrenine gir(e)meyeceği düşünülebilir. Reklamcı bu sorunu ... gösterilen parçayı örterek, estetize ederek çözer ; hatta meşru bile kılmaya çalışır. Böylece reklam filmi, parçası olduğu evrendeki şiddetle düzdeğişmeceli bir ilişki kurarak, bu olguyu "gizlice" barındırır. Nesne ile çevresi, nesne ile özellikleri arasında bağıntı kuran bu ilişki, şiddeti (...) gerçek evrenle bitişiklik bağıntısı kurarak yansıtır." (Büker ve Kıran,1999:53).

Reklam metnindeki kadın ; kimliği, bireyliği, insanlığı ve onuru çalınmış, değersizleştirilmiş olarak cinsel bir nesneye, dahası erotik bir simgeye ; bir seks simgesine dönüştürülmüştür (Paglia'ya göre sanat gibi cinsellik de simgelerle yüklüdür (1996:35) ve burada da kadın - şiddetin "özne"si olarak - başlı başına cinsel bir simgeye; cinselliğin simgesine dönüş/türül/müştür. Yine Paglia(1996)'ya göre, cinselliği çevreleyen duygu ve imgelem halesi, erotizmi gizemli(mystique)'leştirir (s.35). Bu nedenle kadın (reklamda) cinselliğin göstereni olarak gizemli; mistik bir varlığa dönüş(ür). Kadın, bu şekilde son derece çirkin bir cinsel tacize maruz bırakılmaktadır. Reklam fotoğrafının bu görüntüsü, toplumun mevcut ahlak anlayışını, ahlaki değerlerini alt-üst eden, toplumsal değerleri demoralize eden - hiçbir bilimsel jargonun ifadesiyle hafifletilemeyecek kabalıkta ve açıklıkta - bir tavırla izleyiciye sunulmaktadır. Keza cinselliği doğal ve ilkel bir dürtü olarak nitelendiren Paglia (1996:10), "Cinsellik, insan ile doğa arasındaki buluşma noktasıdır, bu noktada ahlak ve iyi niyet, ilkel dürtüler karşısında yenik düşer" demektedir.

Büker ve Kıran(1999:137)'a göre "Kadın nesne olmayı gerçekleştirebilmek için, açık giysiler giyer, kokular sürer, süslenir. Böylece yalnızca bir nesne olmakla kalmaz, erotik bir nesne olur. ..... Kadının erotik bir aksesuar olması cinsel tacizin habercisidir. Cinsel tacizi erkek bakışla da gerçekleştirebilir; kadını seyirlik nesne haline getirir, fetiş nesnesine dönüştürür, cinsel kimliğini tehdit eder, bir bakıma ezer."

Reklamda kadın, bedeninin parçalanarak çıplak yerlerinin sergilenmesiyle fetiş nesnesi haline getirilmektedir. "Mulvey'in dediği gibi, kadın gövdesi yakın çekimle parçalanıyor. Kadını görmüyoruz, yalnızca bacaklarını görüyoruz. Kadın bacakları, kadın göğüsleri, kadın iç çamaşırları gibi, film ya da reklam görüntülerinde yer alan fetiş nesneleridir. Fetiş nesneleri düzdeğişmeceli bir ilişkiyle kadının kendisini fetişe dönüştürmektedir. Erkek, kadını ve kadın kimliğini her iki durumda da tehdit eder, bir başka deyişle ezer. Bize göre, fetiş nesnesine dönüştürdüğünde, erkeğin kadını denetleme ve sahip olma duygusu güçlenecektir. Çünkü ona artık abartılı bir nesne değeri vermekte, onu yüceltmektedir" (Büker ve Kıran,1999:109).

Kadın burada (da) iki şekilde aşağılanmakta ve değersizleştirilmektedir : öncelikle, kadın ; bedeninin, parçalara ayrılarak bütününün, en önemlisi de kafasının metne dahil edilmeyip (kişiliğiyle, onuruyla, bireyliğiyle birlikte) fiziksel bütünlüğünün parçalanması yoluyla edilginleştirilmekte, aşağılanmaktadır : kadın; insan, kişi ve birey olmaktan uzaklaştırılmaktadır. İkincisinde ise, kadın, parçalara ayrılan her bir uzvu bedenin cinsel etki uyandıran bir bölgesine (popo, bacak) - son

derece doğal olmayan (yapay / kurgusal) yollarla - benzetilerek / dönüştürülerek, tanımlanamayan cinsel bir gösteren olarak "herhangi" bir obje, nesne, "şey"[1] haline getirilmek yoluyla aşağılanmakta, değersizleştirilmektedir.

Kadın bu şekilde "seyirlik bir nesne konumuna da indirgendiği için bu anlamda da genel olarak, kendisine dolaylı şiddet uygulanır" (Büker-Kıran,1999:57). Ayrıca, kadının "uzaklık yaratacak bir perspektifin yardımıyla gizemli bir varlık gibi" sunulması (Büker-Kıran, 1999:57), gölgeleştirilmesi ve kol, bacak gibi kimi çıplak yerlerinin görüntü yoluyla, cinsel bölgelere dönüştürülmesi şiddeti davet eder gibidir. Siemens (ve Siemens'e sahip olan erkek) kadını taciz etmekle kadının kimliğine saldırmakta, onu seyirlik ve erotik bir fetiş nesnesine dönüştürmekle şiddete tabi kılmaktadır.

Mulvey (aktaran Büker-Kıran,1999:109), "sergilenen (erkeğin bakışına sunulan) kadının hem filmin içindeki erkeklerin hem de sinema salonundaki erkeklerin erotik nesnesi olmak gibi iki işlevi" olduğunu söyler. Burada da kadın bedeni (üstelik de parça parça - parçalanmış halde -) hem reklamın içindeki erkeğin hem metin dışındaki izleyici-tüketici konumundaki erkeğin "erotik nesnesi" olmaktadır. Mulvey, kadının cinsel nesne olarak teşhir edildiğini, erotik ve güçlü bir görsel etki yaratacak biçimde kodlanmış dış görünümüyle bakılabilirliği yananlamsal olarak çağrıştırdığını söyler (1973:19)". (Büker ve Kıran,1999:109). Paglia(1996:78-79)'ya göre ise :

"Erkek, erotik düzeyde kadının 'biçimliliği'ne saplanmıştır, ironik ama, kadın anatomisinin en sulu ve dengesiz bölmeleri olan meme, kalça ve bacakları oluşturan o anaç yağ dokularına... Kadının çıkıntılı anatomisi, kitonyen doğanın kabaran dalgalarını yansıtır. Erkek; biçimli olana odaklanıp, kadını bir cinsellik nesnesi haline getirerek, doğanın korkunç akımını sabitleştirmeye ve dengelemeye çabalamıştır. Nesneleştirme, kavramsallaştırmadır, en üstün insan melekesidir. İnsanları cinsellik nesnelerine çevirmek türümüzün özelliklerinden biridir. Bu özelliğimiz, cinsellik nesnesi olan sanat güdüsü ile iç içe ve belki de onun tıpkısı olana dek hiçbir zaman kaybolmayacaktır. Cinsellik nesnesi, doğaya zorla dayatılmış bir tören biçimidir. O, sapkın hayal gücümüzün bir totemidir."

Orta plana, metnin "merkezi"ne yerleştirilen erkeğe metinde güçlü, nüfuzlu bir alan ayrılırken, kadın metinde adeta"kenara itilmektedir". Kadın, erkeğe yol verircesine bir "kenara itilmekte", değersizleştirilmekte, dolayısıyla "güçsüz" bir varlık olarak ikincil konuma yerleştirilmektedir. Kadın, reklamda "kişiliği" ve "kimliği" yok edilmiş bir varlık olarak sunulmaktadır ("Varlık" olarak adlandırıyoruz, zira reklamda, kadının bütünsel olarak "insan" olduğu dahi belirsizleştirilmiş, görünüm itibariyle fiziksel bütünlüğü biçimsel olarak bozulmuş - sadece bedenden ibaret - bir "tanımsız varlık" haline getirilmiştir).

2. 1. 3. Görüntüsel göstergenin sağ kenarında yer alan Siemens marka mobil telefonu tutan genç bir erkek elinin görüntüsü (düzanlam). Mobil telefonu başparmağıyla işaret parmağı arasında tutan el'in görüntüsü, metinde "popo" görüntüsünün üzerine gelmektedir. Elin bu görüntüsü kadının çıplak, üstelik de "popo" biçimindeki dizini / bacağını taciz eder görünüştedir. Görüntüsel birimler içerisinde ön plana çıkan "popo üzerinde telefon" biçimindeki bu görüntüsel gösterenle burada, kadının erkek tarafından tacizine, üstelik de telefon yoluyla maruz kaldığı cinsel tacize tanık olmaktayız. Durumu daha da vahim ve çirkin hale getiren ise tacizin doğrudan elle değil de, bir nesne (mobil telefon) aracılığıyla gerçekleştirilmesidir.

Erkek, metindeki güçlü ve kadının cinselliğini denetleyici öğe olarak iktidarı elinde bulundurur. Siemens mobil telefon bir bakıma erkeğin elindeki "güç"tür. Erkek, elindeki (bu) güçle kadının cinselliğini ve kimliğini denetler, baskı altına alır, sömürür. Paglia, cinsellik ve kimlikten "iktidar" olarak söz eder (1996:8). Ona göre iktidar istemi doğuştan gelen bir dürtüdür (1996:13). Erkek burada, kadının cinselliğini ve kimliğini "taciz" etmekle iktidarı elinde bulundurur. "Her çekim, her dokunuş şekli, her orgazm psişik gölgeler tarafından biçimlenir" (1996:14) diyen Paglia'ya göre, erkeğin kadın bedenini -düşsel olarak - "popo"ya çevirerek taciz etmesi de, yine insandaki birtakım psişik süreçlerin ürünüdür / sonucudur. Cinselliği iktidar olarak açıklayışıyla bağlantılı olarak Paglia, cinsel taciz olarak "tecavüz" üzerine şunları söyler (1996:61) :

"Cinsellik iktidardır, ve tüm iktidarlar yapısal olarak saldırgandır. Tecavüz, kadın iktidarına karşı savaşan erkek iktidarıdır. Cinayetten ya da kişi haklarına herhangi bir saldırıdan farkı yoktur. ....Tecavüz ; doğanın hepimizin içine yerleştirdiği ve uygarlığın da bunu içinde barındırmak üzere geliştirildiği, iktidar-isteminin cinsel dışavurumudur."

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[1] "Şey" sözcüğünü burada "tanımsız nesne" karşılığında kullanıyoruz.

Paglia'nın belirttikleri doğrultusunda denilebilir ki erkek, ilkel bir dürtü olan cinsellik istemiyle iktidarını kadın üzerinde / üzerinden ilan etmeye çalışır. Reklamda erkek, iktidar istemini kadına cinsel tacizde bulunarak (yani şiddet yoluyla) dışa vurmaktadır. (Paglia(1996:81)'ya göre) Erkek için "cinsel nesne hedef alınacak bir şeydir".

"Reklam olumlu bir dünyanın parçası olduğu için, gerçek dünyanın tümü bize olumluymuş gibi gösterilir ; şiddet bile böylece olumlu, meşru bir özellik kazanır. Oysa gerçek dünya ne tümüyle olumlu ne tümüyle olumsuzdur. Ama reklamcı bu dünyanın olumlu tarafını (kimi zaman biraz da abartarak) görüntüyle biçimlendirir, olumsuz tarafını da (şiddeti de) örter; hafifletir ya da estetize eder." (Büker-Kıran,2000:54). Burada da reklamcı ; gerçekliği biçimlendirme, olumsuz tarafları örtme ve estetize etme yoluyla kadına yönelik bir şiddet olan "cinsel taciz"i meşrulaştırmaktadır (erkek elinin tesadüfen, yalnızca telefonu tutmak/göstermek için orada ("popo" üstünde!) olduğu görüntüsü / izlenimi verilerek, elin "popo"yu taciz ettiği olumsuzluk durumu örtülmekte, hafifletilmektedir). Cinsel taciz'in olumsuz taraflarının örtülmesi ve hafifletilmesi yoluyla olumlulaştırılması ; estetize edilmesi, - reklamcının kullandığı - cinsel taciz'i estetize (edilmiş) taciz'e dönüştürmenin bir yoludur.

Görüntüsel göstergede yer alan erkek elinin, mobil telefonu ekranıyla birlikte bütünüyle görülebilecek şekilde tutması, telefonun (SIEMENS) markasının görülmesini sağlarken, bunun bir SIEMENS marka mobil telefon ürünü reklamı olduğu bilgisini vermekte ve aynı zamanda metin üzerindeki SIEMENS logosunu içeren dilsel birimi onaylamaktadır.

2. 1. 4. Görüntüsel göstergenin diğer görüntübirimleri, metnin sol kenarında arka planda kalan - ve birileriyle konuştuğu ya da bir yöne baktığıizlenimi veren - belirsiz ve silik (flu) olarak görüntülenmiş bir kadın fotoğrafı ile, daha solda, oturan kadın bedeninin sağında yer alan bir erkeğin, sadece baş kısmının göründüğü son derece silik görüntüsü ve uzama ait parçalardan oluşmaktadır.

Uzama ait birimler kapalı bir mekana işaret etmektedir. Uzam geniş görünümlü, aydınlık, güven vericidir. Tepede bulunan birbirine paralel şekilde arka arkaya sıralı dikey ya da yuvarlağımsı çizgiler ve bu çizgiler arasında kalan, ışığın yansıdığı açık renkteki saydam bölümler, camekanla kaplı son derece aydınlık bir mekana gönderme yapmaktadır. Dikey çizgiler ve yuvarlağımsı ağlarla örülü cam dizayn aynı zamanda cam bir fanusu andırmakta, çağrıştırmaktadır (burada cam bölüm ile cam fanus arasında benzerlikten ileri gelen eğretilemesel bir ilişki bulunmaktadır). Mekanın son derece ışıltılı, aydınlık olması ve kadınların üzerinde mini etek, kısa kollu t-shirt, kolsuz bluz gibi yazlık giysilerin olması, bize zamanın gündüz ve yaz olduğu bilgisini vermektedir.

Mekansal birimler arasında ayrıca, Çin ya da Japon mimarisini eğretilemesel olarak andıran ; demirden, tavanı geniş ve köşegen, yüksekçe bir yapı bulunmaktadır. Erkek ve kadın imgelerinin arka planına düşen bu yapının en üst katında sağ köşede, ayaklı bir kamerayla eğretilemesel olarak benzerlik yaratan bir nesnenin silueti yer almaktadır. Görüntüsel göstergenin - seyahat çantalarıyla bir işadamı ve kameraların olduğu, aydınlık ve oldukça büyük ve geniş bir mekandan oluşan - bu birimleri, ipucu görevi gören gösterenler olarak bizi bulunulan uzamın bir 'havaalanı' olduğu konusunda uyarmaktadır. (Mekan büyük, geniş ve aydınlık olması dolayısıyla, insanların çokça uğradığı alış veriş merkezlerini de çağrıştırmakla birlikte, bu çağrışımı destekleyici - mağaza, dükkan, alışveriş poşetleri ve/ya çantaları gibi - başka herhangi bir ipucu ve/ya belirtisel gösteren olmadığı için söz konusu çağrışımsal birim, mekanın olasılık dizisinden çıkmaktadır.) Metnin uzamsal birimlerini yani içerilenlerle içereni göstermek yoluyla mekanın bir parçası ile havaalanı arasında düzdeğişmeceli bir ilişki kurulmuştur.

Metinde uzamsal olarak kapalı form oluşturulmuştur. Mevsimin (kadınların açık, ince giysilerinden anlaşıldığı üzere) yaz olmasına rağmen, erkeğin pardösü (yağmurluk) taşıması, onun - havaalanında olduğu ve uçak seyahatleri yaptığı da göz önünde bulundurulduğunda - mevsimin yaz olmadığı yağışlı yerlere, dolayısıyla çeşitli ülkeleresayahat ettiğini imlemektedir. Tüm bu gösterenler bizi, erkeğin, uluslararası çalışan bir şirkette (işadamı) olduğu çıkarsamasına ulaştırmaktadır : O, uluslararası çalışan bir işadamı olarak çeşitli ülkelere iş seyahatleri yapmaktadır (yananlam).

Erkek güçlü öğe olarak metnin orta planında yer almaktadır. Giyimi, (mobil telefon ve gazete gibi) kitle iletişim araçlarıyla yakın ilgili olduğunu gösterir araçlar ve (seyahat çantası, özel çanta gibi) taşıdığı eşyalar ile "havaalanı"na gönderme yapan uzamsal birimler erkeğin, "yoğun bir iş trafiği olan", "iş güç sahibi bir işadamı" olduğunu imleyen görüntüsel gösterenlerdir (aynı zamanda erkeğin, serçe parmağında altın yüzük taşıması ona, altının "zenginlik, güç, statü"

simgelerini (Fiske,1996:123) yüklemektedir).[1]   Metindeki öğeler - özellikle arka plandaki birimlerle ön plandaki birimler - birbirinden bağımsız bir görüntü çizmektedir. Metinde, üçgen kompozisyon kullanılmıştır ve ağırlık alt kenardadır. Böylelikle, kolay kavranan, bütünlüklü bir yapı göze çarpmaktadır.

Seyircinin gözü, metin üzerinde, ilk göze çarpan görüntüsel birim olan erkeğin fotoğrafını gördükten sonra (metnin sağ alt köşesini kaplayan ve) "popo" yanılsaması yaratan genç kadının dizlerine atlayarak, (yukarıya doğru) kadın bedeninin (görünen sağ) kol ve (sağ) göğsünden oluşan parçalarına ulaşmakta ve buradan tekrar erkeğe dönerek, arka plana kadar uzanan uzamsal birimler ile sol köşedeki kadının görüntüsüne doğru bir yol izlemektedir. Böylelikle seyircinin gözü, orta plandan sağ plana hareketle aşağıdan yukarıya doğru bir yol çizerek buradan metnin bütününe odaklanmaktadır. Bu döngü içinde, metin kompozisyonunda dolaşan gözün, görüntüsel göstergenin güçlü birimi olan erkeğin baş hizasında yer alan sol üst köşedeki "SIEMENS" sözcüğünü algılaması da kolaylaşmaktadır.

Metinde, erkek ve "popo" görüntüleri eşit ağırlıkla ön plana yerleşmektedirler – "popo"nun kenarında kalan mobil telefonlu erkek eli ise, erkek ve "popo" görüntülerinin ancak daha sonrasında gözün görüş alanına girmesiyle metnin ağırlıklı öğelerinden biri olmaktadır. Ne var ki, metne ilk bakışta göze çarpan görüntüsel birim, "işadamı" kılığındaki erkek olsa da, hemen alt kısımda yer alan çıplaklık görüntüsü, zihinde "Bu" da nedir ? sorusunu gayrı ihtiyari uyandırarak gözü, "popo" yanılsaması yaratan diz kapaklarına merak ve ilgiyle yöneltmektedir. "Popo" görüntüsüne yönelen seyircinin gözünün, "popo"nun hemen üstünde yer alan Siemens mobil telefonu tutan erkek elini algılaması bu noktada kolaylaşmaktadır. Bu durumda, metinde esas odak noktası olarak ön plana çıkan, "popo ve popo üzerindeki mobil telefon görüntüsü"dür.

Laura Mulvey(1993:21)'in sinema filmi perdesi / sahnesi için söyledikleri, sonradan baslı metne aktarılan reklam filmi için de geçerlidir : Buna göre, - film perdesinde olduğu gibi reklamda da - metnin işlevi, "insani algının doğal koşulları denilen şeyi olabildiğince kusursuz biçimde üretmektir". Her türde olduğu gibi, metinsel düzenlemelerde metin uzamının sınırlılığını gözden kaçırmaya yönelik olan, (özellikle derin odaklamayla örneklenen) kamera teknolojisi ve (metnin dizimsel düzenlenişine göre belirlenen) kamera açıları metnin kurgusuyla birleştirilir (s.21). Burada da metnin görüntüsel öğeleri, kamera teknolojisiyle gerçekleştirilen derin odaklama ve özel kamera açılarıyla kurgusal dizayn içerisinde dönüştürülmüş, biçimsel olarak bozulmaya uğratılmıştır.

Metinde netlik, orta plandaki "işadamı erkek" ile sağ alt plandaki "mobil telefonlu erkek eli"nin görüntüsünde toplanmaktadır. Metindeki erkek görüntüleri, net ve keskin çizgilerdeki belirginlikleriyle metnin flu; bulanık görüntüsü içerisinde "kanlı-canlı" olarak tabir edilen gerçeklikte kurgulanmış olup, metnin, gerçeklikten uzak olduğu izlenimi uyandıran gölgesel, düşsel biçimlerdeki diğer görüntübirimlerinden ayrılmaktadır.

Metinde erkeklere ait görüntüler belirginlik kazanırken, kadın bedenlerinin görüntüsü ve bu görüntüleri çevreleyen mekan, biçimsel olarak belirsizlik içermektedir. Kadınların kendisi de mekanın belirsizliği, silikliği, bulanıklığı içerisinde kaybolmaktadır. Kadın bedeninin parçaları reklamda "yalnızca gelip geçici, değişken birer gölge ya da araçtırlar" (Büker ve Kıran,1999:127). "Aydınlığın karşıtı olan gölge, kayıp giden, gerçekdışı ve değişken nesnelerin, kavramların simgesidir." (Chevalier, Gheerbrant'dan aktaran Büker ve Kıran,1999:123). Böylece bulanık, sisli, "gölge" halindeki görüntüleriyle birlikte varlığı da silikleşen kadınlar, gerçeklikten silinmekte, uzaklaştırılmakta, "yok" sayılmaktadırlar. Kadınlar "gölge"den ibaret, gerçek olmayan varlıklara dönüş/türül/mekle şiddetin nesnesi haline getirilmektedirler. Öte yandan, kadının gerçek bedeni reklamda parça parça (bütünlüğü bozulmuş olarak) sunulurken, (Büker ve Kıran'ın da belirttikleri gibi) gölgesine - kamera açısı ve kurgusal tekniklerle - gerçek olmayan bir biçimde 'bütün', ama hayalden, düşten, gölgeden ibaret bir 'bütün' olma hakkı tanınmıştır. Aynı zamanda gölge bedenin gönderme yaptığı kadın, açıkça gösterilmediği için (kadının başının olmaması) bir birey olma hakkı da elinden alınmış ; abartılmış, kimliksiz bedeniyle cinsel, erotik bir fetiş nesnesi olarak "renkli bir gölgeye" (Büker ve Kıran,1999:123), hayale, düşe dönüştürülmüştür.

Arka planda ve ön plandaki kadın bedeninde derinlik etkisi yaratılmak suretiyle, metinde ön plana çıkarılmak istenen görüntülerde bu amaçla netlik sağlanmak istenmiştir. Sağa doğru camekan dizaynın içinde yer alan çok katlı teraslı yapı,

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[1] *Simgeler konusunda da Saussure'cu gelenekten ayrılmayan Barthes, altın'ı "zenginliğin, gücün ve statünün bir simgesi" olarak açıklar (aktaran Fiske,1996:123). Fiske, Barthes'ın simgelere ilişkin düşüncelerini (yananlam ve mitlere göre) daha az doyurucu bulduğu için Peirce'ın terimlerini tercih eder. Fiske(1996:123)'e göre, (Peirce'ın kullanımıyla) altın, "zenginliğin bir belirtisel göstergesi ve gücün simgesidir".*

metinde koyu renkleriyle belirginlik kazanmaktadır. Ne var ki, netlik bu bölümde de azaltılmış ve çizgiler belirginliğini yitirmiş olup silik bir görüntü oluşturmaktadır. Metin bütünsel olarak flu; bulanık; netsiz bir görüntüye sahiptir ve metindeki en net ve belirgin nokta - aynı zamanda odak noktasında yer alan - işadamı, ve mobil telefonu elinde tutan erkeğe ait görüntülerde toplanmaktadır. Görüntünün ve metinsel düzenlemenin kurgulanan bu özellikleri, erkeği "güçlü" ve "önemli" (yananlam) göstermekle metindeki tek "baskın" öğe yapmaktadır.

Reklamda "güçlü" öğe erkek iken, gerçek büyülü nesne telefondur.[1] Mobil telefon, özgür yaşama isteğinin sonucu olarak ortaya çıkan - Barthes'ın deyimiyle - "büyülü bir nesne"dir (nitekim "mobil" sözcüksel gösterени de, "hareketlilik, hareketli olan, devingen" anlamları ile "özgürlük" kavramıyla bağlantılanmaktadır). "Üretiliş (montaj tekniğini) ve pazarlama biçimlerini göz önüne alarak, onun çağdaş endüstrinin simgesi olduğunu söyleyebiliriz. Reklamda bu güç erkeğin elinde"dir (Büker ve Kıran,1999:127). Ruppert'ın, 'otomobilin, hızın fetiş nesnesi olarak stilize edildiği' savında olduğu gibi burada da, mobil telefonun özgürlüğün fetiş nesnesi olarak stilize edildiği öne sürülebilir. Reklamda gerçek fetiş nesnesi mobil telefondur, böylece kadının bedeni gerçek fetiş nesnesi konumundan çıkarılmakta, gerçek olmayan bir varlık olarak fantezileştirilmektedir.

Metne açık / koyu karşıtlığı hakimdir. Renklerde, tür kontrastlığının yanı sıra açık / koyu kontrastlığına yer verilmiş, kontrast çeşitlilik kullanılmıştır. Metinde açık (beyaz, gri) ve koyu (lacivert, siyah, mavi renkbiriminin koyu, açık, orta tonları) renklerin egemenliğine eşit ağırlıkla yer verilmiştir. Metinde açık / koyu karşıtsallığı güçlüdür. Işığın aydınlattığı yerlerde açık renk yoğunluğu hakimken, koyu renklerin baskın olduğu kenarlarda ve köşe yerlerde değişen tonlarda gölgesellik kullanılmıştır. Metinde en aydınlık bölüm, arka planda yer alan - güneş ışığı yansımasının eğretilemesel olarak oluşturulmaya çalışıldığı - dik, eğimli ve dairesel çizgilerle donatılmış olan camekan bölmeye ve genç kadının (beyaz renkteki) eteğine aittir.

Camekan bölüm ve ışığın yansıdığı yerler açık-mavi tonlarındadır; "gül kurusu" olarak da adlandırılan şeftali rengi tonuyla kırmızı, kadının t-shirt'ünde ; beyaz renk eteğinde yer almaktadır. Gri tonlar erkeğin pantolonu, ceketi ve pardösüsünde toplanmıştır. Arka planda (sol köşede) yer alan kadının bluzundaki kırmızı, beyaz, siyah şeritler tek zemin üzerinde birbiriyle kontrastlık oluştururken, kadının etek mi pantolon mu olduğu belirsizlik içeren alt giysisinde ise, siyah rengin egemenliğine yer verilmiştir. Biçimi bütünüyle açıklayabilen betisel bir yapı sunmayan metne belirsizlikler hakimdir.

Bu arada, "kadın ve kadının simgesi olan kırmızı"nın (Büker-Kıran,1999:131) kadının t-shirt'ünde kullanılması ve kırmızı renkbiriminin "aşkı, tutkuyu ve erotizmi" simgeleyen yananlama yol açması metnin bağlamsal yapısında ayrıca önem kazanmaktadır. Burada anlam, renk-nesne ilişkisine göre oluşmaktadır. Nitekim, "Arnheim, renklerin anlamlarının uzlaşımsal olduğunu, kültürden kültüre anlamların farklı olabileceğini, ama anlamın yine de renk-nesne ilişkisine göre değişebileceğine değinir. "Renk ile içerik arasındaki ilişki başlangıçta nedensiz de olsa, sanatçı, düzenleme biçimi sayesinde, bu ilişkiyi nedenli bir ilişkiye dönüştürebilir" (Büker,1985:68). Renklerin sabit, belirli anlamları yoktur. Yorumcu, rengin anlamını belirli bir yapıtta onun diğer öğeler ile ilişkisini düzenleyerek ortaya çıkartmak zorundadır (Büker,1985:68-71)." (Büker ve Kıran,1999:131). Nitekim, karın üzerindeki, gökyüzündeki, ağaçtaki, bir insanın yüzündeki kırmızı aynı anlama gelmez (1974:151-285). Çünkü Eco'nun deyişi ile işlev öğeleri (anlatım ile içerik) birbirinden bağımsızdır. Aynı renk değişik bağlamlarda değişik anlamlara gelebilir." (Büker ve Kıran,1999:69). Bu reklamda da kırmızı ile cinsellik, erotizm arasında ilişki kurulmaktadır.

Metinde eğretilemesel ve düzdeğişmecesel özelliklere çokça rastlanmaktadır : Kadının kol, göğüs, diz ve bacaklarından oluşan uzuvları ile bedeninin bütünü arasında (parça-bütün ilişkisine dayanan) düzdeğişmecesel bir ilişki bulunmaktadır. Ayrıca erkeğin ışıklı, aydınlık alanın tam ortasında yer alması ve derinlik etkisinden dolayı camekan bölümün düz, dikey ve/ya yuvarlağımsı dairesel hareketlerle aşağıya doğru inen çizgilerinin erkeğin başında bölmeler oluşturarak sıralanması, eğretilemesel olarak erkeği güçlü, etkin ve nüfuzlu yapmaktadır. Keza Çamdereli (2000:105), - Kocabaş vd.'den aktarımıyla - kısa dikey çizgilerin güç, güven, gurur duyguları uyandırdığını belirtir. Çizgilerin uyandırdığı güç, güven özelliklerinin erkeğe yüklenmesi, yer değiştirmeye dayalı eğretilemesel bir ilişkiye yol açmaktadır ; burada, çizgilerle erkeğin gücü yer değiştirmekte, birbiriyle pekişmektedir. Diz kapaklarının "popo"ya; kol ve göğüs bölgesinin de bacağa benzetilmesiyle metinde eğretilemesel ilişkiler yaratılmıştır. Ayrıca bir diğer eğretileme ilişkisi de, - arka sağ

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[1] Barthes'ın " hızlı yaşama isteğinin sonucu olarak ortaya çıkan "büyülü bir nesne" " (Ruppert'dan aktaran Büker-Kıran,1999:127) olarak tanımladığı otomobil için söylediklerini burada mobil telefon için de söylememiz sanırız ki yanlış olmaz

planda - uzamsal alan içinde yer alan, tavanı Çin ya da Japon mimarisiyle benzerlik (eğretileme ilişkisi) oluşturan biçimsellikteki çok katlı yapıda görülmektedir.

Erkeğin işadamı görüntüsünde oluşu ile işadamlığı, iş dünyası, - pardösü taşıması ile - uluslararasılık, uluslararası şirketler, uluslararası ticaret sektörü, yoğun iş temposu, farklı iklimsel özelliklere sahip ülkeler, - seyahat çantası taşımasıyla da - iş seyahatleri, uluslararası iş pazarları, ticaret, rekabet vb. kavramlara düzdeğişmecesel olarak göndermelerde bulunulmaktadır – erkeğin işadamı olması işadamlığı, iş dünyası ve iş çevresi kavramlarıyla bitişiklik bağıntısından doğan düzdeğişmecesel ilişki yaratmaktadır.

2. 2. DİLSEL ÖĞELER VE GÖRÜNTÜSEL ÖĞELERLE OLAN BAĞLARI

Metnin dilsel öğeleri, görüntüsel birimlerin olduğu fotoğrafın alt kısmında sıralanmış olan "Mete!", "Sesle Arama", "S35'i be inspired" gibi sözlerle, örnek amacıyla verilmiş bir mobil telefon numarası ve Siemens mobil iletişime dair bilgi alınabilecek olan ("YAHOO! destekli WAP" gibi) internet sitelerinin isim ve özelliklerine ilişkin bilgiler ile Siemens mobile ait özellikleri (Ajanda, Information and Communication) belirten bilgileri içeren sözel elemanlardan oluşmaktadır.

Dilsel öğeler, görüntüsel iletinin sonlandığı metnin alt zeminine parçalar halinde serpiştirilmiştir. Dilsel öğelerin yer aldığı bölümün siyah zemini, beyaz ince çizgisel şeritlerle yatay ve dikey olarak kesitlenen bölmelere ayrılmıştır ve kesitlenen her bölmeye bir dilsel birim yerleştirilmiştir. Zemine paralel olarak uzanan orta kesimdeki beyaz çizgi, siyah zemini iki ayrı parçaya bölmektedir - bu arada, gözün sağa-sola devinmesiyle kolay kavranabilen yatay çizgilerin sessizlik ve dinginlik etkisi yarattığı belirtilir (Kocabaş vd.'den aktaran Çamdereli,2000:105) -. Beyaz şeridin ayırdığı üst bölüm, her biri kutu şeklinde olan dört ayrı parçaya ayrılmıştır. Yan yana dizli kutularda sırasıyla ("Mete!", Sesle Arama, 0-533-312-60-73 ve S35i) dilsel öğeleri yer almaktadır. Kutuların lacivert, mavi ya da siyah renklerdeki zeminleri birbirleriyle renksel kontrastlık oluşturmaktadır.

Siyah rengin egemen olduğu şeridin alt bölümünde ise, sağ köşede yer alan İngilizce kullanımlı Information and Communication (Türkçe karşılığı "Bilgi ve İletişim") sözcükleri, kullanım dilinden ötürü özelde İngilizce'yi, İngiltere'yi, İngilizliği (yananlam) genelde ise "yabancısallık" (yananlam) olgusunu çağrıştırmaktadır. Bu dilsel birimin hemen yanında, "Information and Communication" sözcüklerinin ilk harflerini ifadeleyen (siyah renkte) "I" ve (kırmızı renkte) "C" simgelerinin beyaz zeminli dairesel biçim içerisinde tasarımlandığı bir amblem yer almaktadır. Dairesel biçimin beyaz zemini, üzerinde yer aldığı zeminin siyahlığıyla karşıtlaşırken, içinde yer alan "I" ve "C" simgelerinin siyah ve kırmızı renkleriyle de üçlü bir renk karşıtlığı oluşturmaktadır (bu üç öğe birbiriyle karşıttır).

Zemini paralel olarak kesen beyaz renkli şeritte yan yana sıralanan dilsel öğeler, üst bölümde yer alan kutulara ayrılmış dilsel öğelerle alt alta gelecek şekilde düzenlenmiştir. Sırasıyla "Sesle Arama", "YAHOO! destekli WAP", "Ajanda", "Yeni Siemens S35i be inspired" birimlerinden oluşan öğeler, - üst bölümdeki kutuları birbirinden ayıran beyaz düşey çizgilerle aynı hizaya gelen - kısa siyah çentiklerle birbirinden ayrılmaktadır. Kırmızı renklerdeki "YAHOO!" ile mavi renkli "be inspired" dilsel gösterenlerinin dışında kalan diğer öğelerin yazıbirimleri beyaz zeminle birebir kontrastlık oluşturan siyah renktedir.

Dilsel öğelerin (beyaz, gri, mavi, kırmızı ve siyah yazıbirimlerinin bu) renkleri, yer aldıkları zeminin (lacivert, mavi, siyah, beyaz) renkleriyle de kontrastlık oluşturmaktadır. Beyaz şeritlerin siyah zeminle oluşturduğu birebir renk karşıtlığı, zeminin bölmelerini görüntüsel gösterge üzerinde belirginleştirmektedir.

Metnin temel dilsel öğeleri olan slogan (Yeni Siemens S35i be inspired) ve logoyu (SIEMENS) başlıklar altında ele alabiliriz.

2. 2. 1. Slogan

"Yeni Siemens S35i be inspired" sloganı, alıcı kitleyi markaya çağırma işlevi üstlenmektedir. Bunu nasıl yaptığına, sloganı anlambirimler ve biçimsel özelliklerine ayrıştırarak çözümlemek yoluyla bakabiliriz.

2. 2. 1. 1. Anlambirimler

"Her dilsel birim kendi kültür düzgüsü içinde ve kendine özgü içkin bir anlamsal değer üretir. Reklam tasarımlarında da bir dilin kültürel anlamlama dizgesi ile eğretileme, düzdeğişmece gibi sözsanatsal olgular evreni göz önünde bulundurulur." (Çamdereli,2000:107).

"Yeni Siemens S35i be inspired" sloganı dizimsel, biçimsel ve anlambirimsel (içeriksel) olarak farklı (ve birbirine zıt) kültürel düzgülere ait tümce ve dil yapılarıyla karşımıza çıkmaktadır. Slogan iki farklı kültürel anlamlama dizgesinin ürünü olan Türkçe ve İngilizce dil kullanımlarına ait sözsel gösterenlerden oluşmaktadır : "Yeni Siemens S35i" ve "be inspired". Bu tümceler metin üzerinde de ayrı parçalar halinde, fakat birbirine bağlantılı olarak yerleştirilmiştir. "Yeni Siemens S35i be inspired" sloganının verdiği tek bilgi sadece ürünün "yeni"liğine dairdir. Slogan, izleyici-tüketiciyi markaya yönlendirerek, ürünü satın almaya çağırmaktadır.

Slogan diziminin anlambirimleri beş gösterenden oluşmaktadır : /Yeni/, /Siemens/, /S35i/, /be/, /inspired/. Dizimin ilk anlambirimi olan "yeni" sıfatı, "kullanılmamışlık, eskitilmemişlik, ilk, - aynı zamanda da - en son" anlamları kattığı markayı niteleme işlevi üstlenmektedir. "Yeni" sıfatı, karşıtlık dizisinde eşleştiği bu kez, "(çok) kullanılmışlık, ilk olmayan, - fakat aynı zamanda - en son" anlamları içeren ve yine kendisi gibi bir niteleme sıfatı olan "eski" ile karşıtsallık ilişkisi kurarak "sayısal küçüklük (kullanım sayısının azlığı), nicel azlık, süre / ölçüsel azamilik" gibi bir anlamsal alanı kuşatmaktadır.

"S35i"nin altında yer alan beyaz şeritte, mavi renkte küçük yazıbirimleriyle İngilizce kullanımlı "be inspired" sözel birimi yer almaktadır. Sözlükbirimsel olarak, Türkçe'de "ilham etmek, esinlemek, (öfke, sevgi, v.b.'ni) uyandırmak" anlamlarınakarşılık gelen /be inspired/ anlambirimleri, slogan dizimi bağlamında "Yeni Siemens S35i esinle, ilham et" ya da "Yeni Siemens S35'ten ilham al, esinlen" iletilerini barındırmaktadır.

/be inspired/ gösereninin hemen üstünde siyah zeminli bölmede yer alan - veyine sloganın bir öğesi durumundaki - dairesel biçim içerisindeki "S35i" dilsel göstereni ise, görüntüsel birimlerden, mobil telefonu tutan elin hemen altına konumlan/dırıl/mıştır. "S35" kodunda geçen "S" yazıbirimi "Siemens" logosunun ilk harfine karşılık gelmektedir. Ürünün belirtilen yeni modeli, sayısal ve sözel dili ifade eden birimlerin birarada kullanılmasıyla oluşturulan bu şifresel kodla isimlendirilmektedir. Sözel bir birim olan /S/ yazıbiriminin beraberinde gelen ve ürün seri numarasını imleyen "35" sayısal birimi, ürünün (bu) yeni / son modelini diğer model tasarımlarından ayırdetmek amacıyla kullanılan bir çeşit şifresel isimlendirme (kod) işlevi görmektedir. Böylece, şifresel kodlamanın kulağa hoş gelen telaffuz biçimiyle ürünün akılda kalıcılığı sağlanmaktadır.

Burada sözel birimlerin açıktan verdiği mesaj, "Siemens S35 isimli (bu) modeli hayal et, esinle" ya da "Siemens S35 modelinden esinlen, ilham al" (düzanlam) iken; gizliden gizliye aktarmak istediği mesaj farklılık göstermektedir. Zira "S35i" kodunun yer aldığı dairesel biçimin, "popo" ve "popo" üzerindeki Siemens telefon görüntübirimlerinin hemen altında yer alması, bu iki farklı birimi ilişkilendirmektedir : Dairesel biçim içerisindeki "S35" kodu, telefon görüntüsünü dilsel düzeyde (sayısal ve sözel kodlarla) desteklerken; daire, mobiltelefonun üzerinde yer aldığı "popo" ile biçimsel bir koşutluk / benzerlik oluşturma yoluyla eğretileme ilişkisi yaratmaktadır. Bu bağlamda metinde gizlenen gerçekte, - "S35i hayal et, esinle" iletisiyle aktarılan - "S35" kodu ile, "popo" üzerindeki erkek elinin tuttuğu mobil telefona gönderme yapılmasıdır (nitekim bu dilsel kodlama üstte yer alan erkek elinin tuttuğu mobil telefonun ekranında da yer almaktadır). "S35" koduyla anılan telefon; "popo" üzerindeki erkek elinin tuttuğu mobil telefondur. Sloganda izleyiciden "(bu) telefonu hayal etmesi, (bu) telefondan esinlenmesi, ilham alması" ya da "(bu) telefonu esinlemesi" istenmektedir.

Telefonlu erkek elinin "popo" üzerinde, "popo"yu taciz eder görünümde olması ve hemen altında "S35i be inspired (= hayal edin, esinlenin, ilham alın)" sözel birimlerinden oluşan sloganın yer almasıyla izleyiciye, "fantezilerinizde Siemens S35 telefonundan ilham alın" denilerek (emredilerek), dolaylı yoldan "telefonla taciz olayı" ile bağlantı kurulmakta ve "telefonla taciz etmeyi hayal edin, esinleyin" ve/ya -"inspired"in "(öfke, sevgi vb.'ni) uyandırmak" anlamı ile bağlantılı olarak- "Siemens S35 ürünü içinizdeki duyguları, fantezileri uyandırır" ; ya da "S35 ile içinizdeki duyguları, fantezileri uyandırın" iletileri düşündürülmektedir. Özetle, (bu) reklamda Siemens S35, 'kadına cinsel taciz'in olduğu fantezi için esin kaynağı bir araç' olarak sunulmaktadır. Yazarların bir başka marka (Arçelik) için belirttikleri gibi burada da Siemens, "erkeğe erotik nesneye dönüştürebileceği kadınlar sunmayı vaat ediyor, kadınlara ise fetiş nesnesine dönüşebilecekleri konusunda umut veriyor" (Büker ve Kıran,1999:109).

Metinde ürünün "sesle arama" özelliği ön plana çıkarılmıştır ve metindeki görsel ve dilsel birimler bu özelliğe göre seçilmiş ve biçimlendirilmiş olarak dizimsel düzenlemede yerini almıştır. "Mete!" sözün yer aldığı lacivert zemin erkeğin lacivert

gömleğiyle uyumludur ve bize, kadından erkeğe iletilen bir mesaj olduğunu düşündürmektedir. Ünlem imi ise, ismin son derece heyecanlı bir şekilde telaffuz edildiğini ve bunun erkekte heyecan yarattığını düşündürmektedir.

"Eco estetik metinlerde göstergeyi taşıyan gerecin anlam yaratmada çok etkili olduğunu vurgular. Örneğin bir sözcüğün vurgusu, tonu, vb. gibi öğeleri değiştirildiğinde anlamı da değişir. Sözcük aynı sözcüktür, sözcüğün biçimi değişmez, ama anlatımın biçimi değişir, çünkü gereç değişmiştir." (Büker-Kıran,1991:39). "Mete!" sözcüğünün ise sıradan bir isim (düzanlam) olmasının ötesinde, birlikte kullanıldığı ünlem iminin bir işlevi olarak, vurgu ve ton özellikleriyle birlikte heyecan (anlamı) bildirmesi, onu yananlam düzlemine taşımaktadır : Metinde "Mete!" sözünün - bağlamsal olarak - libidoyu canlandırma amaçlı "arzulu" ve "istekli" söylendiği düşünülmektedir. Bu durum metinsel bağlamda (yani metindeki görüntüsel ve dilsel öğelerle bağlantılı olarak) kadınla erkeğin yakın ilişkide olduklarını imlemektedir (büyük olasılıkla, işadamı kılığındaki erkeğe ait olan "Mete!" ismini telaffuz eden kadın, erkeğin yakın dostu, sözlüsü, nişanlısı, karısı, metresi ya da sevgilisi - olarak paradigmatik dizimde sıralanan birimlerden biri - olabilir). Erkek, telefonda, kadının sesinden kendi ismini duyar duymaz kadını hayal etmekte, gözlerinde kadının - görüntüsel göstergede sunulan - görüntüsü, hayali canlanmaktadır ; reklam bir nevi erkeğe (= metin okuyucusuna) gün ortasında düş gördürmektedir.

Metz'in bir film çözümleme denemesinde film için ifade ettiği gibi (aktaran Güçhan,1993:30) burada da, sonuç olarak reklam izleyicisi (tüketicisi), kendisine (reklam metni aracılığıyla) iletilenleri algılarken "düş" kurmakta, hipnotize olmakta ve reklam metni (yaratıcısı) ile arasındaki düşlemsel ilişkiler sonucu bir özdeşleşme süreci yaşamaktadır. Burada erkekçi bakış / anlayış / ideoloji, kadına bir "nesne" (telefon) aracılığıyla düşsel fanteziler(ini) yüklemekte, kadını düşsel fantezilerin(in) "esas nesnesi" yapmaktadır. Burada, aynı zamanda "fantezi ile görüntünün sunduğu imgeler yer değiştirir. Fantezi artık" (izleyici-tüketicinin) "görüntüde gördüğüdür" (Büker ve Kıran,1999:105). Reklamda erkek, kadının cinselliğini fantezileştirir. Mulvey(1993:18)'in de belirttiği gibi "böylece patriarkal kültürde kadın, hala anlam yapıcı değil anlam taşıyıcısı konumuna bağımlı olan sessiz imgesi üzerine erkeğin, dilsel komuta aracılığıyla zorla yüklediği fantezi ve takıntılarını sonuna kadar yaşayabileceği bir düzenle kuşatılmış olarak erkek öteki için bir gösteren yerine geçer".

Özetle, Siemens mobil telefon, erkek izleyici-tüketiciye sunulan "fantezi ve taciz aracı" bir ürün olarak karşımıza çıkmaktadır. Metinde, görünürde (düzanlamsal olarak), mobil telefonun yeni bir işlevi olan "sesle arama " teknik özelliği işlenirken, örtülü olarak mobil telefonun, " "sesle arama" özelliği sayesinde fantezilere aracılık edeceği" ve/ya "erkekçi toplumun, baskı altında kalmış taciz fantezilerini gerçekleştirmesinde bir araç olduğu" mesajı iletilmek istenmektedir.

2. 2. 1. 2. Biçimsel özellikler

Sloganın beş anlambirimi 2+2+(1+4)+1+2'lik seslem düzeniyle ritmik bir yapı oluşturmaktadır. Okurken seslemede duraklama ve/ya zorluk yaratabilecek tek unsur İngilizce kullanımlı "be inspired" sözcükleridir. Sayısal ve sözel birimlerin oluşturduğu bir dizgesel düzgüye sahip olan sloganın yazısal görünümünde boyutsal aykırılıkların mevcut olması, dizimi sıradışılığa iten bir anlatımla tekdüzelikten kurtarmaktadır. Ayrıca /e/, /i/, /n/ ve /s/ yazıbirimlerinin yinelenmeli (aliterasyon) kullanımı da dizimin sıradışılığını sağlamaktadır (özellikle de /e/ ve /i/ yazıbirimlerinin dizimde beş kez yinelenmesi göze yeterince çarpmaktadır).

"S35" düzgüsel göstereninde geçen /S/ yazıbirimi, - aynı zamanda ilk / baş harfi olduğu - Siemens markasını temsillemekte ya da simgelemekte olup bir yandan büyüklüğüyle de - varsayımsal olarak - firmayı (firmanın büyüklüğünü) imliyor olabilir. "S35" kodunun yer aldığı dairesel biçimin mavi rengi, üzerinde yer aldığı zeminin siyahlığıyla renksel karşıtsallık oluştururken, hemen altında yer alan "be inspired" sözel elemanının mavi yazıbirimleriyle de koşutluk sağlamaktadır.

Sloganda, bilinçli bir saptırma / şaşırtma amacıyla aynı anda hem Türkçe hem İngilizce kullanımlara yer verilmiş olması dizimi sıra dışılığa itmekte, böylelikle alıcı kitlenin merakını uyandırarak ilgisini / heyecanını diri tutmak yoluna gidilmektedir. Slogan kısa ve dilsel karmaşadan uzak yalınlıktadır. Bu özelliğinin yanı sıra, sloganın "kesin ve keskin iletiler barındıran sanatsal yapısı, ürün ya da hizmetin belleklere yer etmesini olanaklı" kılmaktadır (Çamdereli,2000:107).

2. 2. 2.Logo

Görüntüsel göstergenin üst köşesine konumlandırılmış olan "SIEMENS" sözcüğü, beyaz renkte oluşu ve diğer sözcüklerin yazıbirimlerine nazaran dolgunluğuyla marka (logo) olduğu konusunda kuşku bırakmamaktadır.

Dilsel birimler içinde rengi ve yazıbirimlerinin kalınlığıyla gözü yakalayan Siemens logosunu, yazıbirim ve biçimsel özellikler/in/den yola çıkarak (metnin görüntüsel öğeleriyle de ilişkili olarak) görüntüsel gösterge bağlamında okumayı deneyeceğiz.

2. 2. 2. 1. Yazıbirimler ve Biçimsel özellikler

Beyaz renkte tasarımlanmış Siemens logosu, yedi yazıbirim ile iki seslemden oluşmaktadır. Logonun, görüntüsel göstergede "baş köşede", odak noktası olan "güçlü" işadamı erkeğin hemen "yanı başı"nda konumlandırılmış olması, logoyu birincil düzleme taşıyarak "önemli" konumuna yerleştirmektedir. (Görüntüsel göstergede erkeğin, bakışlarının SIEMENS logosu üzerine çevrindiği, SIEMENS logosuna baktığı gibi bir izlenim uyandırılmış olması da, - Türkçe karşılığıyla - "Yeni Siemens S35'ten esinlenin" sloganıyla bağlantılı olarak ayrıca dikkat çekmektedir. Erkeğin, Siemens mobil telefonda konuşurken ya da (kendi) "Mete!" ismini (kadının sesinden) duyarken bir yandan SIEMENS logosuna bakması, onun SIEMENS'ten etkilenerek ve esinlenerek fanteziler kurduğunu, (bir diğer yakın olasılıkla belki de "Mete!" diyen kadına ait olan - görüntüsel göstergede uzuvları "popo" ve "bacak" biçimlerinde görüntülenen - bedenin, bir parçası olduğu) cinsel, erotik özellikteki fantezilerinin gözünde canlandığını düşündürmektedir).

Logoya - kuşkusuz ki olumlu - çağrışımlarını yükleyen "beyaz" renkbirimi burada önemli olmaktadır. Beyaz'ın renk tayfından bir kesiti göstermesinin ötesinde, aynı zamanda içselleştirdiği "temizlik, saflık, masumiyet, açıklık, şeffaflık, parlaklık, aydınlık, dürüstlük, sonsuzluk, boşluk" (Çamdereli,2000:104) gibi yananlamsal imgeleri markanın çağrışımsal zenginliğini de simgelemektedir. Logo yazıbirimlerinin beyazlığı, görüntüsel göstergenin mavi-yeşil rengin egemen olduğu karma renkteki zemini ile renksel bir karşıtsallık içindedir. Logoyu zemin üzerinde belirginleştiren bu renk karşıtlığıyla birlikte, "logoyu oluşturan yazıbirimlerinin kalınca dolguları da markanın gücünü betimler niteliktedir" (Çamdereli,2000:112).

SIEMENS sözcüğü, - Alman yapımı bir ürün olması dolayısıyla - yananlam düzeyinde ayrıca, Almanya'ya ve (Almanya'yı yeniden bir gösteren olarak kullanıp) "İleri Alman teknolojisi" kavramına gönderme yapmaktadır. Almanları ya da Almanya'yı anımsatan başka hiçbir görüntüsel ya da sözel gösteren olmadığı halde, bu kavram reklama bakar bakmaz izleyici-okuyucunun zihninde uyanmaktadır.

2. 3. GÖSTERİLEN DÜZLEMİNDE YANANLAMLAR YA DA SONUÇ

Bu çalışmada, erkek egemen toplumsal cinsiyetçi söylemler doğrultusunda işlenmiş / yoğrulmuş ilişkilerle karşılaşmaktayız. Reklamda kadın ve erkek ataerkil düşünce çerçevesinde ele alınmaktadır. İktidarı toplumsal cinsiyet bağlamında ele alan bu reklamda erkek, iktidar özelliği ile güçlü, etkin, aktif bir "özne" olarak ön plandayken ; kadın değersiz, zayıf, edilgen ve ikincil konumuyla "nesne" olarak sunulmakta / ön plana çıkarılmaktadır. Metinde erkeğe giyimi, kullanım eşyaları, davranış ya da edimleri (uçak seyahati yapması, iş gezisi yaptığı izlenimi uyandırması) ile işadamı (iş güç sahibi) ve akıl özelliğiyle yer verilmekte, kadın ise bir fantazma aracı, cinsel bir obje / nesne olarak sunulmaktadır.

Reklamda cinselliğiyle ön plana çıkarılan kadın, cinsel bir meta olarak parça parça sunulan, ve her parçası (popo, bacak gibi) eğretilemesel bir ilişkiyle bir cinsel bölgeye benzetilen bedeni ile, erkeğin, üzerinde / üzerinden fantezilerini gerçekleştireceği / gerçekleştirdiği 'cinsel tatmin aracı', bir "fetiş nesnesi" haline getirilmektedir. Dolayısıyla Siemens reklamında kadın, "cinsel simge" olarak düşsel fantezilerimizi besleyici bir işlevsel kullanımla belirmektedir. Reklamda, bedenlerinin parça parça (bir bütünden kopuk) ve metin üzerinde - perspektifsel ya da flu görünümlerle - adeta silikleşen, gölgeden ibaret görüntüleri, kadınları gerçek bir insan, kişi ve birey olmaktan uzaklaştırmakta, gerçek dışı "gölge görüntülere (nesnelere)" dönüştürmektedir. Gölgeden ibaret bu görüntüsüyle kadın, reklamda "gerçek bir fetiş nesnesi" olmaktan dahi uzaklaştırılmış ; salt erotik fantezisel bir varlığa dönüştürülmüş ; "yok" sayılmıştır.

Kadın bu şekilde, düşsel, fantezisel bir varlığa dönüştürülmekle ve erkek bakışının seyirlik (ve fetiş) nesnesi olmakla dolaylı yoldan şiddete maruz bırakılmakta, şiddetin "öznesi" yapılmaktadır. "Kadınların isteyerek ya da istemeyerek, bilinçli ya da bilinçsiz olarak izledikleri reklamların da şiddeti sıradanlaştırması, güzelleştirmesi, kadının şiddeti ayrımsamasına, ona karşı koymasına engel olmaktadır." (Büker ve Kıran,1999:56). Şiddet, reklamlarda olumsuz yönlerinin örtülmesiyle ya da biçimsel olarak kamufle edilmesiyle güzelleştirilmekte, estetize edilmektedir. Reklamda erkeğin kadını bir başka 'araç'la (reklamı yapılan ürünle) taciz etmesi örtülü olarak verilmekte ; cinsel taciz estetize edilmekte, bu yolla meşrulaştırılmaktadır.

Reklamda kadın, metnin merkezine yerleş(tiril)erek (ona yönel(til)en bakış açılarıyla) değiş(tiril)mekte ; cinselliğin göstereni olmaktadır. Mulvey(1993:12)'ye göre "kadının merkezi varlığı, öykünün gerçekten, aşikar biçimde cinselliğe ilişkin olmasına olanak tanır". Arzu'nun kültürel bir maddesellik kazandığı metin, burada kadın tarafından biçimlenmiştir. Kadın, cinsel çekiciliğin simgesi olarak ; üstün, güçlü, "akıl-fikir sahibi" ve "önemli iş(ler) adamı" olan erkeğin karşısında zayıflatılmakta, güçsüzleştirilmekte, yalnızca cinselliğiyle ; cinselliğin taşıyıcısı olarak işlev görmekte ve bu şekilde sunulmaktadır. Reklamda cinselliği - son derece çirkin bir şekilde - teşhir edilen kadın, cinsel ve bireysel kimliği egemen toplumsal bakış tarafından ezilen, baskı altına alınan, aşağılanan bir varlık olarak şiddete açık hale getirilmektedir. Kadın reklamda, toplumsal ahlaki normları, değerleri demoralize eden bir tavırla kişiliği, bireysel ve cinsel kimliği "taciz" edilen / edilecek bir "varlık,nesne, şey" olarak sunulmaktadır.

Reklamda sunulduğu gibi, mobil telefon (teknoloji) kullanımında - toplumda varolan cinsiyetçi söylemleri de destekleyici bir tutumla - işleyen cinsiyetçi ideoloji, erkeği teknoloji kullanımında öne çıkarırken, kadını ikincil konuma yerleştirmektedir. Reklam metninde erkek, kadının "cinselliğine el koyan, cinselliğini denetleyen güç" (Büker-Kıran,1999:137-138) olarak, kadını cinsel tacizde bulunulan erotik bir nesne olarak fantezileştirmektedir, ve bu fanteziyi ona reklamdaki ürün (mobil telefon) sunmaktadır. Mobil telefon, reklamda, 'erkeğin fantezi aracı' olarak sunulmaktadır. Reklamda, kadın ile telefonun her ikisi de fetiş nesnesidirler, aralarındaki tek önemli fark kadının gerçek olmayan, düşsel, fantezisel bir fetiş aracı olmasıyken, telefonun gerçek bir fetiş nesnesi olarak sunulmasıdır.

Reklam metni erkek izleyiciye, erotik nesneye dönüştürebileceği kadınlar sunmayı vaat ederken, kadınlara ise fetiş nesnesine dönüşebilecekleri konusunda umut vermektedir. Reklam izleyicisi, kendisine reklam metni aracılığıyla iletilenleri algılarken "düş" kurmakta, hipnotize olmakta ve reklam metni (yaratıcısı) ile arasındaki düşlemsel ilişkiler sonucu bir özdeşleşme süreci yaşamaktadır.

Sonuç olarak, - bu çalışmada elde edilen bulgulara göre - bir yandan reklam metninin "esas nesnesi", yani "öznesi" durumundaki mobil telefon aracılığıyla, teknoloji ve teknolojik pratikler "mükemmellik" vasıflarıyla övülmekte, yananlamsal olarak yüceltilmekte iken ; bir yandan da erkek egemen anlayışa dayalı toplumsal yapıda varolan cinsiyetçi söylem ve pratikler, teknoloji (mobil telefon) kullanımının temel izlek olarak alındığı (bu) reklam metninde (de) yeniden üretilmekte ve doğallaştırılmaktadır. Aynı zamanda bu pratikte, "imgeleri, bakışın erotik tarzlarını ve temaşayı denetleyen cinsel farklılığın, yerleşik toplumsal açıklamasının" (Mulvey,1993:18) popüler kültür ürünü olan reklam tarafından yansıtılışı ve açığa çıkarılışının biçimleri ile karşılaşmaktayız.

SONUÇ

"İletişimsel işlevleri bakımından çağrısal iletiler içeren metinler olarak değerlendirilen göndergesel reklam tasarımları, ürün ya da firmayı tanıtma ve kamuoyunun seçimini etkileme amacı gütmektedir." (Çamdereli,2000:113). Reklamın "kısa dönemli etkisi mal satışı sağlamak; uzun dönemli etkisi de farklı sınıf sistemini zihinlere yerleştirmektir" (Berger,1996:57). Reklam, insanları çeşitli biçimlerle koşullandırmaktadır. Reklam, düşünceleri(ni) koşullandırarak insanları etkileme yoluna gitmektedir. Reklamların asal işlevlerin biri "insanların sahip oldukları şeylerden memnun olmamalarını sağlamak ve ekonomik, maddi imkanları ne olursa olsun, onları daha fazlasını istemeye özendirmek"tir (Halloran'dan aktaran Büker-Kıran,1999:49). Genel bazda ise, kültürel sömürüye yol açması, kapitalist ve Amerikan değerlerini benimseterek yaygınlaştırması reklamın başlıca asal işlevleridir.

Reklamlarda şiddet öğesine sıkça rastlanmaktadır. Gazete ve dergi "reklamlarında sıkça başvurulan şiddet, kişisel ilişkilerin yeniden anlamlandırılması için bir araç olarak kullanılır" (Büker-Kıran,1999:49). kitle iletişim araçları içinde farklı, heyecan verici, hatta büyüleyici bir olgu olmaktadır (Michaud'dan aktaran Büker-Kıran,1999:49). "Şiddet, bizde uyandırdığı tüm olumsuz duygulara rağmen, bizi çeken bir özelliğe sahiptir; çünkü bizim güçlü ve güç kavramı ile özdeşleşmemizi sağlar" (Psychologie Heute'den aktaran Büker ve Kıran,1999:50). "Günümüz reklamları, çağdaş şiddet araçlarının etkisini, gerek kalabalık psikolojisi, gerekse beyin yıkama, düşünceleri koşullandırma gibi bilimsel yöntemlerle besleyip artırmıştır. Yenilenmiş bir kültürün ve teknolojinin ürünü olan reklamcılık, bu bilimsel yöntemlerle çalışarak, etkili ürünler sunar" (Büker-Kıran,1999:49).

"Günümüzde toplumsal hayatımızla birlikte, teknoloji ve kitle iletişim araçları da durmadan değiştikleri için, şiddetin gücü, etkisi, görüntüsü ve ölçüsü de değişmektedir." (Büker-Kıran,1999:50). "Çünkü reklamlardaki şiddet, mutlu, huzur verici, sağlıklı, dolayısıyla da olumlu evrenin estetize edilmiş bir bölümünü temsil eder. Estetik şiddetin başlıca özellikleri

büyüleyici ve çekici olmasıdır. Oysa hangi biçimiyle olursa olsun, hayatın içindeki asıl reel şiddet korkutmayı, sindirmeyi amaçlar. Şiddetin tanımındaki olumsuz öğeler (ölüm, dayak, tecavüz, küçük düşürme, kısacası soyut ya da somut zararlar) çelişki yaratır. Reklam sonsuz, ölümsüz, mutluluğun egemen olduğu bir evren sunduğu için, söz konusu olumsuz öğeleri ya hiç kullanmaz ya da örtülü ve estetize edilmiş biçimiyle kullanır. Öyleyse reklamlardaki fiziksel şiddet ölümü, ölüm tehdidini, fiziksel ve ruhsal zararı anımsatmakla kalmaz, aynı zamanda imgesel, simgesel bir evren ve belli bir düşünce yapısı, bir anlayış, sürekli mutluluk, zenginlik, yaşam, güç de vaat eder. Bu çelişkili durum, reklamcının kullandığı yöntemlerle giderilmeye çalışılır. Reklamın sunduğu evren ile gerçek evren arasında benzerliğe ve düzdeğişmeceye dayalı bir ilişki kurulur" (Büker-Kıran,1999:51).

Barthes'ın sözünü ettiği gibi "bütün reklam bildirilerinde her zaman aynı ve tek bir gösterilen vardır : o da tanıtılan ürünün mükemmelliğidir (Barthes,1993b:163). Ürün ya da firmanın bu mükemmel niteliği reklam iletisinin "gösterilenler"i düzeyinde okunur ve ürünü değerli kılan nitelik(ler)in görüntüsel ve metinsel bir anlatımı reklam iletisinin "gösterenler"i düzeyinde gerçekleşir (Trinta, 1983:7)." (Çamdereli, 2000:113).

Reklam görüntüleri, üretildikleri dönemin sosyo-kültürel yapısını da yansıtmaktadırlar (Çamdereli,2000:113). "Görüntüsel reklam iletileri bir anlam çevresinde dolaşan kapalı / çetrefil göstergeler içermezler, tam tersine, olabildiğince açık iletilirler; "saydam olmayı isterler, yani dilin terimlerine dönüştürülebilir olmayı ve toplumsal değerlerin yansıması olmayı isterler. Böylece görüntünün okunması kolaylaşır, yalınlaşır ve dolambaçsızlaşır" (Cornu,1990:46). Bunun yanı sıra, "iyi" bir reklam iletisi kendinde en zengin söz sanatını yoğun olarak taşır. ... Bir başka deyişle, söz sanatları, eğretilemeler, sözcük oyunları, dili gizli gösterilenlere doğru genişletir ve bunları algılayan insana, bu yolla, doğrudan doğruya bir bütünsellik deneyiminin gücünü verir (Barthes,1993b:165); olgu durumuyla düş durumunun bilinen karşıt dünyalarını birleştirir (Arrouye,1989-90:10)." (Çamdereli,2000:113). Reklam amacıyla tasarlanmış bir gör(üntü)sel + dilsel metin ise, "hem gerçek hem de kurgusal verileri betimler ve kendine yöneltilen bakıştan ayrılmaz (Gervereau,1989-1990:6)." (Çamdereli,2000:113).

Reklam iletisinde içerilen / gizlenen patriarkal toplum düzeninin ürettiği cinsiyetçi söylem ve teknoloji mükemmelliyetçiliğine ilişkin ideolojik unsurları / anlamları ortaya çıkarmak adına ve "reklam söyleminin tanımlayıcı iç tutarlılığına tanık olabilmek amacıyla" (Çamdereli,2000:114) çalışmanın pratiğinde bir dergi reklamından yola çıkılarak "görüntüde sunulan iletilerin anlam evreni" (Çamdereli,2000:114) göstergebilimsel bir yaklaşımdan hareketle incelenmiştir.

Çalışmanın inceleme nesnesini oluşturan yapısal birimlerin sunduğu anlam alanlarını göstergebilimsel bakışla irdelediğimiz bu pratikte, "görsel ileti ve metinsel ileti biçiminde kesitlediğimiz bütün anlatı öğelerinin - görüntübirimler, anlambirimler, yazıbirimler - görüntünün iletisi bağlamında toplumun ortak bilincine seslendiği"ne (Çamdereli,2000:114) tanık olduk. Aynı zamanda toplumsal ortak paydayı yakalayan durağan reklam görüntülerinin (Çamdereli,2000:114), bir başka deyişle (burada mobil telefon reklam metni örnekçemiz ışığında) reklam metinlerinin, kadın ve erkek imgeleri çerçevesinde patriarkal düzende işleyen egemen toplumsal cinsiyetçi ideolojiye uygun söylemler ile teknoloji mükemmelliyetçiliğine ilişkin bir söylemi ortaya çıkardığını saptadık.

Bu bağlamda, çalışmanın varsayımlarının belirlenmesinde dayanak noktası olarak ele alınan sorulara ilişkin olarak analitik bölümde elde edilen bulgular doğrultusunda, göstergebilimsel yöntemle incelenen reklam metni örnekçesinden hareketle reklam metinleri/reklamlar konusunda söylenilebilecek olanları şöyle sıralayabiliriz :

1 - Reklam metninde ürünün (mobil telefonun) reklamı, doğrudan doğruya görüntüsü verilerek; pratiklik, konfor, rahatlık, kolaylık özellikleriyle iletilmeye çalışılan teknolojik üstünlük, liderlik ve cinsel güç / iktidar, tecimsel (firmalararası) ve bireysel (kişilerarası) alanda rekabet, özgürlük gibi toplumsal-kültürel belirtiler aracılığıyla ve ürünle ilgili çeşitli simgeler gösterilerek yapılmaktadır.

2 - Reklam metninde, reklamın temel "gösterge"si konumunda sunulan "mobil telefon"un, kullanıcıda belli bir bilgi, düşünce ve/ya duygusal etki(ler) oluşturarak kullanıcı için farklı bir nesneye (göstergeye) dönüştüğü sonucuna varılmaktadır : reklamı yapılan ürün olan mobil telefonun, reklamda farklı simgesel / sembolik özellikler (romantizmin simgesi, gücün simgesi, cinselliğin ya da erotizmin simgesi, vs. gibi) yüklen(il)diği görülmektedir.

3 - Reklamda ürün (mobil telefon), kişisel ve kişilerarası ilişkilerin anlamlandırılmasında bir araç olarak kullanılmaktadır. Dolayısıyla teknolojinin reklamda insanların birbirleriyle olan ilişkilerinde belirleyici ve başat bir rol oynayacak şekilde sunulduğu sonucuna varılmıştır.

4 - Teknoloji kullanımı alanına yönelik olarak toplumsal cinsiyet politikalarının, bir kitle kültürü ürünü olan reklam metinlerinde (ve incelediğimiz bu reklam metninde de) ağırlıklı olarak yer aldığı görülmektedir. Buna göre ;

Reklamların genelinde kadın ve erkeğin egemen toplumsal cinsiyet ideolojisi çerçevesinde ele alındığı görülmektedir. Geleneksel cinsiyetçi kalıpları barındıran mitlere uygun kadın ve erkek imgelerinin oluşturulduğu reklam metinlerinde erkeğin, iktidarı elinde bulunduran olarak güçlü, üstün, önemli, değerli, çalışkan, başarılı, iş güç sahibi, işadamı özellikleriyle teknoloji kullanımı alanında / pratiğinde etkin, başarılı, yeterli, güçlü olma(sı)nın yanı sıra, teknik araçları yönlendir(ebil)en / kontrol ede(bile)n, teknolojiye hakim konumda gösterildiği ; kadının ise, erkeğin gücünün, iktidarının (gölgesi) altında güçsüz, üstünlük özelliği olmayan, önemsiz, değersiz gibi özelliklerle teknoloji kullanımında yetersiz / yeteneksiz, başarısız olarak teknik araçları yönlendiremeyen, kontrol edemeyen edilgin, dolayısıyla ikincil, hatta "hiç'lik/yok'luk" konumda gösterildiği tespit edilmiştir.

- Böylece, reklam metinlerinde – feminist yazında çokça tartışılan "bilimde ve teknolojik keşiflerde / buluşlarda kadınların katkılarının marjinalleştirilmesi süreci" ile paralel olarak – kadın ve kadının teknolojiyi kullanma pratiğindeki becerisinin değersizleştirildiği gözlenmiştir ve böylelikle izleyici – tüketici okuyucunun da, kadının teknoloji kullanımında "edilgin" olduğuna inanmaya (ideolojik olarak) yönlendirildiği neticesine varılmıştır.

- Bunun yanı sıra reklamlarda, erkeğin 'akıl' özelliğiyle ön plana çıkarıldığı, kadının ise ya fiziksel ve zihinsel özellikleri ile geri planda tutulduğu, ya da ancak salt cinsel etkisiyle ön plana çıkarıldığı gözlenmiştir. Bu doğrultuda çalışmada, reklam metinlerinde iktidar, güç, üstünlük, liderlik, cinsellik, haz olgularının toplumsal cinsiyetideolojisi bağlamında ele alındığı da ortaya konulmuş olmaktadır.

- Reklam metinlerinde aynı zamanda erkek, röntgenci / seyreden konumuyla "güçlü özne" olarak gösterilmekte ; kadın ise seyredilen / bakılan olmakla "güçlü nesne" ya da "edilginleştirilmiş özne" konumuyla ve cinselliğin göstereni; cinsel çekiciliğin simgesi olmakla / yapılmakla şiddete açık olarak gösterilmektedir. Böylece çalışmanın analitik bölümünde elde edilen bu bulgular doğrultusunda, reklamlarda kadının "seyirlik nesne" olarak cinsel bir obje olmakla / yapılmakla şiddetin nesnesi haline getirildiği; şiddete açık olarak sunulduğu sonucuna varılmıştır.

- Reklamlarda - kadına yöneltilen - şiddetin, olumsuz yönleri örtülmek ya da biçimsel olarak kamufle edilmek yoluyla güzelleştirildiği, estetize edildiği saptanmıştır. Reklamlarda şiddet, örtülmek ve estetize edilmek yoluyla meşrulaştırılmıştır.

- Reklamlarda kadının, "seyirlik nesne" olarak salt cinsel bir obje yapılmakla kalmadığı, aynı zamanda cinsel bölgelerinin teşhir edilmesiyle de cinsel bir fetiş ve taciz nesnesi / aracı haline de getirildiği görülmüştür.

- Reklamlarda kadın aynı zamanda "manipüle edilmiş ideal tüketici" konumuna (da) indirgenmiştir.

5 - Genel olarak reklamlarda teknolojik unsurlar, erkek değerleriyle birlikte ve erkek değerlerinden biri olarak ön plana çıkarılmaktadır. Dolayısıyla reklam metinlerinde teknoloji (mobil telefon) kullanımında işleyen cinsiyetçiliğin (cinsiyet ayırımının), toplumda var olan cinsiyetçi rol tanımlarını destekleyici yönde işlendiği sonucuna varılmaktadır.

6 - Reklam metinlerinde işlenen cinsiyet ayırımını içeren / getiren kural ve değerler, sıradan gündelik eylem / yaşam görüntüleriyle doğallaştırılmaktadır.

7 - Reklamlarda "ürünü sattırma amacı"na yönelik olarak - aynı zamandafeminist yazına hakim olan toplumsal cinsiyet ideolojisi söylemleriyle de paralel olarak - teknolojik ürün mükemmel, devrimci bir niteliğe sahipmiş gibi sunulmaktadır. Reklamlarda, reklamın "esas nesnesi"; "öznesi" durumundaki / konumundaki mobil telefon aracılığıyla teknoloji ve teknolojik pratikler mükemmellik vasıflarıyla övülmekte ve yananlamsal olarak yüceltilmektedir.

- Reklamlarda ürüne (mobil telefona) - kimlik, statü, ayrıcalık, farklılık, üstünlük, güç, iktidar, liderlik / önderlik, yoğun cinsel güç, yeni bir aşk / yaşam / anlayış sağlayıcılık gibi - abartı özellikler yüklenmiştir.

- Reklamı yapılan ürün olan mobil telefon, reklamlarda kişileştirilmekte, kadın ve erkeğin, dolayısıyla insanın yerini almaktadır.

- Reklamlarda ürün (gerçek) bir "fetiş nesnesi" olarak sunulmaktadır.

8   - Reklamlarda ağırlıklı olarak eğretilemesel ve düzdeğişmeceli ilişkiler kurma yoluyla gerçeğin benzeri durumlar sunulmaya çalışılmaktadır. Gerçek yaşamın bir bölümü gör(üntü)sel tekniklerle kurgulanmak yoluyla reklam metinlerinde yeniden sunulmaktadır.

9   - Reklamlarda sunulan / kurgulanan dünya ve modeller toplumdaki ; gerçek yaşamdaki durumla ; gerçeklerle çelişmektedir. Reklamlarda kavramlar, olgular ve şeyler üzerine ideolojik yanılsama yaratılmak yoluyla izleyici-tüketici gerçeklik konusunda yanıltılmaktadır. Reklamlardaki ideolojik öğeler aracılığıyla üretim ilişkileri ve insanların yaşadıkları dünyaya dair ilişkileri yeniden üretilmektedir. Çalışmada, reklamlarda "yanılsama" durumları yaratıldığı ve izleyici-tüketiciyi "yabancılaştırıcı" öğelerin işlendiği gözlenmiştir.

10   - Reklamlarda hedef kitlenin tutum ve davranış biçimlerini etkilemeye yönelik olarak karşı cinse ilgi, duygusal tatmin, cinsel uyarım ve erotik fanteziler kurma ve reklamlarda sunulan yaşamsal durumlarla özdeşleşme gereksinimlerinin ön plana çıkarıldığı; güç, iktidar sahibi, lider / önder, üstün, yönlendirici, farklı, mutlu ve haz dolu olma arzularına seslenildiği gözlenmiştir.

11   - Dolayısıyla çalışmada, reklam metinlerinde yer alan / içerilen kodlar aracılığıyla anlamın alıcı gözünde yeniden üretildiği, doğallaştırıldığı ve tüketici psikolojisine dönük olarak şekillendirildiği sonucuna varılmıştır.

12   - Reklam metinlerinde, kapitalist toplumun bir ürünü olan tüketim kültürünü temellendiren bireysellik / farklılık, tercih özgürlüğü, materyalizm, hedonizm değerlerine yer verilmekte, bu toplumsal değerler üretilmektedir.

13   - Aynı zamanda çalışmada, içerilen mesajların ürünü pazarlayan kesimin amaçlarına koşut olarak alıcıya iletilecek şekilde / iletilmek üzere düzenlendiği ve reklam metinlerinde varolan kapitalist değerlerin (sahip olma, haz, güç, zenginlik, yoksunluğu giderme, vs.) bir takım albenili görüntü ve simge / semboller aracılığıyla işlenerek alıcının zihninde canlandır/ıl/mak yoluyla alıcı durumundakiizleyici-tüketici okuyucunun cezbedilmeye / yakalanmaya çalışıldığı yanıtına ulaşılmıştır.

14   - Çalışmada, incelemeye tabi tutulan ve söz konusu varsayımları içeren *Siemens* mobil telefon "reklam metninin, bildirişim süreci kapsamında yer alan metinlerarası gösterge" olduğu, gösterge dizgelerinden oluştuğu ise son söz olarak söylenebilir.

SON SÖZ

Sonuç olarak, çalışmada elde edilen - aynı zamanda çalışmanın söz konusu varsayımlarını destekleyici yönde olan - bulgulara göre ve incelenen "örnek reklam metni" üzerinden denilebilir ki, genel olarak reklamlarda bir yandan (birincil yananlamsal düzeyde) teknolojik üstünlük, teknolojinin mükemmelliği ön plana çıkarılırken, dolaylı yoldan da (ikincil yananlamsal düzeyde) teknolojinin (ürünün : mobil telefonun) genelde insan, özelde ise kadın ve erkek ilişkilerindeki belirleyici rolü / işlevi işlenmektedir. Kadın ve erkek, genel olarak reklamda patriarkal düzenin cinsiyetçi toplum ideolojisi çerçevesine göre konumlandırılmıştır. Reklamda, kadın ve erkek ve, kadın ve erkeğin teknoloji (bir enformasyon teknolojisi ürünü olan mobil telefon) kullanımı, toplumda var olan cinsiyetçi rol tanımlarını destekleyici, yerleşik normları pekiştiricibir yaklaşımla ele alınmıştır. Erkek egemen anlayışa dayalı toplumsal yapıda var olan cinsiyetçi söylem ve pratikler, teknoloji (mobil telefon) kullanımının temel izlek olarak alındığı reklam metninde yeniden üretilmiş ve doğallaştırılmıştır.

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The Importance of Automatic Thought's Evaluation Throughcognitive – Behavioral Therapy in Patients with Generalized Anxiety Disorder.

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Abstract:

This study will analyze the positive value of automatic thoughts' assessment in patients with Generalized Anxiety Disorder, to improve the symptoms associated with thinkings and emotions. For a disorder "unorganized" as Generalized Anxiety Disorder, where the patient feels anxious from almost any situation and knows not where and when to feel secure, the Cognitive – Behavioral Therapy chooses to use a more structured framework to put in front of reality's evidence.This therapy is considered as one of the most used and highly appropriate to treat Generalized Anxiety Disorder. One of the main principles of Cognitive-Behavioral Therapy is that patients learn to identify, evaluate and respond to their automatic thoughts and dysfunctional beliefs. The aim of this study is to show the importance of automatic thoughts's evaluation mode in patients with Generalized Anxiety Disorder. In this study will be provided essential elements for the selection of these thoughts, to indicate their nature.The research methodology is based on case study, where the basic datas are taken for5 patients diagnosed with Generalized Anxiety Disorder and treated through Cognitive-Behavioral Therapy techniques.In conclusion it resulted that patients that properly examined the validity of an automatic thought, were able to understand the nature of their thoughts, if they were true or not.

Keywords: Cognitive-Behavioral Therapy, Generalized Anxiety Disorder, automatic thoughts, cognitive conceptualization, adaptive response.

1. Introduction.

Anxiety is a special kind of fear. It is an emotional signal that we sense some type of threat. Generalized Anxiety Disorder(GAD) is a diagnosis that describes people who experience strong, persistent and damaging anxiety. While, everyone experiences some anxiety, GAD means that the anxiety has to some extent taken control of you (White, 1999)[1]. The term GAD first emerged with the publication of the DSM-III (American Psychiatric Association,1980)[2]. At the time GAD was wiewed essentially as a residual disorder because the diagnosis was not made if symptoms of panic disorder, obsessive-compulsive disorder, or phobia were present. The foundamental feature of the disorder was "persistent anxiety" for at least one month, with clients also required to endorse symptoms from three out of four categories, including motor tension, autonomic hyperactivity, apprehensive expectation and vigilance/scanning (Dugas;Robichaud, 2007)[3].

The term GAD is used in the official psychiatric Diagnostic and Statistical Manual of Mental Disorders (DSM-5), where the following diagnostic criteria are outlined:

A. Excessive anxiety and worry (apprehensive expectation), occurring more days than not for at least 6 months, about a number of events or activities (such as work or school performance).

B. The individual finds it difficult to control the worry.

C. The anxiety and worry are associated with three (or more) of the following six symptoms (with at least some symptoms present for more days than not for the past 6 months).

Note: Only one item is required in children.

(1) restlessness or feeling keyed up or on edge
(2) being easily fatigued

(3) difficulty concentrating or mind going blank

(4) irritability

(5) muscle tension

(6) sleep disturbance (difficulty falling or staying asleep, or restless unsatisfying sleep)

D. The anxiety, worry, or physical symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

E. The disturbance is not attributable to the physiological effects of a substance (e.g., a drug of abuse, a medication) or another medical condition (e.g., hyperthyroidism).

F. The disturbance is not better explained by another mental disorder (e.g.,anxiety or worry about having panic attacks in panic disorder, negative evalutation in social anxiety disorder [social phobia], contamination or other obsessions in obsessive compulsive disorder, separation from attachment figures in separation anxiety disorder, reminders of traumatic events in posttraumatic stress disorder, ganing weight in anorexia nervosa, physical complaints in somatic symptom disorder, perceived appearance flaws in body dysmorphic disorder, having a serious illness in illness anxiety disorder, or the content of delusional beliefs in schizophrenia, or delusional disorder) (DSM-5, 2013).[4]

Cognitive- Behavior Therapy has broad evidence as a powerful intervention for mental health problems in adults. Cognitive – behavior treatments have an empirical base and majority of practitioners,at least in North America, are trained in a scientist-practioner model (Dobson, 2009).[5]

Automatic thoughts are a stream of thinking that coexists with a more manifest stream of thought (Beck, 2011).[6] These thoughts are not peculiar to people with psychological distress; they are an experience common to us all. Most of the time we are barely aware of these thoughts, although with just a little training we can easily bring these thoughts into consciousness. When we become aware of our thoughts, we may automatically do a reality check if we are not suffering from psychological dysfunction (Beck, 2011).[7]

It is very important distinguishing automatic thoughts from emotions. Many patients do not clearly understand the difference between their thoughts and their emotions. Emotions are of primary importance in cognitive- behavior therapy. People with psychological disorders, however, often misconstrue neutral or even positive situations and thus their automatic thoughts are biased. By critically examining their thoughts and correcting thinking errors, they often feel better (Beck, 2011). [8]

2.   Understanding anxiety and thinking in GAD.

Anxiety is a prolonged complex emotional state that is often triggered by an initial fear. Fear is at the heart of all anxiety states. Fear is the underlying psychological state that drives the anxiety (Clark&Beck, 2012). [9]

To understand the anxiety it is important to know some of the common effects of anxiety:

Psychical symptoms

- Increased heart rate, palpitations
- Shortness of breath, rapid breathing
- Chest pain or pressure
- Choking sensation
- Dizziness, lightheadedness
- Sweating, hot flashes, chills
- Nausea, upset stomach, diarrhea
- Trembling, shaking
- Tingling or numbness in arms, legs
- Weakness, unsteadiness, faintness
- Tense muscles, rigidity
- Dry mouth

Cognitive symptoms

- Fear of losing control, being unable to cope
- Fear of physical injury or death
- Fear of "going crazy"
- Fear of negative evaluation by others
- Frightening thoughts, images, or memories
- Perceptions of unreality or detachment
- Poor concentration, confusion, distractibility
- Narrowing of attention, hypervigilance for threat
- Poor memory
- Difficulty in reasoning, loss of objectivity
-

Behavioral symptoms

- Avoidance of threat cues or situations
- Escape, flight
- Pursuit of safety, reassurance
- Restlessness, agitation, pacing
- Hyperventilation
- Difficulty speaking

Emotional symptoms

- Feeling nervous, tense, wound up
- Feeling frightened, fearful, terrified
- Being edgy, jumpy, jittery
- Being impatient, frustrated, (Clark&Beck, 2012).[10]

The common thinking errors in interpretation are : Catastrophizing, faulty estimates, gross generalizations, polarization, minimization. Catastrophizing is evident when the individual's thoughts focus exclusively on the worst possible outcomes of events. Faulty estimates are evident when the probability of danger is assessed at inaccurately high levels, particularly when the actual probability of danger is ambiguous. Gross generalizations are evident when the danger perceived in one event is applied to other events, without any differentiation between events. polarization is evident when are perceived in all-or-nothing terms of extreme danger or safety. Factors that indicate protection or safety may be minimized or ignored (Rygh&Sanderson, 2004). [11]

The cognitive component of GAD can be modulated with a wide variety of techniques. These techniques include psychoeducation, cognitive restructuring, hypothesis testing, positive imagery, worry exposure, improving problem orientation, cost-benefit analysis of coping and two cognitive response prevention techniques:scheduled worry time and worry-free zones. The cognitive components of GAD are: psychoeducation, cognitive restructuring, worry episode log, guided discovery, decatastrophizing, developing alternative viewpoints, hypothesis testing, positive imagery, worry exposure, improving problem orientation, cost-benefit analysis of coping, cognitive response prevention, scheduled worry time and worry-free zones (Rygh&Sanderson, 2004).[12]

People with GAD haveinconsistent thoughts and can not control them. Therefore, it is important to apply strategies to control thisthoughts. Most of the time, strategies used to control the thoughts from individuals themselves are not effective.

There is a little available research on the nature of thoughts control strategies used by individuals with GAD. However, evidence from other sources suggests that some such strategies may be ineffective and perhaps countproductive. Research with thought control Questionnaire suggests that worry and punishment, when conceptualized as thought control strategies, are associated with emotional disturbances (Heimberg&Turk&Mennin, 2004). [13]

The treatment of thinking through Cognitive-Behaviour Therapy (CBT), theoretical and practical models.

The majority of people experiencing GAD do not seek treatment. They tend to regard themselves as chronic worriers and assume that nothing can really help them. Untreated, GAD tends to last longer and impact a greater portion of a person's life. The traditional treatment stems from Freud's work and maintains that the cause of anxiety is usually rooted in childhood. It is belived that by returning to these earlier issues the client's fundamental conflict can be brought to the surface and resolved. The cognitive part of CBT refers to the power of our beliefs. What we believe about ourselves, our world and our future has a strong influence on what actually happens. The behavior part of CBTacknowledges that real change happens in our life only when when we do things differently. There needs to be some kind of action that brings the new direction to life (White, 1999). [14]

One important step of CBT is to identificate the negative thoughts.The clients most become aware of their thoughts, the act of metacognition. Some clients are quite "psychologically minded"and understand these ideas fairly quickly, whereas others struggle with some of these notions and exercises. Some clients may object to terms such as dysfunctional or distorted thoughts. The onus is on the therapist to find substitutions that have the same meaning but are more palatable to clients. for example, we may use the phrase" thoughts that make us feel bad" or "thoughts that lead to negative emotions(Dobson, 2009). [15]

Thera are many techniques to change the anxiety thinking. From anxious thinking to normalized thinking we must use skills to understand the anxious mind. There are some diagrams to illustrate this shift in thinking (Clark&Beck, 2012). [16]
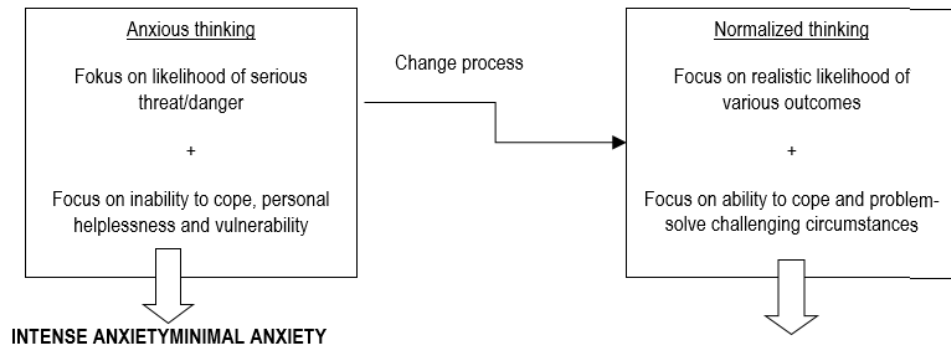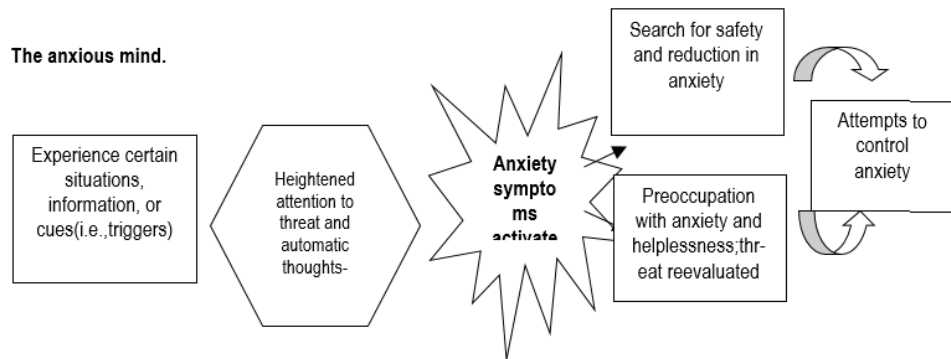
Exercise for thought monitoring (Clark&beck, 2012).[17]

A two-step process for learning to catch core anxious thoughts:

1-   Monitoring the anxious thoughts
2-   Threat assessment diary.

Anxiety work plan

Targeted anxiety symptoms	Interventions exercises	Self-help schedule	Outcome
PART I. ANXIETY TRIGGERS (situations, etc.)			
1.			
2.			
3.			

From the Anxiety and worry workbook, Clark&Beck, 2012). [18]

3. The importance of evaluating Automatic Thoughts (AT).

Our thoughts are created by our mind, which is constantly helping us to interpret the world around us, describing what's happening, and trying to make sense of it by helping us interpret events, sights, sounds, smells, feelings. Automatic thoughts can be words, an image, a memory, a physical sensation, an imagined sound, or based on 'intuition' – a sense of just 'knowing'(Vivyan, 2009).[19]

Automatic thoughts seem to pop up spontaneously, they become fairly predictable once the patient's underlying beliefs are identified. Automatic thoughts are usually quite brief and patient are often more aware of the emotion they feel as a result of their thoughts than of the thoughts themselves. Automatic thoughts are often in "shorthand" form, but can be easily spelled out when the patient ask for the meaning of the thought. These can be evaluated according to their validity and their utility. To summarize, automatic thoughts coexist with a more manifest stream of thoughts, arise spontaneously and are not based on reflection or deliberation. People are usually more aware of the associated emotion, but with a little training, they can become aware of their thinking (Beck, 2011). [20]

To evaluate appropriately the automatic thoughts, the clinician first must learn the patient to identify them. There are some important steps to identify automatic thoughts and than to evaluate them.

Eliciting AT – how to identify steps:

1. Heightening the Emotional and Physiological response.
2. Eliciting a detailed description
3. Visualizing the situation.
4. Re- creating an interpersonal situation through role play.
5. Eliciting an image.
6. Suggesting an opposite thought.
7. Uncovering the meaning of the situation.
8. Phrasing the question differently (Beck, 2011).[21]

To conduct a correct automatic thought's evaluation, the clinician must know to identify additional AT, the problematic situation and to regoznize the situations that can evoke AT. This could be able with the client's help.

4. Method.

The basic datas are taken for5 patients diagnosed with Generalized Anxiety Disorder and treated through Cognitive-Behavioral Therapy techniques.

Table 1. Patients characteristics.

	All Patients (*n* = 5)Treatment with CBT (*n* = 5)Practice for AT evaluating (n=4)		
Number female	4	3	3
Self anxiety measured	3	3	3
Stabilized on medication at start of treatment	2	1	1
Age	40	40	40
Additional diagnose except GAD Mood disorders	2	2	2

Measures.

The Anxiety and Related Disorders Interview Schedule for DSM-5 (ADIS-5) - Adult and Lifetime Version (Timothy A. Brown and David H. Barlow,2014),was used to determine current and lifetime DSM-5 diagnostic status (an abbreviated version focusing on current diagnoses was given for post- and follow-up assessments). The ARDIS-5 includes a clinical severity rating (CSR) for each diagnosis. All assessments were administered by clinic psychologists in their clinic practice.

To the five patient was applied the Self-Evaluation Questionnaire, STAI form Y-1 and Self-Evaluation Questionnaire, STAI form Y-2 (White1999).[22]

With all the patient were used the techniques for AT evaluation. The questioning to help patients evaluate their thinking:

- Examine the validity of AT.
- Explore the possibility of other interpretations or viewpoints.
- Decatastrophize the problematic situation.
- Regognize the impact of believing the AT.
- Gain distance from the thought.
- Take steps to solve the problem.

The AT are collected by the patients in spontaneous way during the sessions. The important AT distinguished because are in a strong relation with the initial patient's complaint. Very important is to distinguish the true facts. The clinician has to keep in mind that AT are rarely completely erroneous. Usually they content a grain of truth (Beck, 2011). [23]

Example for one case, to see the way how the AT effect all the cognitive construct of the person.

Case 1, female, 38 years old.

AT identified – "*My husband is not interested for my career*".

1. What is the evidence tha supports this idea?
2. *" He don't ask me what I do every day in my job."*
3. Is there an alternative explanation or viewpoint?
4. *" I don't think so."* – negative
5. What is the worst that could happen?
6. *"If my husband will not be worried if I let the job."*
7. What is the effect of my believing the AT?
8. *"I feel anxious and pessimist."*
9. What would I tell to a specific person?
10. *" I will tell to my husband that I don't care about him."*
11. What should I do?

" I have to tell him that my career is very important for me."

After has been seen how the AT effect the patient thinking and believing, the clinician must understand the difference between true or untrue AT. For this aim it can be used the version of A.T.Beck, for tipical mistakes in thinking:

1. All-or-nothing (also called black and white, polarized or dichotomous thinking).
2. *Examplecase 1*: " If my husband doesn't ask about my job, he doesn't love me."
3. Catastrophizing (also called fortune-telling)
4. *Example case 1: " I will be so upset, I won't talk to my husband all day."*
5. Disqualifying or discounting the positive.
6. *Example case 1. " My husband call me many times a day, but he never ask me if I have any problem at job."*
7. Emotional reasoning.
8. *Example case 1: " I have a good relationship with my husband, but I still feel that I'm not very important for him."*
9. Labeling.
10. *Example case 1: "I'm upset, he is disgraceful."*
11. Magnification/minimization.
12. *Example case 1: " When he doesn't ask me about my career, makes me feel very worthless. Having good relationship with him, doesn't mean he's interested in me."*
13. *Mental filter (also called selective abstraction).*
14. *Example case 1: "Because he doesn't make me many questions about my job, it means he doesn't love me."*
15. *Mind reading.*
16. *Example case 1: " He think I'm not capable in my job."*
17. *Overgeneralization.*
18. *Example case 1: "These dissadisfaction can make unfavorable our relationship."*
19. *Personalization.*
20. *Example case 1: " He doesn't care about my career because I did something wrong."*
21. *"Should and Must" statements (also called imperatives).*
22. *Example case 1: "It's terrible for me if I don't have my husband's attention all the time."*
23. *Tunnel vision.*

Example case 1: " My husband doesn't like my professionality."

To registrate the AT is used the Thought record (White, 1999):[23]

Triggering situationAnxiety and other feelingsAutomatic thoughtsWorst outcomeRerate feelings and thoughts

_____

_____

_____

_____

The uncertainty is one important causefor the appearance of AT. Acceptance of uncertainty can be addressed by working to do the following (Wiiliam&Knaus, 2008):[25]

1. Accept facts and reality.
2. Accept that you can progressively master methods for overcoming uncertainty fears.
3. Accept that a prime solution involves for uncertainty may prove uncomfortable but is instrumental to positive change.
4. Accept that overpreparation, such as repeatedly going over every possible scenario, supports a misguided view that perfection is the solution for controlling tension.

5. Results.

After this process the patient were able to evaluate their AT. Not all of them were able initially to identify them, but after a guided help they could evaluate appropriately their AT. Evaluating the At was helpful for the identifying of emotions too. This wsa helpful too for the patient's interaction when they play themselves through role play. After identifying and evaluating AT, additional questioning brings to light other important thoughts. The patients, in addition, have other automatic thoughts not about the same situation itself, but about their reaction about that situation. They may perceive their emotion, behavior, or physiological reaction in a negative way.

Amoung this process it had been seen that the AT could appear before a situation, in anticipation of what might happen, during a situation and/or after a situation, reflecting on what had happened. In addition to being unable to identify automatic thoughts associated with a given emotion, patients have difficulty even identifying a particular situation or issue that is most troublesome to them. Many patient amoung this process reported interpretations, which may or may not reflect their actual thoughts. The best way in this cases is to guide the patients to report their thoughts. Patients often report thoughts that are not fully spelled out. It was difficult to evaluate a telegraphic thought, so the best way was to guide the patients to express the thoughts more fully. The patients had thoughts about their cognitions, their emotions, their behavior or their physiological or mental experiences. Any of these stimuli engendered initial AT followed by an initial emotional, behavioral, or physiological reaction.

To summarize, the patients was learned to identify their dysfunctional thinking, then to evaluate and modify it. The process started with the recognition of specific AT in specific situations and than evaluate the AT and situation itself.

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Determining the Margin of Error that Introduces Systematic Sampling of Public Opinion Polls (the Case of the Current Electorate of Tirana)

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Abstract

In polls that conducted today in Albanian reality, note that the margin of error is in the level + - 3%, regardless of other elements that affect in the validity of the polls. In the validity of answers, affects negatively also the questions with delicate problems[1]. For getting these sincere responses, an important role plays the nature of the questions.If the questionnaire is composed of questions that can be characterized as fragile, then for the question that in itself treat political topics, the interviewer has a tendency to not show sincere to these questions. Questions with delicate topics tend to give respond less valuable[2]. The methodology suggests that, when it is not possible to avoid delicate questions, become our best to preserve the anonymity of the respondent, which does not sure by the systematic sampling, which inevitably makes the respondent identifiable .So in this sample,respondents perceive themselves as identifiable. This causes them to feel threatened, if they give honest answers. Insincerity produces additional error that is intended to determine in the context of this paper. The study is not type explanatory, that uses working hypothesis as an assumed response to a research question, but experimental exploratory type, which seeks to test empirically the basic assumption and simultaneously determine the margins of error that are made in measurements to the public opinion when not respected the anonymity of respondents when we make delicate question.The experiment on which this paper is based, aims to test the basic assumption: The error that inserts when is not ensuring the anonymity of the respondents in a systematic sampling, when are made question that considered as delicate.

Methodology

To implement this empirical study, was needed a survey to evolve *in parallel* at the same time by two groups of interviewers, one family and one on the street. Was conducted a survey with a sample that does not identify respondents, namely, with quote to the last link of sampling. Also was conducted analog survey(with the same questionnaire), but with the sampling that identified respondents, according to a systematic sampling ("from gate to gate") in the last link of sampling.

More specifically, the two surveys, except that did with the same questionnaire in the street and in the family, they were performed *simultaneously (in parallel)* and in the same place and with the same sample size), but one of them assured anonymity of respondents through selection in last link of respondents with quote, by sex and age group with a questionnaire that had no delicate questions, while the other followed systematic method for selecting of families or working environments.

With a high degree of mistrust, nor can be expected that respondents believe to the promises of interviewers that, everything that they say "will remain among them." Therefore, to have data more reliable from the surveys, should not believe the "formula" that promises conservation of confidentiality of the answers given by respondents[3]. If we use a scheme of probabilistic sampling type (casual or systematic), which seeks to contact persons to be surveyed in a way, they perceive themselves as easily identifiable (by name, location, place of work), then it makes no sense to talk about maintaining of their anonymity. The only thing that we can promise the respondents in this case is to promise the confidentiality of their responses. But such a promise, not results reliable in a society where the confidence level is too high (over 90%).

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[1]Kocani A., Metodat e kërkimit sociologjik: Tiranë, UFO 2006,fq 79
[2]Kocani A., Metodat e kërkimit sociologjik: Tiranë, UFO 2006,fq 92
[3]Feraj H., Kocani A., (2013) *Anonymous or Confidentiality in Opinion Survey?(The Selective Aproach for Sampling in Surveys where are Included Delicate Questions)*, Mediterranean Journal of Social Sciences, Vol 4 No 2, May 2013, ISSN 2039-9340

Then, it remains to be devised a sampling that allows to ensure anonymity of respondents. Namely, that allows respondents to perceive that they are not identifiable and, thus, frees them from fear that they could suffer, if will give honest answers to questions that they consider as sensitive. And this can be accomplished if in the design of the sampling, in the last link (which contacts persons to be interviewed) used the quota method (by age group and gender). According to our experience of surveys since 1998, the use of quotas in this last link, provides really noidentifiability of respondents, therefore the sincerity of their answers. In this way, can be taken with measurements the reliable data, which then can be extracted also the relatively reliable conclusions, which constitutes the main goal of each scientific research.

We emphasize once again that such a thing can be achieved in that the interviews make not in families and environments where respondents can be identified as such, but on the road away from their homes or their work, where they are seen as passers. But in this case, in the last link of sampling, we are forced to use a type of sampling **is not probabilistic** type, quota sampling. Such a sampling form contains an unspecified error, on standard, that should be measured with an ad hoc procedure type.[1]

RESULTS OF DATA PROCESSING

The error that inserts non consideration anonymity of respondents, when we make delicate question.

Also, to calculate the differences in the value of the answers on the questions that are made in the family (systematic sampling)), was elected as the indicator of aggregate type, the indicator of Subjective Welfare (ISW) provided by R.Inglehart. Through the creation of tables of frequency was conducted the calculation for ISW of answers in family and for the answers on the road. The difference between values of these two ISW would constitute the required difference, that involve the error that inserts quotas (survey on street), theerror that inserts non considering the anonimity of respondents and the statistical error that inserts sampling rate representation (survey in family). More specifically we have the following.

A.   **Survey on the road:**

1. *The first question: Considering everything, do you think you are / satisfied with the life you do now?*
2. According to this question we have:
3. **Δ (satisfaction from life) =** [(satisfied + quite satisfied) - (not satisfied +little satisfied)] = [(30.4%) - (26.6%)] = + 3.8%.
4. So we have to Δ (**satisfaction from life)** value of + 3.8%.
5. Let us find now than is the value of Δ (happiness). We have:
6. Second question: *In general, you feel yourselves:*
7. According to the second question we have:
8. Δ (Happiness) = [(Very/ happy + quite / happy) - (Not at all / happy + Not / happy] = [(49.4%) - (14%)] = + 35.4%.
9. So we have to Δ (Happiness) value of + 35.4%.
10. We have the value of ISW on the road:
11. ISW (street) = [Δ (life satisfaction) + Δ (Happiness)] / 2 =[+ 3.8% + 35.4%] / 2 = + 39.2% / 2 = + 19.6%
12. So we have to ISW (street) = + 19.6%

B.   <u>The survey in the family:</u>

1. The first question: *Satisfaction from life?*

[1] Kocani A., (2011) Përcaktimi i marzhit të gabimit që fut kuota në hallkën e fundit të kampionimit të një anketimi kundrejt kampionimit sistematik, AKTET Revistë shkencore e Institutit Alb-Shkenca, Vëll.IV, Nr.4, ISSN 2073-2244.

According to the first question we have:

Δ (satisfaction from life) = [(Fully / satisfied + Quite satisfied) - (Not at all satisfied + little satisfied = [(66.6%) - (12.5%)] = + 54.1%.

So we have to Δ **Δ (satisfaction from life)** value of + 54.1%.

Let us find now the value of Δ (Happiness). We have:

Δ (Happiness) = [(Very happy+ quite happy) - (Not at all happy+/ Not happy] = [(76.0%) - (5.2%)] = + 70.8%.

So we have to Δ (Happiness) value of + 70.8%.

We have to value the ISW in the family:

ISW (family) = [Δ (life satisfaction) + Δ (Happiness)] / 2 =

[+ 54.1% + 70.8%] / 2 = + 124.9% / 2 = + 62.45%

So we have to ISW (family) = **+ 62.45%**

Margin required is:

ISW (family) = + 62.45% - ISW (street) = + 19.6% = + 42.85%

As the margin it will be [- 42.85%, + 42.85%]. From this margin will be "expected" statistical error, that inserts the sample of size (for sampling with size 100 units) is + / - 10.6%. We will have: (- 42.85%) - (- 10.6%) = - 32.25% and (+ 42.85%) - (+ 10.6%) = + 32.25%.

So the margin remains **[- 32.25%, + 32.25%].**

From this margin will be "expected" the error that inserts quotas, which from the measurements made by the "parallel" survey, it appears that is given from the margin [-7.35%, + 7:35%].

We do "cutting**": (- 32.25%) - (-7.35%) =- 24.9%** and

(+ 32.25%) - (+ 7:35%) = + 24.9%

So the error that inserts non consideration of anonymity of respondents, when we make delicate questions is:

 [- 24.9%, + 24.9%].

CONCLUSIONS

From tables of frequencies, results that the differences between ISW values of responses to answers of analogue questions (on the road and in the family) form a segment, which has as the smallest margin -3.25% and the largest margin + 3.25%. From the smallest limits and the greatest limits, we should subtract the error that associated with systematic sampling depending on its size; Respectively statistical error is +/- 6.10% (for sampling the size 100 units).

Segment **[-7.35%, + 7:35%]** makes the proposal for the required margin of error that introduced quotas in the last link of sampling.

Also, the error that introduces non consideration of anonymity to respondents when making delicate question is:

 [- 24.9%, + 24.9%].

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The Attachment Relationship with the Mother and the Exploratory Behavior of the Children Aged 5-6

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Abstract

Attachmentis the formation process of the emotional and stable relationship between a mother and her child. This emotional relationship starts to grow since the first days of the child's life. The healthy attachment of the child and his/her mother creates the most important bond in a way that the child can be safe, courageous and persistent in his /her behaviors. This study is supported by this kind of perception and it is conducted with children of the age 5-6. There is also presented information, quotes, researches and ideas from education and psychological field for this study. There also presented several behaviors with concrete facts, data, and different experiences from the research who involved a group of children of this age. The aim of this study consists in the fact which affects the child with his/her mother in his psychological formation and his exploratory behavior. The experiment through games was another way for the data collection of the exploratory behaviors of these children. After the collection of these data, their process was elaborated in order to have concrete conclusions for the study. Consequently, these data showed that the healthy attachment between a mother and her child affects positively in his/her social and psycho emotional formation. The relationship between a mother and her child plays a significant role in the multidimensional process of his/her formation. The attachment relationship determines the long-term impact on the psychological characteristics ofthe children by affecting their worldview and in their perception of social environments.

Keywords: attachment, relationships, children, behavior, exploratory.

Introduction

The attachment is a significant relationship of the child and his/her caretaker who is usually the mother. Pursuing this idea, every infant develops an attachment bond with the people who take care of it and try to see these people as a source of tranquility and security facing the challenges and threats that come from the environment. The presence of the attachment bond between a child and its caretaker should be universal. These relationships and their quality is affected by the indivual differences that some people tend to demonstrate. According to Bowlby the infant builds an attachment bond with the caregiver as long as the person interacts with him and forms and attachment figure. Children will be unattached if they will not have a stable caregiver as in the case of institutionalized children.(Cassidy. J., & Shaver.P.R, 2008, pg 78).

Through repeated interactions with the same adult the infant begins to know his/her caregiver and considers him as the primary caregiver. Bowlby and Ainsworth were the first who explicated instensively these early attachments and relationships. They described the infant as biologically predisposed to use the caregiver (usually the mother) as a "safety shelter" and as a "sure foundation" while he/she is exploring the environment. (Cassidy.J & Shaver.P.R, 2008, quoted by Ainsworth,1967; Ainsworth et, al 1978: Bowlby, 1969/1982). When the child feels the threat he/she requires care for protection and tranquility. In fact, Bowlby and Ainsworth the infants balance through exploration and research of attachment when the explorations turn threateaning.

The confidence of a child against his care, induces the exploration and competence as a main notion in the attachment theory (Cassidy. J., & Shaver.P. R, 2008, quoted by Bowlby 1969/1982). During his grow the infant should balance the exploratory motivation with the appropriate fear against the danger and the new things, while he becomes acquainted with the new environments and develops new skills. The early childhood, the middle , and adolescence last much more comparing to the animals. Many human behaviours are just games. (Cassidy. J., & Shaver.P. R, 2008, quoted by Lorenz,1977, pg.147). The attachment period provides an intuition of what is necessary to make the child feel safe and without any tensions; an attached and protective figure who responses, who is also supportive, reliable, stronger and more intelligent. Through this kind of nourishing behavior the infant has the possibility to explore the world in a confident way, to

develop warm interactions with the others and to find commiseration to his caregiver ((Cassidy. J., & Shaver.P. R, 2008, quoted by Ainsworth, 1978).

The mother-child attachment is a vital process which establishes the foundation ofverbal and nonverbal communication. The attachment is a peaceful and beautiful interaction between the mother and her child because it is the first social-emotional bond, that the child creates with the environment which surrounds it. In this process the child begins the connection with the life, with the people and anything else around. Some studies based on this subject present some information that the well-attached children are more sociable, more communicative, more collaborative and they are also exploratory in their behaviours. It is thought that those are children with a good development in both aspects physical aspect and linguistic, and emotional aspect.

Therefore, this is the reason that my research is focused on, so on the mother-child attachment. The main attention is on this important relationship during the childhood which still remains important even in the future. This attachment bond, in this study, is not observed as a unique issue, but it is closely linked with one aspect of children's development, exploration. Being exploratory, as it will be widely explained in this study, means to have self-confidence and it also means to be concentrated in what you are doing, to face and to be adapted with the familiar and unfamiliar situations. Moreover, you can have interactive skills, self-control and in the same time it is important tobe autonomous. These and other features create the healthy attachment.

1- The purpose of the study

The purpose of this study is to observe closely and in a detailed way the children's behaviours, actions and interactions, communication, exploratory way in different situations and also the influence on the attachment bond of the child with its mother in their behaviours. My purpose is to explore their behaviours in the kindergarten's environment and to observe how the children create a relationship with the others, how close they are with the unknown people, how much they want to learn and how curious or persistent they are, in order to achieve their own goal.

This observation will be based on the exploratory features of the child, which are as following: stability, attention, curiosity, their way to face with the challenges and unfamiliar situations, reactions and interactions with the mother, with the friends of the group, teachers and with me. It will be also focused on the attachment features that the child has with the mother.

2- The objectives of this study

To evaluate the role and the importance of the mother-child attachment, in a real example with the children aged 5-6 years old.

To discover the attachment bond of the child with its exploratory behaviours.

To find out the causes and the reasons of the lack of exploratory behaviours of the children aged 5-6 years old.

To highlight the importance of gender roles in the development of exploratory behaviours of the children.

Furthermore, the objective of this study is not only the evidence of this bond or relationship, but it is also to create the way how it should be worked with the children who are not explorers and they have not developed this important behavioral system for their overall development and growth.

3-   The research question
- **Which is the role of the mother-child attachment in the development of exploratory behaviours of children aged 5-6 years old?**
- **How does the mother-child attachment influence on the child's psychological development?**
- **How do the gender roles affect on the exploratory behaviours of the children?**

4-The hypothesis

Children who are well-attached with their mother have a good psyco-emotional development. They are also cooperative, exploratory in their behaviours, communicative, courios and courageous to discover the new things which surround them.(In this case,referring to children aged 5-6 years).

5-The methodology

In oder to achieve the goal of this study, it is conducted a detailed observation in some behaviours, interactions, ways of how children react in different situations when they are in the kindergarten and their attachment bond with their mother. This observation will be based on the exploratory features of the children which are: stability, attention, curiosity, their way to face with the challenges and unfamiliar situations, reactions and interactions with the mother, with his group friends, teachers and with me at including also the attachment features that the child has with the mother by using effective methods which are described below.

Moreover, the objective of this study is not only to make an evidence of this bond, but it is also to find a way how it should be worked with the children who are not explorers and they have not developed this important behavioral system for their overall development.

There are applied all the ethical issues by providing the necessary permission from the child's parents and in collaboration with the teachers of their group. For the realization of this study, I am based on useful literature (literature for the explanation of the Keywords, as well as similar studies related to the issues of my research that support it). The study case is done by reviewing the child's documentation, the child's checklist completed by the mother as well as an interview, semi-structured with the mothers.

The checklist is an instrument that includes a list with topics, objectives, skills, and knowledge that each child will be observed. The main purpose of the checklist is to register a constant evaluation for the occurrences which are observed at the child by testifying and inferring how it completes his tasks or different kinds of objectives. (Mita,N " The instrumental measurements", Modul 2,pg 7). This checklist is also intended to observe and to measure the characteristics of child's behaviours associated with its exploration.

Based on the researches, which are conducted on this concept and features that create it, I am focused on some characteristics that I think are important, which are as following*: 1. The stability of the child during his performance on an activity/game and during its interaction with the object/toy. 2. Eye contact that the childs makes with the object/toy that is playing with, or in the cases when another person is near it and suggests and instructs the child how to play.3. The child's skills and competences manifested in some behaviours that it develops (being self-confident). 4. The interaction with his friends and reactions during several activities.* In the checklist these are specified as voices/items that reflect certain behaviours of the child who does them or not completely. Besides the specification of these behaviours, there is even a measuring scale which indicates the frequency of these behaviours performed by the child. There also some comments when it is necessary to specify a special characteristic that attracts attention. The semi-instructed interview.

This interview is one of the instruments that is being used in order to explore the attachment bond that the mother has with her child and her perspective on her motherhood experience. In this interview will be described the essential elements that express the mother attachment.

The questions, used in the interview, are structured in a such a way to provide a sufficient amount of information on mother's feelings from the moment of the detection of pregnancy until the child's actual age. Each of the questions follows a chronological line. They are encrypted in order to analyze the findings of the study. These filmings gave me the opportunity to process better the data received, to have more facts and I can also have more information about the verbal and nonverbal aspects, reactions, concentration, time of the acitivity, ways of interaction with me, and the eye contact that the child has with the toys and even with me. Moreover, what it's more important, to observe how they have changed their behaviours and reactions from the first to the last game. During the filming, children did not know that they were being filmed and the camera was put in a place where it could not be distinguished by the child's eyes. Games are played in one corner of the class, without the presence of other people, excpet me and the child. It was needed a circle table, two chairs and toys and items of the game.

I think that there are several factors that have influenced (positively/negatively) on the realization of the experiment which are as following: the child's desire and its pleasure thatgets from these games; the change of their daily routine; the child's emotional state before the experiment; the sound/noise of children in the kindergarten, because it was impossible to completely isolate them.

The games were selected after a careful and constant observation of the children's preferences and also based on the information received from the teachers of the group, because they have more experience on working with them. For each of the games there are measured different elements that constitute the child's exploratory behaviour, as well as their application purpose was to bring a clearer profile for each children and a detailed description of their behaviours during the games which leads us to the analysis and conclusions related to the research question.

It is very important to emphasize that through this game, which is one of the activities that provides opportunities for the child to have fun and to learn in the same time, it can be explored more to obtain real and objective data. There are chosen the exact games to make the experiment real, by referring to various studies that have been presented in the literature review in the chapter 1.

6- The review of data, analysis

There are collected all the data from the checklists, the experiment and the interviews with mothers which were received from this study.

The checklist,this useful instrumet divides the attachment in its four types and each of them has ten specific features. Its measurement scale is divided in two groups: Yes and No, if it is in this way or not for each child. The data accumulated and will be presented in the table for every child.

Table, Nr.1.

Nr of checklist	Positive answers (total)	Negative answers (total)
I	13	27
II	27	13
III	28	12
IV	13	27
V	14	26
VI	26	14

The table no.1 shows the total number of the answers (positive or negative answers) accumulated during the fullfillment from the children's mothers.The collection of all these answerscreate a general idea about the style of the attachment that these children have with their mothers. There will be a summary of the responses for every child in each category and put in the checklist, if they are positive or negative answers. The denomination of each checklist will be created on the basis of the numbers that they have in the table.

Referring to the given answers, it is confirmed that mothers were objective and they did not avoid the main goal of the study. This is evaluated by the time of the questions and this means that the answers were immediate and in a short time. These responses written above, are compatible with the results obtained from the checklist completed again from the mothers and from the observations that I have done during my stay in the kindergarten.

The interview was valid for a better understanding of the child's attachment with the mother and how it has influenced on the general growth of the child. Moreover, with this instrument (interview) it is also obtained the emotional aspect that the

mother presents during the interview. It was actually a fact how these important stages as a mother, are transmited even to the child because some of the emotions distinguished to the childare quite compatible with the mother's emotions (for example: showing enthusiasm for new things, do not experience high levels of fear and better management of emotions in stressful situations).

The hypothesis set in the beginning of this study was reinforced and confirmed from all the data received. This instrument has enriched the study with real elements as expressions and emotions used by the mothers. This gives me further impetus to achieve new concrete conclusions. Working with children during this period, has made me think that there is a lot to discover and to learn about them because they are also selective when they choose what to show to the others. My goal was to see how it affects the mother-child attachment in order to reflect assurance and encouragement for interaction. I was also interested to explore their behaviour inside the kindergarten, how they could create relations with others, how to approach strangers, how much do they want to learn and how curious or persistent are they in order to achieve their own goal. The kindergarten is an environment that offers natural ways in order to see how these elements are combined to every child. However, there are differences among them because everyone is unique, everyone has his own individuality on how he behaves and reacts in different situations. Every child in this study presents his personal characteristics and how similar they look, but in fact they are so different from each other.

They are almost in the same age, are part of a group, can interact (some less and some more) with each other, they exchange their experiences and they also come from different family backgrounds, occurrences and dynamics. All these features have effected on the children's personalities and in what they present or show themselves. Remaining to family dynamics, one of the conclusions of this study is the potential that the family has in order to influencestrongly on a child's life and which can alter his development.

In the cases that are presented in this study, two of the children who were not grown in the same way, as a result of the absence of one parent, manifested different characteristics from the other four children who live with both parents. If we relate this with the attachment, I would add that the absence of one very important figure (the father) and having another one as the primary attachment figure (the mother) complicates the child's life. This happens because the mother has too many responsibilities such as: to think and to earn the incomes, to take care for herself as a woman and she has also to think of her professional background. All these elements complicate more thathealthy "survival" of the child and they do not give him the neseccary safety to meet other development andneeds. In this case these children used to show a lot of uncertainty and this reflects them on their behaviour.

Moreover, based on their behaviour it is easy to notice instability, fear, and hesitancy. The theory used for this study is based on the way how the attachment influencesthe child's life, starting from the detection of pregnancy from the mother to all stages of child's development. I decided to focus deeper to these two mothers, based on their interviews conducted with them and how they perceived their pregnancy (in fear and anxiety) and this also presents unhealthy attachment with their children. These two mothers felt scared and lonely as the result of the partner's absence because they could not have psychological support. Their young age and the economic uncertainty, which are part of a very important role, made these two concerned mothers to live with fear, anxiety and uncertainty that stage of life that is most beautiful experience for every woman. This anxiety is reflected during the growth of the child and her attachment bond with it.

As it was stated above, all these factors inevitably affect on the children's behaviour who have a a huge differentiation from their peers. They are less interactive, not courious to explore the surrounding environment and they have difficulties in socializing. Consequently, they are also more unapproachable and more insecure. All these behaviours and all the methods I have used give a clear view in order to reach these findings . The children did not get the role of initiator at any moment during the activities, but they were acting more as observers and more passive. Uncertainty in theirselves made them to have difficulties in getting the initiative, in facing the unknown situations and facing challenges. Their reactions are uncontrolled, full of confusion and they often react with anger. Their ongoing efforts to get the attention of the people who are around them, the attention that has been missing in their families, make them "unsocialble" and not active or interested in the activities.

Therefore, even in the reactions and relations with their peers these children emerge the above characteristics. During the games in groups, they show lack of exploratory skills because they get more confused, can not concentrate and they are not ready for cooperation with their peers. Furthermore, they have the tendency to follow the rules set by the others without negotiating before with them and without showing their interest and their preferences. This is even showed during the game

activities in groups because when they were assigned a role, they accepted it in silence without expressing their preferences. This shows the lack of exploratory skills of the child. Fear, uncertainty, not very high self-esteem and the lack of concentration make them to be less interested towards the new things. They feel intimidated for the new things and when their daily routine changes. I think that this happen because of the mother's early experiences. For instance, her fear during the pregnancy period and the fear that she felt and experienced during the growth of her child. An uncertain mother, who dedicates less time to her child, can not transmit certainty and confidence eventhough she would like to do it.

Below, there will be presented the dataobtained from each group of children and gender differences regarding the relevant exploratory skills. These data are accumulated according to the strategies and manners that the children used to meet with the *lego* game.

The characteristics of girls:

- Not very active with each-other, less focused on the game's elements, and more concentrated in secondary details.
- During the game activity, they show more verbal communication and express more enthusiasm.
- They are more persistent and have more patience in finding the solution to unify the parts of the game, so the lego parts.
- They maintain eye contact with each-other.
- They failed to finalize the game. They got involved in the game for 25 minutes and began to destract and wanted to leave.
- *During the game, two of the girls, who came from regular families, without social-economic problems, were more concentrated in the game whereas the girl who had divorced parents tended to communicate with me about the game and she asked frequently: "Will we make other games after this one?" The girls also refered to the game instructions, but they found it difficult to negotiate with each other for finding solutions.*

The characteristics of boys:
- Boys were more interactive and willing to help each other.
- They were concentrated in the activity that they were doing and persistent to find the solution.
- Boys had less verbal communication during the game and less eye contact with each other because they observe more the elements of the game.
- They built the lego for 30 minutes and they were very enthusiastic about it.

Eventhough there are similar family dynamics, there are also some differences between the girls and boys' behaviour. What was observed during the game, was the lack of concentration and initiative that was more evident from the girls than from the boys. The girls were less persistent in achieving the good result and they got easily distracted from the enviromental stimulus. They girls were were more focused on talking with each other than on achieving the objective of the game. The boys had great exploratory skills, were more concentrated, maintained more eye contact with toys and they were not distracted from the environmental stimulus. This study can be enriched even with some other researches that can confirm or disprove its hypothesis.

7- The study findings

Based on the research we concluded that the mother-child attachment, or the attachment with another person who takes care of the child, is a significant process which effects on the child's psychosocial development. It was also found that in the process of the healthy attachment to the mother with the child, there are other factors which affect the emotional state of the mother. There are several social situations such as the economical situation, unemployment, divorce, difficult relations in the family which effect negatively and burden the mother's emotional state. All of these factors create an

unhealthy relation with the child. An insecure mother, without a regular or a normal family, without an economical support and the one who dedicates less time to her child, can not transmit certainty, confidence, love and warmth to her child.

Eventhough there are similar family dynamics, there are also some differences between the girls and boys' behaviour. What was observed during the game activity was the lack of concentration and initiative that were more evident from the girls than from the boys. The girls were less persistent in achieving the good result and they got easily distracted from the enviromental stimulus. They girls were more focused on talking with each other than on achieving the objective of the game. The boys had great exploratory skills, were more concentrated, maintained more eye contact with toys and they were not distracted from the environmental stimulus. This study can be enriched even with some other researches that can confirm or disprove its hypothesis.

The relation with the mother, which is founded since the conception of the child, is decisive for the development of the child and its perspective in the future. This relation, called attachment, means adaptation and emotional support of the mother for the child. Having a healthy relation with the mother gives to the child more capabilities and competencies in order to be an active agent in the environment that sorrounds the child. The healthy attachment of the child with the mother is an important factor in the formation of the child, to be more social and explorative in its behavior. From the study conducted in the preschool children we got the following conclusions:
Security and time dedicated (qualitative and quantitative) that mother invests in her child gives the child more self confidence, giving the possibility to live the new situations with enthusiasm, to accept them and get easily adapted.
Strengthening the capability of saying "I love you", "I want", "I do not like" is a clear indicator of a healthy child that has a high self confidence and self estimation.

Children that have poor attachment relations with the mother do not express curiosity in knowing and interacting with same age children and display behavior of distrust and unstable, expressing anger in specific situations.
The emotional state of the mother as well influences in the healthy attachment, security for life, her social and economic support.
In the explorative behaviours the gender roles of the children influence as well, bringing different features for the case studies, seeing that have a special influence in the development of the explorative behaviour of the children around the age of 5-6 years old.
During this study, it was found that children need the attachment bond with the mother or another caregiver, in order to have an easier communication with the world that sorrounds them, to be more explorative in their daily behavior. The social, economic or psychological problems that the mother or the caregiver of the child goes through, are emotionally transmitted to the child and negatively influence on the healthy attachment of the child with the mother. This situation brings problems and difficulties in the psycho-social development of the child, becoming a barrier for the explorative behaviors of the child, through which it knows and studies the world sorrounding it. Relations with the child can create it a "basis" with which it helps him explore the enviroment around. As Bowlby explains in his attachment theory regarding the relationship mother-child, in this occasion as well there cannot be a valid exploration if the child is not safe with the person that supports it. The child needs the initiative by simplifying the meeting point between its activity and the purpose of the adult; this way the probability for a good alliance with the child is increased. If it is the child who takes the initiative we will have a greater opportunity to achieve positive results because it will be interested in staying with us.

When we respond to the child's undertakings we will help it to develop the sense of security. The child who learns with us is a unique being that is in a very decisive moment of its cognitive, linguistical and affective development. The child's development moment is different from that of an adult and it is necessary to have a form of adaptation by both the parties in order to have an effective communication. It is necessary for the adult to detach from his adult-centralized vision and penetrate in the world of the child. To achieve this, we can get the help of the child and what we know about it. Children have difficulties in adapting to the adults and their world, therefore often they have the feeling of the uncomfortability. This thing was identified during the study in the creation of first relations among us, so it is required discretion and care in creating friendship with them so that they be as active as possible in their behavior.

9- Recommendations

Looking closer at the problems viewed regarding the attachment of the mother with the child and the huge role that this attachment plays in constructing the emotional world of the child in practicing the explorative behaviors which are necessary for its development and formation, we are giving the following recommendations:

- The attachment of the mother with the child needs to be done in adaptable phsychosocial conditions from the mother or from the carer of the child.
- Sensibilization of the family with the importance of the healthy attachment process of the mother with the child.
- The mother should be aware of the importance that her communication has with the child, which starts since his conception.
- All the negative emotional loads shall be avoided during the communication of the mother with the child.
- Enough qualitative and quantitative time shall be devoted to the child. The figures attached with the child, who could be the family members, especially the mother, need to show love, affection and support for the child. During the time they stay together it is needed to be devoted to the child's desires, questions or looks.
- The physical contact, especially with the mother, needs to be present in the child's life. The mother needs to show love through hugs, touches, caresses, smiles, and support so that the child feels safe.
- Different conversations shall be conducted with the child regarding its daily activities with its friends, in the kindergarden or other environments. During the conversation shall be shown attention, devotion and love for the child.
- Cooperation with the child in different activities, games, visits in interesting places, sport activities to better discover the nature and the possible problems.
- We need to behave naturally with the child during the communication process or any type of relation it be.
- We shall support and encourage the children in their explorative behaviors, independently of the result that they achieve with their actions.

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Psychological Aspects and Adjusment of Pediatric Patients with Chronic Renal Disease

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Abstract

There is an ever increasing number of studies on the experience of pediatric patients suffering with Chronic Kidney Disease (CKD) resulting in the conclusion that chronic kidney disease affects the development of these patients, their behavior, emotions and social relations, causing a series of psychological reactions. The aim of this study was to make a review of the existing literature on psychological experience of patients with chronic kidney disease and their adjustement. The study findings are in the context of previous research and existing theories. Research was made in professional literature related to Chronic Kidney Disease in children and adolescents, selecting works published betwen years 1981 and 2014, using key terms such as children, adolescent, chronic kidney disease, in different combinations. Children starting from school age and later in their adolescence are in constant change, not only as regards their physical growth but also their emotional and sexual growth and coexistance for a long time with such a problem as kidney disease is very difficult and affects their lives in many ways. Simultaneously, CKD causes grave psychological damages. Survival to the disease is not satisfactory so deepening on desease perception, social and psychological factors affecting patients, are very important elements to improve the quality of life of these patients. Comprehension of their experiences is very important in order to decrease the effect of CKD on their lives and for them to receive the most effective treatment. Nephrologists andpsychologist can work together by helping make the connections between psychosocial and biological factors.

Keywords:pediatry, psychological reaction, chronic kidney disease, adjusment

1. Introduction

The aim of this study was to make a review of the existing literature on psychological experince of patients with chronic kidney disease and their adjustement. The study findings are in the context of previous research and existing theories.Research was made in professional literature related to Chronic Kidney Disease in children and

adolescents, selecting works published betwen years 1981 and 2014, using key terms such as children, adolescent, chronic kidney disease, in different combinations. Medical progress such as dialysis and kidney transplant have obviously increased the chances of survival for children and adolescents with CKD. However, non-fuction of an organ is corrected only partially, leaving great consequences on general health and quality of life of patients (Roventa et al., 2011).

Remarkable advances in the understanding and treatment of ESRD have been achieved over the last 20 yr, there has been increasing attention given to the individual characteristics of patients with an emphasis placed on understanding the effects, the patients' social situation, perceptions and responses to the illness. Although this area of "psychonephrology" has been a subject of research for many years, recent work in patients (Kimel, 2002; Cukor et al., 2006). A wide rande of interventions have benn designed and delivered to children with chronic illeness and their families and reported in the peer-reviewed literature (Kibby, Tyc, & Mulhern, 1998; Bauman et al., 1997).

In earlier work by Bury, chronic illness was conceptualised as a "biographical disruption" that disrupted the patients' relationships and the practical tasks of living. (Bury, 1982).

By Stein et al. Chronic disease is defined as a state of health (a) lasts for years or longer; (b) requires specialised treatment or technology; (c) causes limitations in functioning, activities or social role of patients compared to physically healthy agemates (Stein, Bauman, Westbrook & Ireys, 1993). In 1981 Drotar stresses that prevalence of disease impact is affected by the type of chronic disease and disease needs (Drotar, 1981).

Charmaz brought focus to patients' perspectives in the day-today contexts within which they live, the 'loss of self,' and highlighted the complex interactions between different aspects of the illness experience (Charmaz, 1983).Over the past decades, a tremendous amount has been learned about the physiological and psychological reactions of dialysis patients. Despite this growing body of research, there are many essential elements that are still unknown(Cukor et al., 2007). The role that quotidian dialysis might have upon psychosocial variables has also not been studied in a rigorous manner (Cohen et al., 2007). However many studies are inclined towards clinical studies focusing on psycho-scial issues that patients' with chronic kidney disease go through.

2. Emotional state and psychiatric changes

Patients with chronic renal disease must adapt themselves to complications caused by the disease on their health, identity, emotions, family, lifestyle, and their relations with others. Excess fatigue, complex treatments, side effecst, limitations in consumption of liquids and/or food cause problems in patients. They need a long time to understand the diagnoses and adapt to it, to integrate medical treatment with theirdaily routine and to reset a sense of normality in their daily life (Tong et al., 2008). Presence of chronic diseases (CD) during childhood and adolescence considerably increases the risk of emotional disorders and those of behavior (Holden, et al., 1997).

According to a study of Madden et al. (2003) which explored the cognitive and psycho-socialresults of children receiving dialysis since little age, it resulted that more than half of participants demonstrated behaviour and emotional problems. Different studies showed that correlation analyses identified a number of important factors associated with poor adjustment to dialysis and/or anxiety and depression in children and parents (Fielding & Brownbridge, 1999).

Depression is generally accepted as the most common psychological problem in chronic renal patients. Although depressive symptomatology is commonly encountered in dialysis patients, the syndrome of clinical depression includes sadness, guilt, hopelessness, helplessness and changes in sleep, appetite and libido (Finkenstein, 2000).

Lopes *et al. (2002)* found a trend toward greater prevalence of depression, in patients treated for ESRD for 1 yr.The study ofHedayati *et al.*(2005)showed that over the course of 2 yr, a diagnosis of depression was associated with more hospitalizations and increased duration of hospitalization but not with overall mortality when variation in demographic and medical factors was controlled.

According to data from literature, prevalence of psychiatric changesamong children adolescents with CKD is different. However, it was higher than those observed in healthy population in different studies (Marciano et al., *2010).*A series of hypothesis have been suggested to explaing this increase in the spread of mental disorders. Inaddition to stress related to CKD and its treatment, studies have revealed other factors that contribute on the predisposition towards psychiatric disorders in this group. From them we could mention the lowering in levels of neurotropic factors deriving from the brain (BDNF) and low levels of serotine serumin patients with CKD. They also reveal uremia, which may be accompanied with irritation, trouble, sleeplessness and delayed development of secondary sexual features (Bakr *et al*., 2007; Fadrowski *et al*., 2006). Also Gerralda et al. (1988) compared psychiatric elements of children waiting to receive dialyses and were receiving Hemodialyses with a control group. The diseased children reported symptoms related to internalizing symptoms. They reported higher internalizing symptoms for children in the illness groups (McEvoy, 1990).

3. Quality of life

According to the World Health Organization (WHO), QoL is the "individual's perception about their position in life, in cultural context and value system of the place where he lives and in relation to your goals, expectations, standards and concerns". When health-related QoL refers to the measure of the patient's functioning, its physical-psycho-social well-being (The World Health Organization Quality of Life assessment,1995). QoL of patients with end-stage renal disease is influenced by the disease itself and by the type of replacement therapy (Cernuşcă-Miţariu et al.,2013).

Once patients with ESRD start to receive HD, they must face the chronic stress related to restrictions on their time, the economical and vocational costs related to treatment, functional limitations, dietary constraints, and possible adverse

effects of medications. Numerous studies have demonstrated that these patients have a lower QoL than that of healthy populations (**Kao** et al., 2009; Wolcott et al., 1988).

The study of Tjaden et al. (2002) described that children undergoing dialysis experience impaired growth, invasive procedures, school and social constraints. They often have poor self-esteem and a pervasive sense of losing their identity, body integrity, control, independence and opportunity.Several studies have suggested that QoL is enhanced dramatically in patients with ESRD treated with quotidian dialysis (Kurella et al., 2005; Heidenheim et al., 2003).The cognitive function of patients with CKD must be worse than that of their healthy agemates. This impairment must be related to their exposure to the disease. Cognitive changes are mainly related to learning and intelligence. (Bale et al., 1980).

Wasserfallen et al. surveyed 455 HD patients and 50 PD patients. Recruitment rates were more than 75%. The 2 groups were similar in age, sex, and duration of treatment for ESRD. QOL was similar in both groups, except for a perception of greater restriction of activities by the PD patients. Pain and discomfort and anxiety and depression had the most impact on QOL scores in HD and PD patients, respectively. (Wasserfallen et al., 2004).Anxiety as part of their emotional state is perceived as on of the most important aspects of quality of life related to health. Because of this anxiety must be identified at an early stage and be treated (Goldstein et al., 2007; Grootenhuis et al., 2006; Fadrowski et al., 2006). Although anxiety which coexists with CKD may have negative effects in functioning and physical health, so far there is no sufficient data on QOL which indicate that psychological treatment of stress and difficulties in patients with CKD improves clinical symtoms and quality of life (Reuben et al., 2012).

4. Adolescents and Chronic Kidney Disease

In patients with CKD, adolescence usually brings about a worsening in clinical control and therapeutic adherence. Moreover, there is an additional stressor, which is the change in the healthcare team that cares for the patient. A worsening in the clinical control has been demonstrated when these patients were referred to healthcare teams that treated adult patients (Reynolds et al., 1993). It was observed that the adolescents with CKD presented a high level of dependence, associated to the overprotection by family members and teachers. When these patients became adults, they reported that their inclusion in the treatment and clinical decisions and adequate explanations were considered very important contributions in their own management of the disease. (Reynolds et al., 1993).

In the study by McDonagh, the CKD itself, plus the side effects of the medications, the school absenteeism and the psychosocial alterations, notably the low self-esteem observed in these patients, resulted in growth and development retardation, pubertal delay and worse cognitive performance.(McDonagh, 2000, Choquet, Du Pasquier, Fediaevsky & Manfredi, 1997). These pubertal patients showed more concern regarding the normal adolescence questions, such as alcoholism, illicit-drug use, sex, weight, contraception and wanted these subjects to be debated during the treatment. (Choquet Met et al., 1997; Reynolds et al., 1993).

5. Intervention

A chronic illness can affect the individual child's psychological adjusment as well as his or her activities and level of functioning in a wide range of important settings, such as health care, school, and with peers. In addition, the impact of a pediatric chronic illness transcends the individual child and includes his or her family members (Drotoar, 2006). The multifaceted impact of pediatric chronic illness has a number of relevant implications for the design and implementation of psychological intervention research. First to be more effective, interventions generally need to be focused on specific target problems that are interfering with child's functioning (health or psychological adaptation) in specific settings (Kazdin, 2000). Target problems should have a clinically significant impact on the current functioning of children or family members in at least one clinically relevant context (Drotoar, 2006). Research on childhood chronic illness has considered a number of potential targets for intervention methods and outcomes (Kibby et al., 1998; Bauman et al., 1997; Thompson & Gustafson, 1996; Eiser, 1990; Garrison & McQuiston, 1989; Hobbs & Perrin, 1985; Pless & Pinkerton, 1975;). Theoritical models and frameworks can facilitate practitioners and researchers decision making concerning designing and delivering psychological interventions with children with chronic illness.

Concern to promote quality of health care in children with (CKD) has developed together with the model of humanization of medicine which cares for patient satisfaction, suggesting special management choices which may have been adapted according to the needs of patients and personal choices (Varni, 2004). Addressing of patient's preferences and needs in order to improve health care is ever more acknowledged as an important component to offer better health care especially to patients with chronic disease (*Tong et al., 2008).* However, treatment remains very invasive and requires deep changes in behaviour and lifestyle. Based on this fact treatment of chronic kidney disease requires multidisciplinary care: medical, psychological and social treatment. Medical issues are doubled by psychological effects and other personal factors such as difficulties of age, kind of family and educational level. Patient's survival is not sufficient, in that aspect offering of care is important to increase quality of life (Iorga et al., *2014).* Interventions on patients are important to increase their abilities to manage the disease, to engage themselves in the community, to participate in creative activities, and to stay attentive towards dialyses adn respective treatments (Tjaden et al., 2012).

Several studies have suggested interventions to increase exercise are associated with improved QOL in patients with ESRD.Although this is not unexpected if the criterion is functional scores, some investigations have suggested effects on mood predominate. (Koudi, 2004).Few studies have focused on the treatment of depression and anxiety disorders in ESRD patients. Treatment options including psychotherapy, cognitive behavioral therapy, and pharmacologic agents are similar to those used in the general patient population (Cohen et al., 2007; Mann, 1819 –1834, 2005;). Ameliorating the symptoms of depression is important because it may improve other adverse outcomes associated with ESRD, including poor nutritional status and treatment compliance. (Kimmel & Peterson, 2006).

CKD patients and their families need to understand the importance of resilience, and medical personnel need to be educated in this area as well, in order to provide timely correct messaging that will help reduce the stress and frustration associated with chronic disease. An important factor affecting resilience in patients with CKD is the failure to give sufficient attention to health-promoting behaviors such as good nutrition, selfrealization, stress reduction, proper sports, and fitting leisure time. Ignorance of such health promoting behaviors can lead to increased morbidity and mortality and even suicidal behavior (Hedayati & Finkelstein, 2009).The treatment options for anxiety disorders are similar. Like antidepressants, adjustment of anxiolytic dose for level of GFR is needed when these agents are prescribed. (Rickels & Moller, 2002).The study of Balen et al, showed that stimulation of these children to carry out activities that are normal for their peers may be useful (Balen et al., 1996).

5.1 Coping with te stressor

Some literature has called engagement coping with the engagment coping with the stressor "primary control engagement coping" stressorand engagement with one's emotions about the problem "secondary control engagement coping" (Connor-Smith et al., 2000). The third dimension represents "disengagement" or efforts to withdraw from the stressor and one's emotions. According to this model, primary control engagement coping includes: problem solving (e.g., "I try to think of different ways to change the problem or fix the situation"), emotional regulation (e.g., "I get help from other people when I'm trying to figure out how to deal with my feelings"), and emotional expression (e.g., "I let someone or something know how I feel"). Secondary control engagement coping includes: positive thinking (e.g., "I tell myself I can get through this or that I'll do better next time"), cognitive restructuring (e.g., "I tell myself thatthings could be worse"), acceptance ("I just take things as they are, I go with the flow"), and distraction ("I think about happy things to take my mind off the problem or how I'm feeling"). Disengagement coping includes: denial (e.g., "I try to believe it never happened"), avoidance (e.g., "I try not to think about it, to forget all about it"), and wishful thinking (e.g., "I deal with the problem by wishing it would just go away, that everything would work itself out") (Connor-Smith et al., 2000). Initially, cognitive distraction was placed under disengagement coping, but factor analyses revealed that it correlated more strongly with secondary control coping than with disengagement.

The authors noted that because distraction requires engagement with a thought or activity unrelated to the stressor, with the goal of decreasing emotional arousal, it is a form of secondary control engagement coping (Connor-Smith et al., 2000). Using this model, both primary and secondary control engagement coping were related to lower levels of internalizing and externalizing symptoms, and disengagement coping was related to higher levels of internalizing and externalizing symptoms (Connor-Smith et al., 2000). Snethen et al, (2004) investigated the coping strategies used by adolescents with end-stage renal disease. Within this group of adolescents, the most frequently used coping strategy by healthy and ill

children was listening to music, with over half of the participants indicating they used this strategy "most of the time." Strategies that were "never" used by most of the participants included: taking drugs not prescribed by the doctor and talking to a rabbi/priest/minister.

Adolescents with end-stage renal disease used different coping strategies than healthy adolescents, but they used a similar number of total copies strategies Compared to healthy adolescents, adolescents with end-stage renal disease more frequently coped by venting their feelings (e.g., letting off steam by complaining to family members) and avoiding problems (e.g., telling yourself the problem isn't important), and less frequently coped by engaging in demanding activities or seeking professional support. It is concerning that adolescents with end-stage renal disease were less likely to seek professional support; perhaps because they were so involved with the medical profession, they perceived seeking professional support as a further sign of weakness or another invasive procedure (Snethen et al., 2004).

Support received by others is also important in addition to self-adaption of patients with chronic renal disease. Social support and integration are now acknowledged as important factors in adjustment to chronic and acute illness. Social support has been broadly and consistently linked to improved health outcomes in a variety of chronic illnesses in numerous studies independent of geographic settings, SES, and ethnic backgrounds (Christensen et al., 2000; Brissette et al., 2000). A wide range of interventions have been designed and delivered to children with chronic illnesses and their families and reported in the peer- reviewed literature (Kibby, Tyc & Mulhern, 1998 ;Bauman et al.,1997).

Pediatricians and pediatric nephrologists as well as other health care providers such as nurses and social workers remain the cornerstone for early detection and intervention. They may assume the supervisory role of direct patient care, provide emotional support and perform or supervise follow-up activities (Assadi, 2013).

6. Conclusions

Reconsidered studies revelaed that chronic renal disease is a very serious chronic state which has an important impact on the lives and adolescents, causing a series of improper psychological reactions. Understanding of their experiences is very important to reduce the effect of CKD on their life and in order to receive effective treatment.Nephrologists, psychosocial can work together to understand the connections between psychosocial and biological factors. Survival from the disease is not sufficient so deepening on the perception of the disease, social and psychological factors which affect patients are important elements to improve the quality of life of these patients.

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Fall of the Absent Mother in Tracy Chevalier's *Falling Angels*

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Abstract

A French psychoanalyst and feminist critic Luce Irigaray discusses the importance of the mother-daughter relationship which has a significant function in the emancipation of woman. The crucial point for the mother-daughter relationship is that instead of disappearing within each other and mirroring each other which only serves the patriarchal purposes, they had better have a relationship that is based on mutual love and on separate free identities of each side. Only through this relationship mothers and daughters might get the knowledge of their separate identities in order to seek independence out of the definition as the other that is a less man. The absence of a proper relationship between a mother and her daughter as well as the consequences of this loss can be pointed out in Tracy Chevalier's Falling Angels which narrates the story of Kitty Coleman and the process that takes her to be a member of the suffrage movement in the early twentieth century Britain. First Kitty's feeling of entrapment within marriage and maternity and then her transition from the status of a wife and mother to an ambitious suffragette lead her into a search for identity, one that is not pre-determined and defined by man. This paper is going to discuss how Kitty's quest for her free identity turns her into an absent mother for Maude, and how the lack of a proper mother-daughter relationship based on mutual love and individuality as well as the lack of the female legacy affects Maude's own quest for self.

Keywords: Mother-Daughter relationship, Woman's identity, Female legacy

> With your milk, Mother, I swallowed ice. And here I am now, my insides frozen. And I walk with even more difficulty than you do, and I move even less. You flowed into me, and that hot liquid became poison, paralyzing me. My blood no longer circulates to my feet or my hands, or as far as my head. It is immobilized, thickened by the cold. Obstructed by icy chunks which resist its flow. My blood coagulates, remains in and near my heart. (Irigaray, 1981, p. 60)

Luce Irigaray, a French psychoanalyst and a feminist critic, discusses the significance of the mother-daughter relationship for the emancipation of woman out of the patriarchal order that has been entrapping her within the power of man. With the rise of patriarchy, women have been subordinated to the masculine power, and they have been doomed to live submissively because of the undefeatable economic and social authority of men. Imprisoning women within the boundaries of home, men have claimed themselves the authorities of the social and economic life. Eventually women have been bound to home, and this submission of hers to domestic affairs has caused her loss of a free female identity. In her various works on feminist criticism and women's rights, Luce Irigaray focuses on this loss of a free female identity as a consequence of submission to man. Becoming the female other of the male self, women have been subordinated to the status of non-masculine. Looking from a more realistic perspective, what is not me is automatically an other for my self, however, although man is also an other for woman, the female submission to the status of other has not only meant that she is different but she is also a less self. Thus, she has been doomed to a status as the other of man lacking his superior characteristics. This paper is going to discuss how Kitty Coleman's quest for her lost free identity, in Tracy Chevalier's *Falling Angels*, turns her into an absent mother for Maude, and how the lack of a proper mother-daughter relationship based on mutual love and individuality as well as the lack of female legacy affects Maude's own quest for self.

Deprived of free individuality, woman has been forced to devote herself to the well being of her husband and her children. Thus her most important duty in the patriarchal order has been determined as reproduction in order to maintain her husband's generation. Consequently, this woman, who has lost her own identity and freedom, has found herself trying to give a meaning to her existence through the children she has given birth to. However, especially with the daughters, as Irigaray also asserts in "And the One Doesn't Stir without the Other", the relationship generally turns into a captive one

capturing not only the mother but also the daughter. The mother who cannot claim her own free identity liberated from wifehood and maternity is entrapped between her own mother and daughter. Thus as a daughter-mother, she tries to find herself in her daughter, and the relationship between the mother and daughter ends up being mirror-like. Respectively each one becomes a mirror for the other; the mother, who was once the daughter mirroring her own mother, eventually becomes a mother herself to be mirrored by her own daughter.

Likewise, her daughter now will become a mother in the future, but her primary function as a daughter is to reflect her mother's existence and to give a meaning to her life. However, her relations with the mother begin capturing her from infancy when she starts to suck her mother's breast. Mother's milk becomes ice for the daughter that dooms her to immobility. The fact that Irigaray (1981) emphasizes "movement" in the beginning of her essay also shows that the focus is laid upon the inactive position of woman in the masculine structure. As she sucks mother's milk, the daughter actually absorbs the poison within herself. Actually this milk is not poisoned by the mother but by the masculine order that has immobilized woman as subordinate to man because of her so-called lesser existence compared to his. Woman becomes entrapped in her motherhood, and while she tries to obtain a space for herself in it, she also drags her daughter into the same emptiness. The reason why Irigaray focuses on the importance of mother-daughter relationship for women's emancipation is that she believes this relationship should contribute to women's struggle to become different but full and free individuals rather than being an imprisoning one both for the mother and daughter. As she proceeds in her argument, she also refers to the function of nourishment in this relationship. From infancy, the daughter is dependent on her mother for food. So the mother is not only a life-giver but also a food-giver. Providing the baby-girl with food to survive, the mother also feeds herself in her daughter's being. In other words, as the baby-girl needs mother's milk to maintain her existence, the mother also needs this baby's existence in order to feed hers and not to cease to be completely in the emptiness she is thrown into. This nutrition of the daughter is not only a process of feeding and rearing the baby but it also becomes a means of finding a way for the mother to feel that she exists. On the other hand, while the mother is feeding the baby and herself at the same time, Irigaray says, she tries to fill her daughter too much with her own offerings, and eventually this results in both the mother's and daughter's disappearing into each other (p. 61). However, the crucial point for this relationship between mother and daughter is that instead of disappearing within each other and mirroring each other which only serves for the patriarchal purposes, they had better have a relationship that is based on mutual love and separate free identities of each side. Only through this relationship mothers and daughters might get the knowledge of their separate identities in order to seek independence out of the description as the other that is a less man.

The absence of a proper relationship between a mother and her daughter as well as the consequences of this loss can easily be pointed out in Tracy Chevalier's *Falling Angels* which narrates the story of Kitty Coleman and the process that takes her to be a member of the suffrage movement in the early twentieth century Britain. First Kitty's feeling of entrapment within matrimony and maternity and later on her transition from the status of a wife and mother to an ambitious suffragette lead her into a quest of identity, one that is not pre-determined and defined by man. Throughout this process, unlike the traditional Victorian wife and mother figure, Kitty begins to detach herself from her husband and daughter. This detachment causes important injuries for her daughter Maude who appears to be waiting for her mother all the time. While feminism rises and expands its effects on more women trying to encourage them to seek their independent identities, there is one important aspect that these feminists cannot see: the way towards obtaining a free identity does not go through resembling men. As Kitty devotes herself to this movement in order to save woman's identity out of the loss it has been doomed to, she becomes an absent mother as she alienates herself from maternity leaving Maude all alone in need of a mother figure via which she can seek her own identity.

Beginning with the death of Queen Victoria in 1901 after a long period of strict moral codes in British society and ending with the death of King Edward VII in 1910 Tracy Chevalier's *Falling Angels* narrates the transition period in Millennial Britain from an apparently rigid moral society to a more modern one in the twentieth century. The novel focuses on the individual story of Kitty Coleman who tries to tear up the matrimonial and maternal web woven around her in order to find her inner happiness and rescue herself from the image of the Victorian "angel" in the house. Discussing this angelic figure dedicated to the virtuous and highly moral women of the Victorian Age, Shirley Foster (1986) claims that,

> As has already been indicated, one of the most pervasive ideologies of the age rested on the assumption that the ideal womanly virtues – sacrifice, self-effacement, moral purity, service – were best expressed in the vocations of wife and mother. To be truly feminine, a woman must fulfil the

beneficent functions which nature has assigned to her. She thus becomes the angelic figure… (p. 5)

As Foster states, women were deeply affected by the rigid moral values and strict ideologies of the Victorian society. The values that were attributed to women were based only on the natural law that woman is the reproductive gender; therefore the best place for her to stay pure and virtuous is her home that is supposed to be a sacred place for her. To be truly feminine from the Victorian perspective was only possible via "sacrifice" and "service" which meant that the true woman was the one best at serving her husband, her children and her home sacrificing her identity in order to be lost in man's. In other words, women were supposed to give up their individual identities and freedom in order to become an "angelic" figure at home; however, this did not mean anything else rather than creating a superficial but celebrated identity.

Françoise Basch (1974) approaches the same point from Ruskin's perspective who claimed that a virtuous and true wife was supposed to be her husband's servant in her house but a queen in his heart, and she claims that "formerly man's slave, woman was promoted to the rank of guide and inspiration, but we are not generally to forget that her power was the fruit of subjection and submission" (p. 6). Because of their separate natures, men and women were supposed to occupy different spheres of life. While men were supposed to take their place in the social and economic life as the financial providers of their family, women were given the house, again supplied by their husbands, as their special sphere of life. In their separate spheres, men were considered as the "risk-taker," "the protector," and "the partner toughened by contact with the world" who would struggle against the moral corruption in the outer world so that they would be able to provide their wives with a nice home that would not be dangerous for their fragile nature (Nelson, 2007, p. 7). So while men were working outside the house for the peace and comfort of their wives, women were supposed to serve them at home, which was their special and sacred sphere.

Discussing the separate spheres for men and women in the Victorian Age, Philippa Levine (1994) states that,

> The separation of home and workplace, which was the gradual requirement of an increasingly factory-based technological economy, was the physical expression of the separate spheres. Women were, at least in theory, confined within the domestic space mapped out by the parental or marital home. In moral terms, the public world of work was dirty, brutal and often immoral (hence concerns over female participation) while the home, the domain of the woman, signified peace and purity. The sexual articulation of that polarity had an irresistible logic: man's sexuality was active, often violent and certainly dominant, a mirror of his public involvements, while that of woman was circumscribed by the demands of purity. Her distaste for public activity was matched by an antipathy for active sexual relations. (p. 130)

The Victorian logic that separated the life spheres for men and women worked according to the so-called natural characteristics of the two sexes, one of which was expectedly strong and active enough to be able to stand up to the difficulties of the corruption outside while the other was naturally weak and pure and functioned as a peace-maker at home as well as a child bearer and rearer. Within this reasoning, men were the leaders and protectors of the house who decided what the best was for women since they were not capable of determining for themselves. Hence, girls who were brought up submissively under the protection of their fathers were shifting towards their husbands' authority in their marital life. Eventually, neither in their single nor married lives were women free to choose for themselves, and they were deprived of a free identity. In Claudia Nelson's (2007) terms, "girls passed from the authority of their fathers to that of their husbands" (p. 81). This separation of the male sphere from the female one was also based on the sexual characteristics of each gender. Men's sexuality was naturally active and dominant, however, on the contrary, women were supposed to be passive also with their sexual involvement. This meant that women were participating the sexual intercourse not because they had pleasure but because they wanted to have babies which was their primary function.

This means it was still not enough for women to keep their virtue and purity unless they also deprived themselves of any sexual lust or pleasures. Kitty's dilemma in the transition period from the strict rules of the Victorian Age towards a more modern one becomes obvious in the first scene of the novel when Kitty and her husband wake up on the New Year day with strangers next to them in their bed in a different house. "A novel way to begin the new century" Kitty thinks when she

wakes up, however; she cannot get rid of her feeling of shame when she thinks of her husband Richard (Chevalier, 2001, p. 3). This shame causes her to feel bad because she has always defined herself as "open-minded." On the other hand, this extramarital sexual affair with a stranger is not what Kitty wants. Her husband takes her to this strange house at the New Year's as a punishment because she has not been sleeping with him so far. Richard cannot understand what a wife would want more since Kitty already has everything that might make a woman happy. On the other hand, Kitty believes that Richard chose this way only to show her that he is not as conventional as she thinks him to be (Chevalier, 2001, p. 4). Here conventionality and modernity become the crucial point for this transition period while the strict Victorian rules begin to be replaced with more flexible ones. However, Richard cannot understand that what Kitty is questioning is her entrapped position in matrimonial and maternal life, and the fact that she thinks so much stems from her quest for an identity of her own rather than the one pre-determined for her by the social circumstances.

About the importance of marriage in the Victorian Age, Shirley Foster (1986) asserts that,

> Because so much importance was attached to the roles of wifehood and motherhood, marriage was deemed the apotheosis of womanly fulfilment, alternatives to which were regarded as pitiable or unnatural. Emotional and psychological pressures on women to marry were thus added to the social and economic ones of earlier periods, when it was understood that pragmatism would be a primary consideration of female matrimonial aspirations. (p. 6)

There was no other chance for the girls who had always been educated how to be good wives and mothers in their matrimonial lives except finding a good husband to provide them with social status. Richard D. Altick (1973) claims that "the education of these girls of the upper and upper-middle classes was devoid of intellectual content and let alone intellectual challenge" (p. 54) because what they were expected to fulfil as their responsibilities did not include anything intellectual or creative except keeping the house tidy, the husband happy and the children full. That is why the girls' education was restricted to embroidery, sewing or playing instruments so that they would easily catch husbands. However, while they were able to get a social position through marriage, they were losing almost all their legal rights as well as their independent individualities. Being married automatically meant being "non-existent" according to Françoise Bach (1974) who describes the position of the Victorian woman as "husband's helpmate and inspirer," "soul of the home," and "mother of a family" (p. 19, 26). All these psychological, emotional and social pressures on woman forced her to try to find a husband although this would mean her complete loss of her own identity and freedom. That is why Kitty feels herself trapped on the first day of her marriage although she marries the man she loves:

> To be fair to Maude, that trapped feeling has emerged well before her birth. I first felt it one morning when Richard and I were just back from our honeymoon and newly installed in our London house. He kissed me goodbye in my new morning room – which I had chosen to be at the front of the house, overlooking the street rather than the garden, so that I could keep an eye on the world outside – and left to catch his train to work. I watched from the window as he walked away, and felt the same jealousy I had suffered when seeing my brother go off to school. (Chevalier, 2001, p.69-70)

So Kitty's feeling of entrapment in the patriarchal society begins when she feels jealousy upon seeing her brother leave for school. Then, when she stays at home saying goodbye to her husband leaving for work, she finds out that she feels the same jealousy. Despite this realization of her imprisoned position, she continues to comfort herself by the way of remembering that she is one of the luckiest women with a husband who would supply her with a nice house, with a cook and servant at the same time. Actually from the traditional perspective of those times, Kitty is expected to be happy with her circumstances because apparently she has everything a woman would seek. However, Kitty's restlessness reaches its peak when she gives birth to Maude, and she feels she can never recover the shock:

It has never been like that with her. Maude's birth was a shock from which I have not recovered. When I came to from the ether and first held her in my arms I felt as if I were nailed to the bed, trapped by her mouth at my breast. Of course I loved her – love her – but my life as I had imagined it ended on that day. It fed a low feeling in me that resurfaces with increasing frequency. (Chevalier, 2001, p. 69)

According to Irigaray (1981) who explores the mother-daughter relations as the disappearing of each into the other in "And the One Doesn't Stir without the Other," the baby becomes the guardian of the mother's non-existence and her "predestined guarantor" (p. 64, 66). The non-existent position of the wife is guarded by the newly-born baby who not only imprisons her more but also becomes a mirror for her mother to be reflected. But this reflection in the mirror dooms both even to a more restrictive life without a quest for identity and liberation out of this imprisonment. Even before giving birth, woman is already pre-destined to her non-existent position at home via marriage when she transfers from the authority of her father to her husband's. The sexual difference between man and woman has reduced woman to the status of the other while man has always stayed the self. Luce Irigaray (2007) discusses woman's situation as the other in *Je, Tu, Nous,* and asserts that "instead of remaining a different gender, the feminine has become, in our languages, the non-masculine, that is to say an abstract nonexistent reality" (p. 12). Man is as much the other to woman as woman is to him, and from a realistic perspective it is imaginable that two things that are different from each other are others compared to the self. However, this should not necessarily mean that one is the real, original self while the other is only an other that is dependent on the self as seen in the case of man and woman. Within the patriarchal order, man has become the original self while woman is doomed to be the other that is less of a man and completely subordinate to him. That is why Irigaray (2007) discusses that this patriarchal structure has "reduced the value of the feminine to such a degree that their reality and their description of the world are incorrect" (p. 12). Consequently, since woman's reality is no more valid for this structure authorized by patriarchy, they are not regarded as capable of determining for themselves. Thus, all the rights woman should have as an individual are taken away from her in order to be given to her so-called owner, her father at first and then her husband. This immediately results in an absolute identity loss for woman.

In Kitty's case of discontent with matrimony and maternity, it is easily observed that she feels herself completely entrapped with these walls set up around her by wifehood and motherhood. The position of women at home both as wives and mothers is based upon contributing to men's "love of self" while women forget how to love themselves and other women. In *An Ethics of Sexual Difference*, Irigaray (2004) asserts that, "Historically, the female has been used in the constitution of man's love of self" (p. 54). When it comes to the female love of self, it appears to be more complex because women have always been destined to forget about theirs in order to serve for their husbands'. Through marriage and maternity women are forced to be alienated from themselves, and this results in the loss of female identity. What makes Kitty unhappy in her marriage and motherhood is that she does not want to give up her identity completely for the sake of either a husband or a daughter. In opposition to her mother-in-law and Gertrude who are typical examples of the traditional concept of a true woman, Kitty keeps reading and thinking about her entrapped position in the institutions that have been made sacred by the patriarchal order.

In Gertrude's case, it is observed that she is a conventional Victorian woman who has already adapted herself to her different sphere, and she believes that this is the right way for a married woman to act. She is an affectionate wife and a concerned mother. When she talks about the different spheres a wife and a husband are supposed to occupy, she claims that, "Albert is right in most things, but when it comes to running a household I do get my way" (Chevalier, 2001, p. 111). Gertrude accepts that her husband is right in everything else except the domestic affairs. As already discussed above, the Victorian society which privileged man in the social and economic affairs, restricted woman within the household. At home, the primary function of wife is to serve for the well-being of her husband, and the only space where her voice can be heard is this home. Keeping this sphere peaceful and happy, woman is supposed to serve for her husband's love of self as she gradually forgets about her own. When Maude asks about Livy's nanny in their first meeting at the cemetery, Livy answers, "We don't have a nanny. Mama is perfectly able to look after us herself" (Chevalier, 2001, p. 11). After her responsibilities for her husband, woman is burdened with maternity as her most important function in society because she is capable of reproducing her husband's generation. Thus a good mother should be capable of looking after her children as well as keeping the order at home. Actually the reason why the Waterhouses do not have a nanny is that their financial status is lower than the Colemans, however, Livy, as the traditional daughter of a traditional mother, comments on this reality from

a patriarchal perspective claiming that a woman should be able to look after her children alone. This is the point where Irigaray (2004) claims that the woman sacrifices her own love of self in the masculine order:

> Traditionally spacing is created, or occupied, by man, child, house-work, cooking. Not by the woman herself *for herself*. And when she is placed as an object by and for man, love of self is arrested in its development. She needs to accede to a love of herself, an affection of and in the invisible which can be expressed in that which touches itself without consummation. (p. 60)

From Irigaray's perspective, the traditional spacing was based on the development of man's love of self, and woman was placed within the house burdened with childcare, house-work and cooking which eventually contributed to the well-being and self-love of man. When woman devotes all her being to her husband and children, there is nothing else left for her. She, blinded by the expectations of the patriarchal order that makes her the "angel" in the house if she fulfils her responsibilities well, accepts this as the natural flow of life without any questioning. But the only possible way of becoming a free and independent individual is to realize that, despite their differences, both sexes have their own identities and neither is wrong or less compared to the other. Thus, woman's reality cannot be diminished to non-existence as it is in the patriarchal system. Man or woman, each sex is a self, and neither of them can be doomed to stay as the non-existent other because there cannot be only one self while there are two sexes. In her essay on otherness titled "The Question of the Other," Irigaray (1995) discusses that this female other is actually the other of the same rather than being an actual other. The problem with woman's case for Irigaray is not that woman is the other but that she is not even a real other but only the other of the same. This means female otherness is based on the male self; that is why whatever the man is, woman is not, and eventually this brings her to a position where she is only a lesser man. In the same essay Irigaray (1995) asserts that, "to get out from under this all-powerful model of the one and the many, we must move on to the model of the two, a two which is not a replication of the same, nor one large and the other small, but made up of two which are truly different" (p. 11). As Irigaray points out, the patriarchal culture is based on this model of the one, the "one" here surely represents man as the authoritative one while woman is only the other which is less. In order to give their identity back to women, this model of the one should be replaced with the model of the two including two separate and different sexes that are neither less nor smaller than each other while being completely different.

In all her conflicts and detachment from family life, Kitty is actually in this quest for her own identity. Surely, her circumstances as an upper-middle class wife allow her to do so; she has all the luxury to keep a nanny, a cook and a servant at home which gives her much free time to spend on her reading and contemplating. The more she thinks, the more detached she becomes. In the Victorian middle-class family, the wife had free time to spend for herself because of her comfortable circumstances provided by her husband. The middle-class reading was therefore in increase; however, woman's reading was never accepted as good for them from the traditional perspective. Since women were supposed to be educated for areas such as embroidery, sewing and playing instruments in order to find a good husband, reading was not serving for this purpose. Paralleling this idea, mother Coleman is surprised to learn that Maude is not good at sewing and playing, and instead she prefers reading:

> 'She won't be satisfied with her life if she has ideas,' Grandmother said. 'Like you. I always said to my son that you wouldn't be happy. "Marry her if you must," I said, "but she'll never be satisfied." I was right. You always want something more, but all your ideas don't tell you what.' (Chevalier, 2001, p. 78)

According to mother Coleman reading will not get a girl anywhere except putting ideas in her mind. Having ideas is dangerous for a girl because if she knows, she will be questioning, and the result of this will be dissatisfaction with what she has. A reading woman who has her own ideas will be judging the system more as Kitty does. In the traditional matrimonial life, woman's questioning does not get her anywhere because as she questions more, she would not be happy with the system she finds herself imprisoned in. This is the logic that obliges woman to sacrifice all her being which causes

her non-existence in a life restricted with wifehood and motherhood. If a woman begins asking questions like Kitty, she would find out her loss of identity, and this begins threatening the already established system. After her marriage and especially after she has baby Maude in her arms, Kitty realizes that her imprisonment is even doubled, and this makes her isolate herself from her husband and her daughter more. Eventually she becomes an absent wife for Richard and an absent mother for Maude who is brought up first by a nanny and later on by Jenny.

In her quest for freedom and individuality, Kitty meets John Jackson, the governor of the cemetery. Contrary to the angelic image of the Victorian woman who is pure, chaste and sexually innocent even with her husband, Kitty begins to be sexually attracted to this man whom she defines as kind "without making her feel a lesser person" (Chevalier, 2001, p. 120). Her relationship with Jackson means more than a sexual attraction to a man except her husband; besides it becomes a way of knowing herself for Kitty. Since woman has also been alienated from herself, first of all she needs to re-know her lost identity and free individuality before she achieves her quest. The most important aspect of Kitty's affair with Jackson is that she is asked about her opinions, and when she talks about them, she is not being laughed at (Chevalier, 2001, p. 120). Jackson does not come from a good family and he is not as wealthy as Richard is; namely Jackson is not the kind of man a woman would be very happy to meet and marry from the traditional Victorian perspective. However, he does not treat Kitty as someone lesser, and this attracts Kitty because she feels herself a full human being with him. From Irigaray's point of view, this relationship between Kitty and Richard can also be analyzed with her discussion of the development of self-love. In her marriage, Kitty is not allowed to develop her own love of self. Not only in Kitty's but generally in marriages, the wife's primary duty is to contribute to her husband's self-love sacrificing herself. Therefore, women lose their free individual identities, and they get detached even from their own beings. However, her affair with Jackson does not imprison Kitty; on the contrary, this is a way out of the prison she finds herself in. Besides, this affair also contributes to her quest of herself enabling her to discover her unknown desires and wishes.

In *Je, Tu, Nous* Irigaray (2007) asserts that, "Often women are confined to the inner spaces of their womb or their sex insofar as they serve procreation and male desire" (p. 43). As also discussed earlier, the ideal Victorian woman was supposed to be sacrificing and sexually pure even with her husband. The female sexuality was only based on her function for procreation rather than desire or passion. Women were never expected to be wishful to have sex; however, they would tolerate it for the sake of having babies because motherhood was the most sacred duty they were supposed to fulfil. This is why Kitty feels entrapped both in her marriage and maternity, and she tries to find a way out of it in order to search for her free identity. As a result, her sexual attraction to Jackson appears to be a way for her to define her own desires and passions without being reduced to a submissive state.

However, this affair deepens Kitty's depression more when she gets pregnant and has abortion. For a long time after abortion, Kitty cannot recover psychologically, and nobody can understand what has happened to this lively, beautiful woman. As Kitty closes herself in, her isolation from her daughter comes to a point where Maude cannot even dare to ask her mother to go out together although she would like to do so. As Maude wants to share something with her mother, it becomes more impossible as Kitty alienates herself not only from her family but also from the outer world as well. When Maude requests Gertrude to ask Kitty to attend them for the opening ceremony of the library, Gertrude thinks how pitiful it is for a daughter not to be able to do something with her mother, "It is horrifying to think a girl cannot even ask her mother to escort her somewhere" (Chevalier, 2001, p. 184). At this point it is necessary to refer to Irigaray (1995) who discusses how daughters are keen on doing something together with their mothers in "The Question of the Other":

> The language the most aware of the other is that of the little girl. She addresses herself to the other – in my research sample, to the mother – asking for her agreement concerning an activity they will do together: "Mommy, will you play with me?"; "Mommy, can I comb your hair?" In such statements, the little girl always respects the existence of two subjects, each having the right to speak. Moreover, what she suggests is an activity which involves the participation of both subjects. In this respect, the little girl might serve as a model for all men and women, including the mother, who addresses her daughter using words like these: "You'll have to put your things away if you want to watch TV", "Pick up some milk on your way home from school." The mother gives orders to the daughter without respecting the right of both subjects to speak, and she proposes nothing that they might do together, as a two. (p. 15)

From childhood, the daughter's conversations with her mother are based on two subjects: "You / I" and in all her attempts she tries to share something with her mother, she wants to do an activity as two subjects acting together without subordinating the other to the status of an object. As stated above, Irigaray compares this relationship between a daughter and mother to the relations between men and women claiming that this can serve as a model for men and women. In the relationship between man and woman, man has been appointed as the subject while woman has been doomed to the status of other/object. On the contrary, the daughter wants to have a relationship with her mother that is based on mutual love and mutual individuality. In all her dialogues with her mother, she shows her wish to act together with her mother in order to share with her, and this sharing does not necessitate the doom of one to the status of a passive object. However, the mother's reaction to this wish of the daughter is actually based on her lost identity which she tries to find in her baby through dooming her to the status of an object. While the daughter's requests are based on a mutual relationship of two subjects, the mother answers with a one-sided language ordering the girl what to do on her own. Her ideal relationship is not based on two separate free individuals but on authority. The reason for this approach of the mother is that her pre-determined fate subdues her to the status of an object where she completely loses her individual subjectivity. As a result, she attempts to define herself as a wife first and then as a mother by having her baby as an other in whom she can mirror her own being. The fact that Kitty isolates herself from her family beginning with the first day of Maude's birth shows that she does not want to maintain her existence within the matrimonial and maternal prison. However, while she tries to liberate herself out of her wifely and motherly prison, she becomes an absent mother who cannot answer her daughter's needs. Eventually Maude ends up being a daughter always in need of a mother figure in her life in order to identify herself with.

Although Maude seeks a relationship with Kitty based on sharing, she cannot even ask her mother to join her for the opening ceremony, and she requests Gertrude to do so. The dialogue between Gertrude and Kitty when Gertrude visits her to invite for the ceremony is also worth paying attention to see Kitty's ignorance of her own daughter. When Gertrude tells her, "Maude will be so pleased, as she also wants to go with you. You wouldn't want to disappoint her. She's such a good girl – top of her class", Kitty answers, "She is?" (Chevalier, 2001, p. 187). Especially after her abortion Kitty finds herself in such a psychological depression that she loses all her hopes to get liberated, and she closes herself in as if life has been taken out of her. However, her attendance to the opening ceremony signals a new beginning for her. Looking from Maude's perspective, the fact that she can eventually attend an activity with her mother makes her feel very good: "She looked like a mourner among partygoers. Still, at least she came – I was pleased just to walk with her" (Chevalier, 2001, p. 188). Although Kitty's mood is completely depressed when she goes to the ceremony with Maude, her daughter feels happy because it is even pleasing for her to walk with her. This signals how Maude is in need of a mother figure in her life in order to achieve her own quest for identity. On the other hand, this ceremony does not end as it begins for Kitty because she meets Caroline Black who is going to change her life completely giving her a new hope for change in her status as a passive and subordinated woman. With Caroline Black Kitty learns about the suffrage movement, and this movement becomes Kitty's everything to which she devotes all her being.

When Jane Eldridge Miller (1997) discusses the significance of this movement for the Edwardian women, she asserts that,

> For thousands of Edwardian women, the suffrage movement provided them with a goal and a community, moved them out of their homes into an activist and public sphere, and allowed them to express their unhappiness with women's unequal status as well as with their own particular lot… The advent of the suffrage movement changed all this: it allowed women to focus upon a specific goal in their rebellion, gave them a sustaining community of like-minded women, and permitted them to assert themselves in the public world, and take significant actions to alter the social and political organization of England. (p. 126-127)

As pointed out above, this movement meant a lot for the Edwardian women who sought their liberation from the imprisonment at home with specific duties assigned to them through their participation in this movement. All the improvements in the late Victorian Age giving some rights to women with custody over their children and rights for divorce paved the way for the suffrage movement in the early twentieth century when women began to seek for voting rights in order to represent themselves as full citizens in their country. As a result of her first meeting with Caroline and her inclusion in this movement, Kitty becomes full of life again, and she devotes all her being to this movement in order to succeed in

her quest for identity. And from the first day at the opening ceremony she knows "nothing would ever be the same again" for her (Chevalier, 2001, p. 195). Kitty's radical change as a member of the suffrage movement is so obvious that even Gertrude, who has always been disturbed by Kitty's unconventional manners, says she would choose her older state rather than the present one. This movement which has taken Kitty out of her sick bed turns her into an activist radical; she buys herself a bicycle, goes around on it and draws on the pavements with chalk about meetings.

Discussing the importance of bicycle for women, Richard D. Altick (1973) asserts that, "The invention of a manageable pneumatic-tired bicycle to replace the clumsy old hard-rimmed "penny-farthing" machine which had jolted men's bones, gave her greater physical mobility" (p. 59). This meant that the suffrage movement was a way of moving out of the female sphere. The invention of bicycle helped those women who were actively engaged in the movement like Kitty. Here the word "movement" has prior importance especially for the traditional imprisonment of woman within the boundaries of the household. The subordinated woman found a way out of her entrapment in order to complete her quest for a liberated identity. Thus this suffrage movement means more than the voting right for Kitty, it also becomes her hope to discover herself as a woman. However, from the conventional perspective, the way these women acted was completely against the nature of woman. Jane Eldridge Miller (1997) points out how this actively radical movement destroyed the traditional concept of the angel in the house:

> But the violent and public actions of the suffragettes transgressed society's most essential ideas about women, and made a complete break with social conventions as well as the laws: they were destroyers, not nurturers; they were physically violent rather than pacific and passive; they acted collectively and publicly, rather than individually and domestically. (p. 155)

As already discussed, the Victorian society divided life into two spheres for two sexes. However, this movement and the actions of the suffragettes destroyed the traditionally ideal woman letting women be engaged in the outer world as destroyers or rioters. Looking from the conventional perspective, Kitty's mother-in-law calls the subject of suffrage insufferable because she thinks that a woman is very well represented by her husband in political matters, and she does not need to have her personal ideas. When Richard learns how much Kitty is involved in this movement, he defines it as "ridiculous nonsense" (Chevalier, 2001, p. 242). Clearly this active suffrage movement disturbs the names mentioned above as well as Gertrude, who tries to keep her daughters away from it, because it is dangerous for the patriarchal structure of society. On the other hand, it is worth discussing that this feminist movement in the early twentieth century that was fighting for women's rights and equality in the social and political spheres was based on woman's resembling man. This brought certain defects which prevented woman from discovering her free individuality that was not compared and contrasted with man's.

In Kitty's case, her absence as a woman-mother figure in Maude's life disables her daughter to identify herself with her mother as two subjects representing each other but staying separate. Even Gertrude is aware that Kitty ignores Maude so much, and she says Maude has become her third daughter (Chevalier, 2001, p. 226). The most important moment when Maude needs her mother and cannot find her around is when she begins to menstruate. Interestingly enough, the first time she has this experience Maude is with her father watching the stars. She feels extremely embarrassed, however, she runs back home not to find her mother there. Instead, Jenny becomes a mother figure for her helping and calming her down. Upon Jenny's suggestion that she needs to tell her mother Maude thinks, "I knew that tomorrow I would say nothing to Mummy. She wasn't here now when she was needed most. Tomorrow did not matter" (Chevalier, 2001, p. 237). Even at this important moment when a daughter needs her mother most, Maude cannot find her mother whom she has always lacked spiritually if not physically. Throughout her mother's lifetime, Maude is never able to have a sincere relationship with her that is based on mutual love and respect towards each other's free individuality.

In *Why Different* Luce Irigaray (2000) discusses the effects of this lack of a proper relationship between a mother and a daughter asserting that,

> The little girl has the greatest aptitude for dialogue; she wants to talk *with*, and first *with her*, her mother. Strangely enough, our tradition is deaf to this demand, at least today: the little girl doesn't even find a *with Her*, the Mother, with whom to have an inner dialogue. This is painful for the daughter or the woman, and paralyzes their becoming in communication with themselves and with others. It's also a loss for the entire culture, for all community life: a loss of dialogues, of exchanges between people, a loss of feminine identity, of fruitfulness, of the difference between woman and man. (p. 37)

For Irigaray, the relationship between a mother and a daughter that is based on dialogues, that does not imprison them within their socially structured roles but liberates them as two subjects having their free identities is vitally important for women's quest for freedom. In *Je, Tu, Nous*, Irigaray (2007) claims that "Mother-daughter relationships in patrilinear societies are subordinated to relations between men" (p. 9). With the hegemony of patriarchal power in social life and language, even the relations between mothers and daughters are pre-determined without leaving any space for them to seek a free identity. That is why although the daughter is eager to have a dialogue with her mother in order to fulfil her identity search; she lacks another "she" in her mother with whom she can have an inner dialogue. This lack of a proper relationship between a mother and daughter that imprisons neither of them is absolutely painful for the daughter and the woman in her because she falls into an identity crisis when she cannot find a woman-mother with whom she can identify herself. Considering Maude's position while Kitty is alive, it is possible to argue that as Kitty tries to find her free identity, her ignorance of Maude affects her daughter's identity search since she lacks the mother figure she can have an inner dialogue with to assert her womanly freedom.

For Irigaray, as stated above, even the mother-daughter relationship in societies dominated by the masculine power is determined by patriarchy. Woman is put in such a position that the only sphere she can dominate is the household with her children. Since she is restricted with the housework and childcare, she tries to find her identity within these restrictions. Throughout this process of finding her identity in her daughter, the mother has authority over her daughter restricting her as the patriarchal structure restricts all women. She looks after her daughter, nurtures her while she also feeds her own being. In Irigaray's "And the One Doesn't Stir without the Other" (1981) the speaker, who is a daughter, verbalizes her wishes for the relationship she has with her mother:

> I'd like you to remain outside, too. Keep yourself/me outside, too. Don't engulf yourself or me in what flows from you into me. I would like both of us to be present. So that the one doesn't disappear in the other, or the other in the one. So that we can taste each other, feel each other, listen to each other, see each other – together. (p. 61)

In the traditional mother-daughter relationship, the mother drowns herself in her daughter because there is no other free space left for her to define her own identity. With the birth of her daughter, the mother feeds her own being while she nurtures the baby daughter, and these two disappear into each other without realizing that each has her own free identity. The authority the mother has over her daughter disables them both to be present separately. That is why the most important function of a mother-daughter relationship should be to let both the mother and daughter be separate individual identities while they can feel, taste and see each other as Irigaray emphasizes. Generally, in the traditional system, the mother fails in providing such a relationship because she is an alien even to herself, she does not know her free identity and she is completely lost in the patriarchal system. Thus, while she tries to find herself in motherhood, she causes her daughter to be lost in the same emptiness.

Considering Kitty's relationship with Maude, it is possible to observe her authority over Maude that affects her identity search. The authority Kitty has over Maude is not the same as the customary one because Kitty is not a traditional mother. Obviously enough, Kitty is not a mother who tries to find her identity through her daughter. However, from a different aspect, she also establishes a similar domination over her daughter when she begins using Maude as a tool helping her for the suffrage movement though Maude is not interested in it at all. When she gets into the prison, she forces Maude to collect money for a campaign they are going to have as suffragettes, and later on after she is released, she forces Maude to weave banners for the big march. Here Kitty's primary function is not actually to leave a female legacy for her daughter

but instead she tries to fulfil her own quest for a liberated identity using Maude as a help-mate. Thus Kitty and Maude can never have these important dialogues Irigaray focuses on in her arguments that would enable Maude to seek her own free identity through identification with a woman-mother figure.

The failing point of the feminist movement Kitty becomes part of is that they base their actions on resemblance to men instead of accepting their differences and focusing on the reality of different sexes that both deserve to be fully free individuals. The best example for this failure is that Kitty is dressed up as Robin Hood leading a horse on which Caroline Black sits armoured with a silver helmet in the big march. Dressing up or acting like men in the social and political sphere does not bring what is necessary for woman to discover her free identity. In *Je, Tu, Nous* Irigaray (2007) asserts that, "women's exploitation is based upon sexual difference; its solution will come only through sexual difference" (p. 4). That is why she also claims that equality seems to be a mistaken term because the two sexes are different from each other; however, this difference does not necessarily mean the subordination of woman to man. Woman and man are different from birth and the social structure should be based on the two separate sexes, each having its own social, political and economic rights without dominating over the other. However, the movement Kitty is involved in detaches woman from herself in order to resemble the other, thus this results in Kitty's death hit by a horse. Interestingly enough Kitty dies hit by a horse which is itself a representative for the male power. This is why Irigaray asserts that woman's discovery of a free female identity is not possible through resemblance to man but with a focus on a different but as much liberated female identity.

Although Kitty fails as a mother during her lifetime, her fall as an absent mother affects the rest of Maude's life especially in her quest for a free self. When Kitty is hit by the horse, she leaves her most important inheritance to her daughter as she says, "As long as you become something, I don't mind what it is. Except perhaps a wife. But don't tell Daddy that…Go to university" (Chevalier, 2001, p. 311). Within the last hours of her life, Kitty has her crucial dialogue with her daughter which will affect her life deeply after her mother's death. A doctor or an astronomer it does not matter, Kitty says, as long as Maude does not become a wife. And in order to achieve this, she needs to go to university. In "When Our Lips Speak Together" Irigaray (1980) expresses the importance of speaking to each other for a mother and daughter claiming, "We must learn how to speak to each other so that we can embrace across distances. Surely, when I touch myself, I remember you. But so much is said, and said of us, that separates us" (p. 77). Kitty, as an absent mother in Maude's life, can never succeed to learn how to speak to her daughter in order to save her daughter as well as herself out of the emptiness they have fallen into. That is why, waiting in front of the house for her mother who is in her death bed now, Maude says, "I did not want to see my mother. I had been waiting for her all my life, and now I preferred to be waiting for her always, if that was the only alternative" (Chevalier, 2001, p. 327). Maude's life until this point has been a waiting process for her mother who has never been really existent in her life as a woman-mother figure with whom Maude can identify herself. Eventually when she goes upstairs to utter the last words with her mother, Maude is surprised that they can only talk about jasmines in the garden.

On the other hand, Kitty's last words signify how she has always been dependent on Maude's presence at her side. She says although she has always pushed her away, Maude has always stayed with her. However, finally this time, despite Kitty's unwillingness to let her go, Maude lets her mother go, and the absent mother eventually falls. However, this fall of the absent mother leaves an important effect on her daughter who begins resembling her mother not only physically but also mentally. As she grows up Maude begins to put on Kitty's dresses and ask for her rights especially with her wish to go to university.

In Irigaray's "And the One Doesn't Stir without the Other" (1981) the voice of the daughter says,

> And the one doesn't stir without the other. But we do not move together. When the one of us comes into the world, the other goes underground. When the one carries life, the other dies. And what I wanted from you, Mother, was this: that in giving me life, you still remain alive. (p. 67)

The mother and daughter relationship is based on mirroring each other and disappearing into each other in the patrilinear societies. Although, as Irigaray asserts, one cannot stir without the other, they cannot move together, either. Figuratively the mother is completely lost within her matrimonial or maternal duties, and she tries to find her own identity within her

daughter forcing her into the same emptiness and loss. Or realistically, the mother passes away and leaves her daughter all alone behind. Both ways, the daughter is also lost as a woman unless the mother has the ability to exist together with her daughter but as separate free identities in order to save both herself and her daughter out of the emptiness they are imprisoned in. For Kitty and Maude's relationship, since Kitty feels herself entrapped within wifely and motherly responsibilities, she completely detaches herself from her daughter during her lifetime. Thus, she ends up being an absent mother for whom Maude waits all her life. Being unable to speak to her daughter and have a relationship with her that is based on mutual love and separate free identities; Kitty causes Maude to lack a woman-mother in her life that might help her in her own search for a free self. However, with the eventual fall of the absent mother, the daughter is left with her inheritance to go to university. As a result, Kitty leaves her daughter behind going underground but the daughter who is left behind takes her role as a woman-daughter to fulfil her mother's quest for a free female identity.

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Neither Here Nor There: How to Fit in British Society in Kureishi's *the Buddha of Suburbia* and *the Black Album*?

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Abstract

"Diaspora" as a word dates back to ancient Greek, although its modern usage stems from its appearance in the translation of the Hebrew Bible into Greek by Jewish scholars. However, the Greek word diaspora is not related to migration; rather it connotes a religious meaning. In the second half of the 20th century, the meaning of the word diaspora broadened and began to be used for any ethnic, national, or religious community that is dispersed and settled in one or more countries. Yet, the issue of diaspora is not just restricted to the settlement of communities in other countries: diasporas are also about displacement, dislocation, and the maintaining of connections with a real or imagined homeland. This paper will analyse how Hanif Kureishi, as a diasporic writer, represents the struggle of first and second generation Pakistani immigrants to fit into British society during a chaotic time. Our analysis will be on Kureishi's The Buddha of Suburbia and The Black Album, which focus on the problems of the Indian diaspora through its main characters in 1970s and 80s Britain when racial tensions, prejudices, and class conflicts between the working class and the upper class take place in society. With the analysis of Kureishi's characters, both first and second generation, we will see how they experience in-betweenness and double-conciousness in the process of constructing a new identity. Moreover, we will present how they clash with both British society and their own diaspora while struggling to belong to two cultures at once.

Keywords: Post-colonial, diaspora, identity, double-conciousness, in-betweenness.

Introduction

As the mobility of the population has increased over the last fifty years due to political, economic, ethnic, and religious reasons, the term diaspora has begun to be used widely. When the history of the word is traced, we go back to ancient Greek, although its modern usage comes from the translation of the Hebrew Bible into Greek by Jewish scholars. However, the word diaspora does not refer to migration but rather it connotes a religious meaning, "the threat of dispersion facing the Hebrews if they failed to obey God's will" (Dufoix, 4). As time goes by, the term has undergone basic changes in its meaning. The Jews were at the centre again, but this time they experienced real dispersion due to the forced migration during the time of the Nazis. They dispersed around the world to escape genocide, and they formed diasporas wherever they went. Apart from the Jews, Afro-Americans are also associated with diasporas because of their dispersion to perform forced labour. Since these groups experienced forced migration on a huge scale, when people think of diaspora, they associate it directly with the Jewish and the Black/African diasporas.

However, in the second half of the twentieth century the meaning of word diaspora broadened and began to be used for any ethnic, national, or religious community that undergo dispersion and settle in one or more countries. Yet, the issue of diaspora is not restricted with the settlement of communities in other countries; it requires having some other factors that involve "maintenance of identity and community solidarity, which allows people to make contacts between groups and to organize activities aimed at preserving that identity; and finally, relations between the leaving state, the host state, and the diaspora itself…" (Dufoix, p. 21). As clearly stated above, diasporas are about the idea of displacement, dislocation and the maintenance of connections with a real or imagined homeland. Since diasporas are the communities that left their homelands to settle a new life in new places, they face serious problems in the host countries which affect them psychologically, culturally, socially and economically. While they try to preserve their original roots, they are exposed to the culture of the host land. The state of belonging to two cultures at the same time creates a person who is "in-between" as Homi Bhabha (1994) calls it. The diasporas and minority groups in host countries try to reconstruct a new identity despite racism, poverty, discrimination, etc. Especially, during the second half of the twenty-first century, when many diasporas formed all over the world, a new field of literature emerged: diaspora literature which deals with issues concerning immigrants such as identity, displacement, dislocation, racism, double-consciousness, etc. Hanif Kureishi is one of the

writers who explore the issues of diasporia literature in his works. As a child of a Pakistani father in the UK himself, he writes about the Indian diaspora in Great Britain. In this paper I will analyse how Hanif Kureishi as a diasporic writer represents the struggle of first, and second-generation Pakistani immigrants to fit into British society during a chaotic time through the novels *The Buddha of Suburbia* and *The Black Album*. While exploring these issues, I will focus on the factors that cause such problems for the members of the Indian diaspora and affect them psychologically, politically, and economically either as first-generation immigrants or the second-generation immigrants.

India has drawn attention as a major source of migration in the twenty-first century. The colonial history of India and the religious conflicts of the subcontinent created a country that offered no possibilities for its citizens to lead good lives. 1947, India's date of independence, coincided with its partition. Immediately after partition, approximately five million Hindus and Sikhs left Pakistan for India, and about six million Muslims moved into newly established Pakistan from India. Binod Khadria (2006) states that "this politically triggered exchange created very serious and long-term problems of refugee settlement and integration, the prospects of intra-Indian subcontinent migration became increasingly remote after India's independence" (p. 172). After World War II, many immigrants from India and other Asian countries, which were mainly poorly educated, came to the United Kingdom to meet increasing post-war labour shortages. However, not only those unemployed, but also students who wanted to get a better education came to the UK. Upon the arrival of these immigrants, the country turned out to be multicultural, multiracial society in which the conflict of white and black appeared. Apart from the harsh attitude of England's citizens toward Indian diaspora, these immigrants faced internal conflicts of identity and personality. Hanif Kureishi is a member of the Indian diaspora in UK, born to a Pakistani father and an English mother. His father belonged to a relatively rich, upper-class family in Madras, and he came to England to study law. Although he did not complete his studies, he stayed in England and worked at the Pakistani Embassy while other members of his family moved to Pakistan after the partition. His father experienced dispersion even in his homeland. While witnessing changes in the UK's social structure, Kureishi wrote many novels, short stories, film scripts, and dramas to represent the struggles of both generations.

The Buddha of Suburbia (1990), Hanif Kureishi's first novel, is a semi-autobiographical book focused on the search of the protagonist Karim's social and sexual identity in 1970s Britain. The novel consists of two parts — In the Suburbs and In the City — which show the social transformation of characters throughout the novel. Kureishi, who expresses that "We are all mixed-race now," represents it in his protagonist Karim, who is the son of an Indian Muslim immigrant and an ordinary Anglo-Saxon British woman in 1970s Britain. Karim undergoes many difficulties while constructing his immigrant identity in the face of discrimination against 'colored' people. *The Buddha of Suburbia* is like a mirror since it reflects life in 1970s Britain, where racial tensions, prejudices and class conflicts between working class and upper class in the society take place. While we're reading the novel, it feels like Kureishi is taking us on a tour in 1970s and 1980s Britain with all its complicated social and political life.

Around the 70s' and 80s', the time when the number of immigrants from the Indian subcontinent increased, "British government was concerned with how best to limit Asian (and black) settlements without tarnishing the country's liberal image" (Khadria, 174). As Kureishi shows in the novel, there was a great political debate and rivalry between Conservatives and the Labour Party. However, when the Conservatives had the power, and Margaret Thatcher won the elections, a new era started for Britain. Thatcherism was effective in every field of government although it is basically associated with economic changes that led many people to unemployment, and forced people to pay unfair taxes. Thatcher also had statements on race, national identity, the family, multiculturalism and morality. Sezer (2010) quotes from Green that for Thatcher and her supporters to be British was defined by narrow boundaries of geographical origin and kinship. (p. 145) Thatcher never wanted to accept those immigrants as Englishmen, even the second generation who were born into the UK. For her the notion of Britishness was static although according to famous critic Stuart Hall, cultural identity is a slippery term since "it is a matter of becoming rather than being" (p. 225). Apart from Thatcher, Enoch Powell, who was an important politician of the Conservative Party, expressed a strong sense of nationalism and even racism in his famous speech *Rivers of Blood*. This nationalist party did not want immigrants in their country and had a strict policy on immigration, and it found support especially among working class. So, there were aroused organisations against immigration and that supported racism. The National Front is an organisation that protested against immigration and fought against the inclusion of immigrants in British society. Especially the white, middle-class UK citizens were against the new-comers of the country.

The stimulation to exclude Asian immigrants prevented the UK from being a multiracial and multicultural society. Racism in the country was an outgrowth of economic problems such as unemployment, poverty, and housing problems. Roy Porter

expresses that "the importing of low-waged immigrant labour greatly incited racial hatred of the white working class towards the immigrants" (qtd. in Su, 251). Kureishi emphasizes how his characters are exposed to racist attacks in the suburbs of London. While the protagonist Karim is walking along the street with his friend Jamila, newly renamed Jammie, a British man shouts at them "Eat the shit, Pakis" (53). Whereupon, Jamila tells him about her country's oppressed people who face violence in this racist country. Apart from verbal attacks, there were also physical attacks on various ethnic groups, especially against Asians. Karim describes these groups who attack immigrants:

> At night, they roamed the streets, beating Asians and shoving shit and burning rags through their letter-boxes. Frequently, the mean, white, hating faces had public meetings and Union Jacks were paraded through the streets, protected by the police. There was no evidence that these people would go away — no evidence that their power would diminish rather than increase. The lives of Anwar and Jeeta and Jamila were pervaded by fear of violence. I'm sure it was something they thought about everyday Jeeta kept buckets of water around her bed in case the shop was fire-bombed in the night. Many of Jamila's attitudes were inspired by the possibility that a white group might kill one of us one day. (p. 56)

The fear of the family increases as these racist groups scrawl graffiti on the wall of their house's, and the threat becomes reality when a pig's head is thrown through the shop as they are sitting in it, and they are injured in this event. Later on, Jamila's Indian husband Changez is attacked by an extremist group. Everything happens suddenly: "It was a typical South London evening — silent, dark, cold, foggy, damp — when this gang jumped out on Changez and called him a Paki, not realizing he was Indian. They planted their feet all over him and started to carve the initials of the National Front into his stomach with a razor blade" (p. 224). The National Front threatens the lives of Asian people and attacks their shops in order to cut their income. Karim himself is affected by the racist attitude of schoolboys, and he recalls how they treated him because of his colour:

> I was sick too of being affectionately called Shitface and Curryface, and of coming home covered in spit and snot and chalk and wood-shavings. We did a lot of woodwork at our school, and other kids liked to lock me and my friends in the store room and have us chant 'Manchester United, Manchester United, we are the boot boys' as they held chisels to our throats and cut off our shoelaces. We did a lot of woodwork at the school because they didn't think we could deal with books. (p. 63)

This paragraph is important since it clarifies the book as not just mere fiction but as autobiography. In an interview Kureishi expressed how he experienced more or less the same things: "I remember going to school and being racially abused. I remember my mother going to the school to complain. It was as if she hadn't realized the consequences of marrying an Indian man. These consequences only worked themselves out later on: suddenly you've got this boy and everybody spits on him and you are completely devastated" (Kumar, 2001, p. 122). The characters express what British people think about themselves in a merciless way while they try to construct a new identity based on their Indian roots and British culture: "The thing was, we were supposed to be English, but to the English we were always wogs and nigs and Pakis and the rest of it" (p. 53). Karim realizes this truth once again when he is scolded by the father of his girlfriend, Helen. The father is direct and harsh in his speech: "'You can't see my daughter again, said Hairy Back. She doesn't go out with boys. Or with wogs… However many niggers there are, we don't like it. We're with Enoch. If you put one of your black 'ands near my daughter, I will smash it with a 'ammer! With a 'ammer! Hairy Back slammed the front door" (p. 40). For some immigrants, racism and discrimination is so unbearable that they even decide to end their lives. The ex-lover of Eleanor, who is Karim's upper-class, white girl-friend, committed suicide because of these racist attitudes toward him:

> Gene was a young West Indian actor. He was very talented and sensitive….he was better than a lot of people. So he was very angry about a lot of things. The police were always picking him up and giving him a going over. Taxis drove straight past him. People said there were no free tables in empty restaurants. He lived in a bad world in nice old England. One day when he didn't get into one of the bigger theatre companies, he couldn't take any more. He just freaked out. He took an overdose. Eleanor was working. She came home and found him dead. (p. 201)

When the social and economic state of the Indian diaspora are examined, we see that they're more or less interconnected because the quality of social life of an individual is directly proportional to his income. Since Indian immigrants are mainly composed of unskilled workers, they work in low-wage jobs with long hours of shift. Karim's father, Haroon, is a "badly

paid and insignificant" Civil Service clerk in the British Government (p. 7), and his mother works as a sale assistant in a shoe store. Rita Felski states that "lower-middle-classness is still a 'cage of umbrellas and steely regularity' (BS, 26), marked by respectability, rigidity, and gray routine" (p. 37). For the lower-middle-class, social life did not exist, as is clear from the life of Haroon: "No one went out, there was nowhere to go, and Dad never socialised with anyone from the office. They too fled London as quickly as they could after work. Mum and Dad went to the pictures maybe once a year, and Dad always fall asleep; once they went to the theatre to see *West Side Story*" (p. 46). Karim feels trapped in this boring life of his parents and wants to escape his petit bourgeois origins to achieve social mobility; therefore, he wants to get a job among the artists and upper-middle-class people.

The most striking side-effect of immigration is seen on the psychology of individuals, or more collectively, on the whole diaspora. When they migrate from their home country, full of their traditions, cultures, and beliefs, their cultural system clashes with the host country's system. The one who succeeds to fit into the society gains a hybrid identity, but the others become misfits in the society, trapped between two cultures and belonging nowhere. These 'in-between' individuals suffer from exclusion, displacement, alienation, and identity conflict. As a result of this exclusion, they either reject British culture, or cling to fanaticism and radicalism, or they seek consolation in drugs, raves, and sex (Töngür, p. 91). Clearly, diaspora identities are dynamic, and in constant change. For Hall, "they constantly produce and reproduce themselves, through transformation and change. It belongs to the future as much as to the past. It is not something that already exists, transcending place, time, history, and culture" (p. 235). In order to fit into the British society, the characters use the flexible aspect of identity and try to Westernise themselves. So they are trapped between their Indian or Pakistani identity and their newly gained British identity. For example, Karim says, "My brother Amar, four years younger than me, called himself Allie to avoid racial trouble" (p. 19). Another example of this renaming is Karim's father: "Ted and Jean never called Dad by his Indian name, Haroon Amir. He was always 'Harry' to them, and they spoke of him as Harry to other people. It was bad enough his being an Indian in the first place, without having an awkward name too" (p. 33). Some of the characters try to be English by casting off their national clothes and dressing in a modern and Western way. However, there is a striking fact that they are scorned by their fellow countrymen if they do not appear British. They see it as something to be ashamed of and accuse those who cannot fit into the British society. For example, Changez feels a kind of disgust when he sees traditional Asian men in England. Yet there is an irony in Changez's situation because although he feels British, he is not seen and accepted by the natives, they do not even see him an Indian but instead yell at him as a Paki when the nationalist gang attacks him for nothing.

> Look at that low-class person, he'd say in a loud voice, stopping and pointing out one of his fellow countrymen — perhaps a waiter hurrying to work or an old man ambling to the day centre, or especially a group of Sikhs going to visit their accountant. 'Yes, have souls, but the reason there is this bad racialism is because they are so dirty, so rough-looking, so bad-mannered. And they are wearing such strange clothes for the Englishman, turbans and all. To be accepted they must take up the English ways and forget their filthy villages! They must decide to be either here or there. Look how much here I am! (p. 210)

In this ugly political atmosphere, British citizens are stimulated to exclude immigrants based on race. Politicians play a great part in dissociating the society with their racist discourses. Although the immigrants want to integrate, they are separated based on their differences. Samir Dayal (1996) refers to this discrimination saying that: "Instead of marking an achieved pluralized space and time guaranteeing an equal political address within the nation-space, the model immigrant category is sometimes ironically constructed as precisely a divisive and subordinating condition for "belonging" (p. 50).

There are significant differences between the two generations of immigrants in the UK. While the first generation fails to learn British habits and culture or find a place in society, the second generation faces the struggle of belonging to two cultures. The first generation comes with its own cultural norms and they have difficulty in adapting to the country; so they turn into alienated misfits in the society. Experiencing discrimination in all parts of daily life has a big part in their disintegration into society. Karim tells his father's discomfort: "'The whites will never promote us', Dad said. 'Not an Indian while a white man left on the earth. You don't have to deal with them — they still think they have an Empire when they don't have two pennies to rub together'" (p. 27). Haroon, Karim's father is among the first generation of immigrants, so for him it is not easy to lose its Indian identity and harmonise with British culture. Since he does not belong to this country, he lacks orientation in the streets where he has lived nearby for almost two decades. Karim complains about this situation: "Dad had been in Britain since 1950 -over twenty years- and for fifteen of those years he'd lived in the South London

suburbs. Yet still he stumbled around the place like an Indian just off the boat, and asked questions like, 'Is Dover in Kent?" (p. 7). Haroon turns to Oriental philosophies and practices in search of his identity, but he cannot carry on with it since white people see it as rubbish. He even exaggerates his Indian accent by hissing his s's. In addition, he neither sticks to the rules of his religion, Islam, nor loses himself fully in the extreme pleasures of life. Haroon tries to balance his life between two different cultures; one time they stick to their traditions, but on other time they totally forget about it and enjoy the pleasures of the new culture. Dayal (1996) explains this condition: "... diasporics may position themselves as resisting assimilation, liminally situated on the borders or fault lines, alive to the play of contradiction and to the unregulated possibilities of such a positioning" (p. 52). Like Haroon, his brother Anwar lives in contradictions; one day he attends prayers in the mosque, but when he comes home, he drinks alcohol and eats pork.

Other aspect of diasporas is that the immigrants have a goal of returning to their idealised and imagined homelands (Dufoix, 2008, p. 22). Although the characters do not clearly express this in *The Buddha of Suburbia*, there is a longing for the home country, and they want to return to their homelands in some way, maybe an internal return to their imagined homelands. This does occur in the second generation of diasporas since they are not born into their native land so they may not feel the attachment as their fathers did. The first-generation immigrants feel a kind of linkage to their countries and cultures. Karim observes his father and Uncle Anwar and thinks that "Now, as they aged and seemed settled here, Anwar and Dad appeared to be returning internally to India, or at least be resisting to English here" (p. 64). And Karim's observation is justified when his father expresses his feelings about his home country: "We old Indians come to like this England less and less and we returned to an imagined India" (p. 74). Anwar also says that "I want to go home now ... I've had enough of this damn place" (p. 172). Through the end of the book, Haroon confesses that "I have lived in the West for most of my life, and I will die here, yet I remain to all intents and purposes an Indian man. I'll never be anything but an Indian" (p. 263). It's clear that even the first-generation immigrants experience in-betweenness. They are not completely Asian anymore, they are neither British, though; so they feel trapped between two cultures all the time.

Although the older generation feels a kind of belonging to their homeland, the new generation is somewhat trapped in this society, and it is indicated in the novel by a British man as "belonging nowhere" (p. 141). Hence, whatever the characters do to escape their origins, they come across their double-identity. The second-generation has ancestral customs with them which are mostly not practiced, yet they are born into and grow up in British culture. Our protagonist Karim suffers from the same problem, as the second-generation of immigrants, who were born in the UK: "I am an Englishman born and bred, almost. I am often considered to be a funny kind of Englishman, a new breed as it were, having emerged from two old histories. But I don't care — Englishman I am (though not proud of it), from the South London suburbs and going somewhere. Perhaps it is the odd mixture of continents and blood, of here and there, of belonging and not, that makes me restless and easily bored" (p. 3). Even the opening lines of *The Buddha of Suburbia* show the main issue of the novel. Karim also denies his Indian identity because he sees it inferior to the Britishness. In the funeral of his Uncle Anwar, he muses:

> But I did feel, looking at these strange creatures now— the Indians— that in some way these were my people, and that I'd spent my life denying or avoiding that fact. I felt ashamed and incomplete at the same time, as if half of me were missing, and as if I'd been colluding with my enemies, those whites who wanted Indians to be like them. Partly I blamed Dad for this. After all, like Anwar, for most of his life he'd never shown any interest in going back to India. He was always honest about this: He preferred England in every way. Things worked; it wasn't hot; you didn't see terrible things on the street that you could do nothing about. He wasn't proud of his past, but he wasn't unproud of it either; it just existed, and there wasn't any point in fetishizing it, as some liberals and Asian radicals liked to do. So if I wanted to additional personality bonus of an Indian past, I would have to create it. (p. 212)

Although Karim does not want to remember his hybrid condition and he just wants to focus on his own life, on how to develop himself and start the career he wants, people around him wonder about this state of solidarity led by the exclusion of two cultures. Mr. Shadwell sees him as a half-caste in England and he says: "That must be complicated for you to accept — belonging nowhere, wanted nowhere. Racism. Do you find it difficult? Please tell me" (p. 141). However hard he tries to forget his burden of being Asian, he has to carry it everywhere. On his way to create a new self, he decides to be an actor and joins a theatre group. They will play *The Jungle Book* by Kipling, who is well-known for his colonial discourse. Worse still, he is asked to play the role of Mowgli since he is dark-skinned, small and wiry like him. In order to succeed,

Karim accepts the role but he feels miserable when his dad and cousin come to watch him. Since Karim exaggerates the accent and the clichés about the Indians, his parents freak out and accuse him of playing in a neo-fascist play. Haroon goes further: "The bloody fucker Mr. Kipling pretending to withy he knew something about India! And an awful performance by my boy looking like a Black and White Minstrel!" (p. 157). Kureishi portrays a postcolonial *Bildungsroman* in Karim's attempts to find himself, and create an identity that is barely his. In his struggle to create his own identity, he has ups and downs but he does not care about the others so that in addition to his Indian identity, he constructs a bisexual identity. He is attracted to his step-mother's son, Charlie. With his second identity based on sex, he defies the British rules once more since Thatcher is homophobic and they even made a law against this kind of relationship. However, Karim is not a real Indian either; his mother expresses this: "But you're not an Indian. You've never been to India. You'd get diarrhoea the minute you stepped off that plane, I know you would" (p. 232). So, it is obvious that Karim is a hybrid character who is in-between of two different cultures. He neither completely clings to an Indian identity nor the British. He has a double-consciousness: on the one side he represents Indian values while he sticks to the host country's values. He is never fully Indian or British. As Homi Bhabba (1994) states: "identity is never a priori, nor a finished product; it is only ever a problematic process of access to an image of totality" (p. 73).

Published five years later than *The Buddha of Suburbia, The Black Album* (1995) is Kureishi's second novel which explores crucial issues such as Islamic radicalism, ecstasy, censorship, and Prince in late 1980s London, as well as religious and cultural clashes between Britain and its immigrants. The novel originates from the controversies based on the imposition of the fatwa on Salman Rushdie by Ayatullah Khomeini in 1989. The rise of Islamic radicalism during the Rushdie affair attracts Kureishi's attention and he puts this controversial topic in the centre of *The Black Album* with the criticism of fascist manners of both racists and anti-racists in multiracial British society in the late 1980s. In contrast to *The Buddha of Suburbia*, as the title of the novel refers, this book is a means to celebrate the multicultural, multiracial British society in the late twentieth century. *The Black Album* is the name of the American musician, Prince's lost album, available only illegally, as its release was cancelled in 1987. Prince is an important figure in the celebration of diversity in race, culture, and gender since: "he's half-black and half-white, half man, half woman, half size, feminine but macho, too" (p. 25). Although UK has undergone some changes in its cultural structure since the 1980s, racism is still strong as understood from Shahid's experiences:

> Everywhere I went I was the only dark-skinned person. How did this make people see me? I began to be scared of going into certain places. I didn't know what they were thinking. I was convinced they were full of sneering and disgust and hatred. And if they were pleasant, I imagined they were hypocrites. I became paranoid. I couldn't go out. I knew I was confused and … fucked-up. I didn't know what to do. (p. 10)

Like Karim, the protagonist of *The Black Album*, Shahid, is also exposed to racism at school by his classmates who call him: "Paki Wog Fuck Off Home," and "Paki, Paki, Paki, Out, Out, Out!" (p. 72) The streets and homes still do not seem safe for Pakistani immigrants. Shahid and his extremist group members find themselves in the middle of a racist attack. When they are protecting a mother and her daughter in their home, a British woman comes: "Paki! Paki! Paki!' she screamed. Her body had become an arched limb of hatred with a livid opening at the tip, spewing curses. 'You stolen our jobs! Taken our housing! Paki got everything! Give it back and go back home!" (p. 139). Again, the problem of racism is linked to the economic condition of the British working-class. They're envious of Asian immigrants who came and got the jobs that they thought inferior, but now they accuse these people for their bad economic condition. Shahid sees tension in the society and he expresses his fears: "We're third-class citizens, even lower than the white working class. Racist violence is getting worse! Papa thought it would stop, that we'd be accepted here as English. We haven't been! We're not equal! It's gonna be like America. However far we go, we'll always be underneath!" (p. 209). Apart from Shahid, Zulma, sister-in-law of Shahid although she was an intelligent and upper-class woman, still has no place in this society since "to them she'd always be a Paki, and liable to be patronized" (p. 87).

As in the 1970s, the racist attacks still carry on despite the changes in government. There are still oral and physical attacks on Asians, Blacks or any kind of "alien". Since Muslim women look different in their hijab, they are generally attacked orally. Tahira expresses this trouble: "We're constantly mocked and reviled, as if we were the dirty ones. Yesterday a man on the street said, this is England, not Dubai, and tried to rip my scarf off" (p. 105). Shahid and his radical friends help Asian families who seek protection against the attacks of racist groups. They go to the flat of a Bengali family with cricket bats,

clubs, knuckle-dusters and carving knives, and they take action against the racists with an enthusiasm of jihad. They have a good reason to defend by the way since

> The family had been harried – stared at, spat on, called 'Paki scum' – for months, and finally attacked. The husband had been smashed over the head with a bottle and taken to hospital. The wife had been punched. Light matches had been pushed through the letter-box. At all hours, the bell had been rung, and the culprits said they would return to slaughter the children. Chad reckoned the aggressors weren't the neo-fascist skinheads. It was beneath the strutting lads to get involved lowly harassment. These hooligans were twelve and thirteen years old. (p. 90)

As the protagonist of *The Buddha of Suburbia*, Shahid suffers from the identity crises of second-generation immigrants. Shahid is in a desperate need of an identity. He thinks that without an identity, the individual cannot succeed. Kureishi explains this need as: "Now, though, Shahid was afraid his ignorance would place him in no man's land. These days everybody was insisting on their identity, coming out as a man, woman, gay, black, Jew – brandishing whichever features they could claim, as if without a tag they wouldn' be human" (p. 92). He's literally torn between his Pakistani, Muslim identity and the British identity. The idea of in-betweenness is apparent in the hybrid identity of Shahid and other Indian characters in the novel. He wants to be both with his fundamentalist friends and his liberal girlfriend Deedee, who lives in the extremities. While one offers strong religious beliefs and close ties with his Pakistani fellows, the other offers a life with no stress and with drugs, alcohol, and sex. Kaleta claims that "Shahid vacillates between belief and worship, between fiction and reality, between intellectual pleasures and simple pleasures of the body, between cultural assimilation and cultural identity" (qtd. in Töngür, 98). Step by step he breaks his bonds with his fellows and turns to the side of Deedee. Shahid tries to fill gaps in his identity by getting rid of the sense of exclusion in British society. Considering his identity, Shahid's mind is a "tabula rasa," he does not know Pakistani culture, and he is not sure about British culture and not sure to adopt it, though. He experiences both sides with the help of side-characters. His girlfriend, who is older than him symbolizes the Western way of life with every possibility. He indulges in sweet dreams when he is thinking of Deedee but then he feels a kind of resentment. Kureishi describes the complicated feelings of Shahid:

> But instead of bathing in the warm memory of the love they'd made and the pleasures she'd introduced him to, which they could delectably repeat and extend into the future, he became aware of a bitter, disillusioned feeling. How he'd been drowning in his senses in the past hours! What illusions he'd been subjected to! What torrents of drug-inspired debris he had allowed to stream through his head! What banal fantasies he believed were visions! (p. 130).

On the other hand, there are his Muslim friends who totally embrace Muslim identity and live their lives as Islam requires. The way they dress, pray, and act is merely in order to separate themselves from other groups. Now they do what the British do to them, they stress their differences and want to be known as much. For example, Chad insists that Shahid wear shalwar and go to mosque like that. Although he feels strange in this outfit, he also feels integrated. As the days go by, Shahid feels the urge to make a decision between the two cultures. The tension increases in London due to Salman Rushdie's book *Satanic Verses* that attacks the Prophet Mohamed. As in many parts of the world, there are demonstrations in London, too. Although Shahid loves the book, he has to attend the demonstration unwillingly and burn the book. Although they are not in contact anymore with Deedee, Shahid undergoes a breaking point when he sees Deedee with three policemen who disrupt the crowd. Apart from book burning, the city is in flames due to the two bombings in the tube stations.

In the formation of Shahid's identity, the attitude of his fundamental friends is really important since when Shahid transcribes Riaz's poems, he plays with words and gets away with it, then Chad says he is revealing his dirty mind and sexual fantasies. He is excluded from the group because they think that he has betrayed them. After the fight between Hat and Shahid, Chad is after him. They follow him to Deedee's house. They beat Shahid and even try set fire to the house; luckily Chili saves his brother. In the end, Shahid decides and says to Deedee: "I'm sick of being bossed around, whether by Riaz or Chad or God himself. I can't be limited when there is everything to learn and read and discover. And you…" (p. 272). As Shahid hears the news of Chad's getting injured in the book-burning and attacked in the shop events, he feels a kind of relief to choose the right part for him.

Chili, the brother of Shahid, is another character who is trapped between two cultures. In contrast to his brother's religious attempts, Chili remains a hedonist. For him, life consists of expensive cars, brand-name clothes, and women, although he

is married to a Pakistani woman, Zulma. With his Westernised appearance, Chili seems to have adopted British society: "In Chili's hands were his car keys, Ray-Bans, and Marlboros, without which he wouldn't leave his bathroom. Chili drank only black coffee and neat Jack Daniel's; his suits were Boss, his underwear Calvin Klein, his actor Pacino" (p. 38). Although he appears Westernised, he still likes listening to Pakistani qawali singer Nasrut Fatah Ali Khan.

Chad, or as his real name Trevor Buss, is the most alienated and excluded character in the novel. He's the extremist type of boy who is hostile toward Western values. He does not belong to anywhere, he claims that "I am homeless … I have no country … I don't know what it is to feel like a normal citizen" (p. 108). Once he wanted to get closer to his origins, but he felt that it was impossible:

> When he got to be a teenager he saw he had no roots, no connections with Pakistan, couldn't even speak the language. So he went to Urdu classes. But when he tried asking for the salt in Southall everyone fell about at his accent. In England white people looked at him as if he were going to steal their car or their handbag, particularly as he dressed like a ragamuffin. But in Pakistan they looked at him even more strangely. Why should he be able to fit into a Third World theocracy? (p. 107)

Since he was unable to integrate into Pakistani culture or British, Chad decides to construct a new identity that is based on religion. In the mosque, where all borders are removed, he feels complete. The sense of exclusion caused Chad to be a fundamentalist. He could only fill this gap by having a radical Muslim identity. He just wants to be defined as a Muslim, and he even changes his name to Muhammed Shahabuddin Ali-Shah.

In contrast to *The Buddha of Suburbia*, *The Black Album* does not focus on generational differences. The reader is shown a glimpse of the lives of Shahid's mother and father, through which we learn that his father was working until his arse ached. Since his mother's family was respected in Karachi, she even ignored the bruises, cuts, and all kinds of abuse against them as a way of escaping the reality of Britain. It is clear that the first-generation is more conservative in their ways and they do not bother to create a new identity as the second generation do. Of course, the changing face of Britain is effective in the formation the second-generation's identity. Although many of them cannot succeed in forming a new identity that is a mixture of the host and home cultures, Shahid finally reaches his goal and chooses the life he wants to live.

In conclusion, Kureishi, in both of his books, clearly portrays life in 1970s and 1980s England, where social tension is highlighted due to the immigrant population that is seen as a threat since as Anne Marie Smith states, "Subversive immigrants, it was feared, would "congregate together" in areas that might soon become "English Harlems" (p. 214). He brilliantly shows the colourful British culture as in total contradiction to the Asian traditions and culture either in the first or in the second generation. As a diasporic writer, he presents the identity crisis that the characters undergo in order to fit into the society where they live. In their struggle to create an identity, trapped between their home and host country, they experience dislocation and displacement which results in in-betweenness and double-consciousness in the characters. Both Karim and Shahid are forced to create their own identity out of two cultures. In the process, they face serious problems such as verbal and physical attacks in a racist atmosphere. However, in the end they succeed to create themselves despite all their shortenings.

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Semantic Changes – the Factors and Consequences of the Word Meaning Process

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Abstract

This paper covers the linguistic and non- linguistic phenomena of semantic changes. This paper aims to deal with the main factors, the nature and the consequences which bring to this semantic change of the word meaning.Using all the time a comparative approach, we have tried to address to four main factors and consequences of this change: internal linguistic factors, historical factors or cultural changes, social factors, psychological factors which can help us to understand the actual meaning of a word, illustrating them with relevant examples from both English and Albanian language.

Keywords: linguistic, non- linguistic, semantic change, word meaning, internal linguistic factors,denotative meaning, non- denotative meaning

I.Introduction

Enhancing themarkingof the wordand thereforenewmeaningsenrichmentlies at the heartof the principle oflinguisticeconomy. The reasons of semantic changes are diverse and different. They may be linguistic or non – linguistic ones. The development ofsocietyandthe changes thatitundergoes, language follows onthe same path, changing itssemanticstructurein order toreflectallsocial, cultural, historical or economic movements.

Regardingtrendslawsdefiningphenomenaof the wordsemanticchange, linguistshaveprovidedsome thoughts. Thus, Brealwas the first tothinkthat the science ofsemanticsmusttry toputlawsgoverningsemanticchanges. However, headdsthat can onlyclassifyphenomenaincategories[1]. WhileSosyrassociatedwithchanges of the meaning in Frenchword"poutre" wrote thatthe change"has occurredforspecial reasons and does not depend onother changesthat may haveoccurredat the same time, thisis acoincidenceamongall the changesrecordedhistory of alanguage[2].

II.The factorsofsemanticchanges

AntoineMeillet(1905)[3]andUlman(1962)[4]make a classification on the factorsofsemanticchanges, through grouping themin :

1. Internal linguistic factors

We can have a further classification here, mentioning ellipsis. In compound words with two components, when one of them get out of use, the other one which has its own meaning takes also the sense of the first one which is not used anymore in

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[1] Breal,M. (1991), The Beginnings of Semantics : Essays, Lectures and Reviews, Ed. And trans. By George Wolf. Stanford University Press

[2] Traugott, C . E . and Dasher, B. R. (2002), Regularity in Semantic Change, Cambridge University Press, pg 52 - 65

[3] Traugott, C . E . and Dasher, B. R. (2002), Regularity in Semantic Change, Cambridge University Press, pg 52 - 65

[4] Ullmann, S. (1962), Semantics : An Instruction to the Science of Meaning. Oxford : Basil Blackwell

the phrase, *sale(ulje cmimesh)- cut price sale; starve(vdes urie)- starve of hunger; private(ushtar)- private soldier*, in Albanian language we also have *cung- cung hardhie; vesh- vesh rrushi; laj- laj borxhin, detyren; vese- vese shi.*

Secondly, when a word is borrowed intentionally, it makes the other existing word to get out of use, for example *sloth- slowness- laziness*, after the use of the new word *slowness*. Using an existing word with another new analogical sense with the same meaning as it is in the language it is borrowed from. For example *bear- ari* ; *The Great and Lesser Bear- Arusha e Madhe dhe Arusha e Vogel* borrowed from ancient Greek.

Thirdly, the discrimination of synonyms may cause the semantic qualification. For example, the word *hound- "dog"*. After the word "*dog*" was borrowed by Scandinavian languages the first word *hound* became a more specific word *hound- a dog used in hunting- "qen gjahu".*

Fourthly, the change of a linguistic unit used to avoid the conflict of homonyms. In Albanian language the word *zamer* or *zemer* that means "*afternoon*"(pasdrekja) in some tosk dialects is the same as word *heart*, "the part of the body". This might have caused it to get out of use in this language. While in geg dialect, *zamer(afternoon)*, soit is clear that we have to do with two different words[1]. Referring to English language we can mention *let,* which meant *prohibit.* Its origin is the Old English word *lett* and that were not anymore in use when the other old English word *lætan* – 'lejoj' was changed into *let.*

Another semantic factor might be the case when two words that sound the same influence in each other sense for example : *Sap- limfa e bimes* if we take it away its structure get weakened. According to this meaning there was created the new homonymy meaning of *it hap nje llogore and minoj dicka nga themelet*. In Albanian language we can find as a homonym the word *ëndëz-'pëlhure e merimanges*'(the spider web).

Words meaning can change as a result of syntax structure change. For example, *give pleasure to- I jep kënaqësi dikujt* is different from *derive pleasure from- marr kënaqësi nga diçka/dikush.*

2. Historical factors or cultural changes

 Historical factors or cultural changes is the second factor. For example *car 'cart' " qerre"* , is used with the new meaning " *automobile"*in Albanian language; the word *brisk* derives from word *bri*, and this is why nowadays we also find *dele briske- dele me brirë*. This happens because years ago pocket razor were made by *horns.*

3. Social factors

Social factors are when the word changes its area of use. *Harvest- vjeshtë,*has a specific definition in agriculture: "*te korrurat*". In this case we have to do with the transition of one word from a broad area to a more specific area of use or vice versa. A similar example in Albanian is that of the word *fyell* which is a musical instrument but this word also has a more general meaning which is "*gyp, zgavër", si fyell n'mjalti*, meaning "huall, hoje mjalti". Cultural and social changes are unpredictable; they are related with the way how the language works and how it is transmitted from one generation to another one. For example, the word *bead- lutje* in English now is used with a new meaning:*top I vogël i rrumbullakët, sfere (sphere)*. This is influenced by the use of the expression *counting one's beads- thuaj lujtet: (during beads there were used an rozario and the number of units meant the number of prayers).*

4. Psychological factors.

This is when we avoid the use of those tabu words. Thus, for example *crafty* meaning *skilled- I aftë, i zoti,* is often used as a euphemism of the word *dishonest- ipandershëm*, but the meaning comes from the inference and relates to this lexical unit : *e bukura për buklën(beaty), përdhesi për gjarprin (snake) or reform - per pushimet nga puna* (firing from work)

However, the psychological factors are not simple. Referring to the so repeated discussion on meaning category, not just as a linguisticbut also as a cognitive one, we define semantic changes as a consequence of psychological processes. The

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[1] Cabej, E. (1976), Studime Gjuhesore II, Rilindja, Prishtine, pg. 139

fundamental facto , that moves on psychological elements of semantic shift, is the necessity to speak the language. The language changes because people tend to express their thoughts correctly and much better. This explains the formation of some metaphors and idioms which pass through a personal use to a wide area of use, for example *make's one mouth water- me lëshon goja lëng; to hit the headlines- del në të gjitha lajmet; to sell one's soul- ja fal shpirtin djallit* ,ect...

Referring to this fact, the differences between external factors and vital linguistic changes are connected with the idea that in some cases the semantic changes come as a consequence of changes in real objects which we refer to. Thus, for example, with the development of science it was also changed the concept people had about *electricity* and *atoms.*

According to internal linguisticfactors, expect analogical linguistic changes (mutual semantic influence of words which are connected formally), we have intentionally and unintentionally changes, more spontaneous. Unintentional linguistic changes are more regular and they happen more gradually and collectively than those individual and immediate changes such as intentionally changes. Those last ones happen as a result of an individual act trying to find a more expressive word that shows ideas and thoughts of the speaker better than a common word. Even though the distinction of these changes is not so evident, according to classifications of Carnoy and Stern[1], the unintentional linguistic changes include also fundamental semantic change such as generality, semantic specialization and metonymy. Meanwhile, the intentional changes often have to do with semantic substitutions to achieve a special effect. We can mention hyperbole, euphemism, diseuphemism and metaphors. However, the main factors of semantic changes are the differences between semasiological and onomasiological mechanisms. Semasiological elements are related with the creation of the new lexemes within the existing lexical unit. In contrast with this,the onomasiological elements or the 'lecixogenetic' include changes related just with a concept. Despite the fact that if it is early used or not, it is expressed with a new lexical unit. So,semasiological innovations complete the concepts with new words which are not part of the vocabulary of an language. Changes are really important, not just because they cause automatic semasiologic changes but also because they create an onomasiological necessity, a necessity to create a new lexical category or adjust it with the existing one[2].

III.The nature and the consequences of semantic changes

Within semantic shift we notice the creations of new meanings which conserve a relation with original meanings. Here, are included some semantic subdivisions such as semantic contraction, semantic expansion and semantic resolution. These changes in meaning which include denotative meaning are divided in analogical and not analogical changes, if the new meaning is created inanalogy with the old one or not. Considering this we can classify four big groups:

1. Semantic changes of denotative meaning

 Semantic changes of denotative meaning, that aren't based on analogy, include metonymy, metaphor, the contractions and the expansions of the meaning. These semantic changes are the most important in all classification of semantic shift. The contractions and expansions, known respectively as the specialization and the generalization of meaning, are two types of semantic and lexical changes, where one of the new lexical unit develop a new meaning and this last one has a interdependence relationship(in meaning specialization) or superiority (meaning generalization) on the older sense. So, the contraction of sense means that the usage sphere of the new sense is a subdivision of the older usage sphere of the old meaning. While in the expansion of meaning, the new sphere includes the older one, too. There are some examples of meaning contraction in English, as*: Queen-* firstly used as "wife" but now it is more specific because it is just used for "the wife of the king", "sovran woman" or in old English *deor- animal (kafshë)*, from this general meaning came the more specific one which is usedas *deer- dreri.*Another example is that of the word *case* which means differently for a doctor (illness, patient), lawyer(padi, charge), linguist(rasa e emrit*). Gas- gaz* has also different meanings, for a chemist, for a housewife, a mechanic, a miner etc. Thus, we don't have to do with a contraction of the meaning or of the notion but the sphere of use get contracted.

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[1] Albert Carnoy, 1927, La science du mot and Gustaf Stern, 1931, Meaning and the Change of Meaning te Dirk Geeraerts, 2010, Theories of Lexical Semantics, Oxford University Press, pg. 26

[2] Geeraerts, D. (2010), Theories of Lexical Semantics, oxford University Press, pg.41

Based on meaning expansion we have the example of word *moon*- firstly a satellite of the earth and later satellite of the planets. Or*arrive*- firstly a borrowed word from French meaning 'arrive in bank or river banks' but now its meaning is wider, just arrive. The same thing occurs in the word *tregoj,* which comes from a more specific sphere of use: "tregtoj me sende te vogla, hollesira" this word expanded its sense and now we use it as "dëftoj", in the same way , *kallëzoj* comes from agriculture sphere and nowadays it is used as "tregoj, rrëfej, dëftej", and it also has a more specialized meaning in legal language: "kallëzim penal" or "kallëzoj nje krim" meaning "denounce". In all the cases we can have semantic components that are present in the new meanings or that can definitely lose from the semantic structure of the word.

Metonymy and metaphor are two other types of semantic shift. In the case of metonymy, the semantic match between two meanings of semantic unit is based on the cognation of phrase references. When we say *e piva të tërë shishen*, we mean that we drank what is inside the bottle.When we talk about a cognation relation, this concept includes all possible associations related with time, place or purpose cognation.

There are a lot of metonymic shifts in Albanian and English language. One of the factors is that the objects are quite complex and when we conjure an object, we don't always have in mind this features complexity or distinctive features, but just one or some of them. Consequently, we can mention different examples like*: the whole village/ I gjithë fshati doli në shesh*; *father of science/babai i shkencës; champagne-/shampanjë; ate three dishes/ hëngri tri pjata; the White House/Shtëpia e Bardhë; the Pentago/- Pentagoni ect...*

On the other hand, metaphor analysis is based on a similarity relationship. Referring to metaphor, we have the transition of one object label as a label of another object, according to a common feature. Firstly, the label of the first object which is the same for the other object matches both of them closely. When we mention their label, we bring in memory both of them. When the images of these objects get separated and get away, the mentioning of one of them doesn't bring in our mind the next one[1]. Thus, we have the transition from a literature element into a lingual element. There is no other label for these two objects so it is created a new lingual meaning.

Even though the analysis of a similarity relationship, which may include similarity in function, form, material, colour or shift from the abstract to the concrete etc, may sound easy,it isn't. Consequently, we can say that metaphor include in itself a figurative similarity[2]. Metaphor is one of the most productive mechanisms in forming of new meanings in a language. For example, *warm/cold/sweet voice- zë i ngrohtë/ i ftohtë/ iëmbël; long speech- fjalim i gjatë; short time- kohë e shkurtër; mouth of the river- gryka e lumit; head of household- koka e shtëpisë; teeth of a saw- dhëmbëzat e sharrës; leg of the table- këmba e tavolinës etc*..The order of these examples in English and Albanian was not unintentional. Through them we can argue that the facts of this linguistic mechanism existence are interlingua. Referring the fact that the meaning plays an important role through conceptual and lingual field, these concepts we just mentioned are universal and just their expressive material part in specific languages changes. Consequently, analyzing conceptual and semantic fields that linguistic phases share with each other, we can also talk about some tendencies of semantic nature of meaning development. Some of these tendencies are based on universal models of metaphors, for example, shifts from one sense perception to another one.The taste sense is used as a metaphor for emotions or for the semantic transposition from visual sense in the cognitive processes. Thus, we can find the semantic transposition below:

Hearing senses-----sight sensesex. *Loud- high volume (me zë të lartë)---- having offensively bright*

colours(ngjyra të ndezura që bien në sy për keq), a loud necktie;in aloud manner(sjellje e keqe)

Touch senses---- taste sensesex.*sharp(e mprehtë)---- having an acrid taste(me shije të athët, i*

thartë), a sharp cheese(djathë i thartë)

Taste sense--- emotionex.*Bitter, sweet memories- kujtime tëhidhura, të embla*

Physical appearance ---- personalityex.*sharp, thick---- I mprehtë, itrashë*

Sight senses--- perceptual skillsex. *clear, see---- e qartë, shikoj*

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[1] Thomaji, J. (2006), Leksikologjia e Gjuhes Shqipe, Botimet Toena, Tirane, pg. 94

[2] Geeraerts, D. (2010), Theories of Lexical Semantics, Oxford University Press, pg.28

Per nga vlera monetare dicka e lire-- negative connotationsex.*to feel cheap--- (ndjehet i ulët, i turpëruar)*

Skilled --- dishonestex.*cunning as a fox--- dinak si dhelpër*

These shift tendencies can be concluded in three main categories according to their influence on speaker himself, so it may be defined as a high level of subjectivism.

The first tendency - meanings based on external situations---- meanings based on internal situations (evaluations/perceptions) of an individual; *prek- përjetoj, vlerë monetare- vlerësoj nje situatë*. This tendency includes many shifts from a concrete meaning --- in an abstract meaning.

Second tendency - meanings based on internal and external situations---- meanings based on actual text or meta linguistic situation. According to this tendency of semantic shift, we can explain the verb meaning *… I promise*, *… e deklaroj të hapur, shpall të pafajshëm.*

Third tendency - meanings always have the tendency to be based on state, thoughts and subjective attitude of the speaker for a certain statement. Here we have to do with a pragmatic function, where speakers express their attitudes for the text and for the selected strategy.

2. Semantic changes that are not part of denotative meaning

Semantic changes that are not part of denotative meaning can include every kind of change that is not related directly with the referent,because this semantic shift includes every change of emotional aspect of the meaning. Two main types of these changes usually include:

a)a semantic displacement to the most negative aspect of emotional meaning, so we have to do with a degradation of this negative meaning, ex. dumb- *silent, unable to speak(nuk flet dot, memec*) now it is used with a new meaning *budalla, nuk ka gjykim të shëndoshe*,the word *artificial*- firstly was used for "punuar me dorë, ndërtuar me mjeshtëri", but in comparison with word *natural- naturale*, it gained a negative meaning, because everything natural was considered positive.

b) A meaning displacement to a positive aspect of the meaning, improvement of the meaningex. *knight*- it was used for *djalë (boy), shërbëtor* while now it is used for a honor title *kalorës (knight), pretty*- from *tinezar* now it has a new meaning, *simpatike.*

However, we should know that degradations and improvements of the semantic meanings are not always companied with denotative changes and the original meaning may be saved or not. For example, in English, word *boor,* used for *fermer, fshatar një njeri pa edukatë* is a denotative and emotional change in the same time.

Emotional nuances give to the word the ability of expressing speaker's opinions about what it is said and how he evaluates it. In these cases, we can notice a contrast between neutral words and those of emotional nuances; for example, *buf- "shpend grabitqar i natës"* despite of this meaning it is also has a negative emotional element in it, used for a personthat is "i plogët, i trashë nga mendja, matuf, torollak, i përgjumur".

Starting from above analysis, the emotional element of a word (that is the new derivative meaning) changes from degradation andimprovement mechanisms of meaning because there we have to do with a meaning displacement from a neutral denotative to a new meaning, positive or negative. In Albanian language we can mention *zot* or *zotëri*(sir); as a consequence of ideo-political attitudes, there was a negative connotation of its meaning; the explanation is: perdoret per t'iu drejtuar ne menyre zyrtare a me nderim burrave qe jane shtetas te nje vendi josocialist e qe nuk jane komunist[1].This meaning can't be found in Fjalorin e Shqipes se Sotme 2002, after social and political changes in our country.

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[1] Fjalor I Gjuhes se Sotme Shqipe 1980, fq. 2249

3. A word copies the semantic structure of another word

The group of analogical changes includes those semantic changes where one word copies the semantic structure of another word. We can mention borrowed words. An example of this is the Greek word *angelos,* that before it was just used for *mesazherit*, but later on, following this word structure in Hebraic , it took a new meaning(it Is also used for *engjëll)*

In the same language, analogical changes based on semantic associations, can be obtained even when lexical field units widen their semantic structure, coping the other structure way of expansion for the same structure. (for example, expressions *para të zeza, tregu i zi*, formed an analogy for the other colours, too. For example, ngjyra *gri-* used for activities that are not totally legal and avoid existing rules)

4. A new concept equivalent with a lexical unit.

We should stress that semansiological changes are part of a more broaden category, such as onomasilogical change. When a new concept has come, he should be present with a lexical unit.

Through most important lexicological- genetic mechanism we can firstly mention word-formation based on morphological rules which causes the formation of new words, for example *zbukuroj, nguros, shfletos, ecejake*, etc,. Secondly, new words-formation by phonetics changes, for example, abbreviation *pro* for *professional,* or word creation for example *brunch-* as a formation of *breakfast* and *lunch*. Thirdly, new words can be borrowed from other languages. Fourthly, new words can be formed from the basis of the nature sounds, such as *sounds imitations*: *cicërij, gumëzhij, mjaullis, gëk-mëk*, etc, or different company names as Kodak. Fifthly, new expression can be semantic expansion of existing expressions.

However, we have to stress that all analyzed processes mentioned above can't be found separated in specific words; they can be combined within semantic changes of a single word. It is shown interest in the case of word *toilet-* whose original meaning has been "një coë rrobe për të mbështjellë rrobat, shami koke", and later we have e broaden meaning; this word was used for different types of clothes and mostly meaning "clothes sew", "qepja e rrobeve" , it was used also for i*, e veshur mire*. In this meaning we have metonymy and euphemism for "tualet".

IV. CONCLUSION

In this study, it is concluded that every single word has a general lexical meaning which itself is a linguistic category due to the concept which is a logical category. This general meaning is almost similar with the language function but again not equal with it .As it is closely related to different language functions, it is absolutely distinguishable as a linguistic unit from other main units of the language.

It is also concluded that not only the main units of language have meaning but also the other classes of semantic- word formation or are responsible for the changes of meaning. In the end, we have some specific meanings that distinguish the language units from each – other. If thewords are distinguished from their general meaning, they will not be called word; and if they will be distinguished from their grammatical meaning or lexical – grammatical; at the same time they are distinguished also from their specific meaning that each single word contains sand which makes them different from each – other.

The meaning shift are part of an onomasiologic process, no matter if they are intentionally or not. In both cases, these changes inmeaning happen as a consequence of internal and extern al linguistic factors. In general, these changes have been classified based on a contrasting relation; widening and narrowing, metaphor – metonymynot allowing in this way another direction of meaning development.

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Issues and Challenges in the Process of Assessment

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Abstract

Assessment is a broad concept which means it is part of the whole educational process of teaching and learning. The variety of methods that teachers use to evaluate and measure the student's learning progress and skill acquisition are referred by the term assessment. Assessment shapes how teachers teach and how students learn. The assessment of student's achievements is a pedagogical dialogue between teacher-student for the quality of teaching, learning and knowledge.Assessment especially continuous assessment is a very important tool that teachers should use in the classroom because by using it a wealth of information to guide classroom practice and to manage learning and learners can be provided. Assessment tells us the truth about an education system, then about the qualities of students and their work.It has an important role in education and it is necessary to help students learn, to help students become knowledgeable, to help students gain insight into their learning and understanding, to teach effectively etc.Since making assessment an integral part of daily instruction is a challenge, this paper examines the process of assessing student's knowledge, types of assessment and the assessment of L2 writing. It also focuses on the issues and challenges in the process of assessment.

Keywords: assessment, reliability, validity, L2 assessment.

Introduction

Assessing students' knowledge has a great pedagogical and social importance because through it we conclude how and in what way the purpose and the educational duties are built in a school, at what level the knowledge of students is increased, discover our weaknesses on a professional and on a methodical aspect, meanwhile overcoming our weaknesses at work as well.

Assessment of students' knowledge is one of the most difficult and serious activities for teachers in the teaching process. It is a process in which the teacher is tested for his/her attitude in assessment. During the learning process, assessment is done to give conclusions about the achievements of students, their progress and also to improve the learning experiences and outcomes of students.

The teacher must not use the grade to keep the class under control, on the contrary the grade should be an incentive educational tool and assessment must be objective, reasonable, public and with relevant arguments.

The process of assessing students' knowledge

Assessment is a very delicate and very complicated process during which accurate information must be provided about what we want to assess (Zeneli, 2003).

According to Musai, 2002 assessment has to do with any kind of activity and instrument used to judge students' achievement. It is necessary for different purposes such as: to provide information about students' progress, to provide students with educational information, to motivate students, to mark the progress of students, to ensure the realization of the actual objectives, to assess students' readiness for future learning etc.

There are many techniques, instruments and procedures to carry out the measurement and assessment, among them special place occupy tests.The test consists of a system of tasks, questions, logically related issues, which relate to a particular area and which should be resolved and on the basis of those solutions the level anddegree of certain occurrence is assessed (Salihu, Zabeli, Hoti, 2006).

Assessment should be viewed as a process of determining the nature and extent of learning in the development process of the student. According to Zeneli, 2003 assessment will be more effective if we apply these principles:

1. Defining the scope and priorities in the assessment process

2. Choosing appropriate assessment techniques consistent with the characteristics which need to be measured

3. Application of different assessment techniques

4. The weaknesses of assessment techniques

5. Assessment is a mean to an end, but not the end itself.

Two key terms in any assessment discussion are: reliability and validity.

By reliability is meant the stability of test scores which means they should be replicable, for example, from one test occasion to another or from one essay prompt to another. A test can not measure anything well unless it measures consistently. To have confidence in a measuring instrument, we would need to be assured that approximately the same results would be obtained. Nevertheless there are some problems with the expectation of reliability, the same person does not necessarily write equally well on different days or about different subject matter and teachers also are likely to vary from day to day, from subject to subject, they are likely to have preferences for certain kinds of ideas or structures or dislike for some choices of words or arguments.

By validity is meant that the test is based upon a proper analysis of the skill or skills we wish to measure and that the test scores correlate highly with actual ability in the skills area being tested. According to Hamp-Lyons, 1990 in Kroll, 2003 there are four kinds of validity: face validity- means that both the teacher and the student believe that the test measures what it claims to measure; content validity- means that the test measures a specific skill or the content of a particular course of study; criterion validity- means the measurable relationship between a particular test of writing and various other measures; and construct validity- means the arguments for including direct performances in any assessment.

Types of assessment

Teachers at all levels of education except the use of the dominant type of assessment such as summative assessment should also practice diagnostic and formative assessment in assessing student's knowledge and achievements since they enable the creation of various functions to achieve the goals in the process of assessment (Osmani, 2008).Types of assessment are:

Standardized assessment: assesses students at a particular grade level who are required to take the same test;

Alternative assessment – assesses students' understanding of the material;

Diagnostic assessment – assesses what students already know about a topic, it means their current knowledge of a subject;

Formative assessment – assesses student's progress throughout the process of learning, it means while learning is taking place;

Summative assessment – assesses students at the end of the year or semester, it means after the learning has been completed.

However, besides assessment, the teacher should also use other means to motivate students to achieve results such as: encouragement, the success experience, gratitude, promise, praise, reward, gift, racing etc.

Assessment of L2 writing

Assessing the writing skills involves having students write about a topic which provides information on student's progress and weaknesses. Assessment is an integral part of the curriculum and it should reflect the objectives of a course. Many

teachers think that their job is to teach well, that the assessment is not their concern and that it should be done by a special person who is responsible for testing.

However if teachers want to ensure that those they teach will be judged fairly, they must have some involvement with evaluation. When teacher plan writing tests, they should be aware of a variety of situations they are going to face: take part in a school-wide writing assessment, participate in decisions about what writing test to use for a specific purpose and talk to parents about the meaning and implications of tests their children are taking.

Scoring procedures for writing assessments are: Holistic, Analytic, primary trait scoring and multiple trait scoring.

Holistic scoring assesses the overall competence of a piece of writing but it neither diagnoses problems nor prescribes remedies for the writing.

Analytic scoring separates various factors and skills and so can be used by teachers and students to diagnose writing strengths and weaknesses. It assesses content, organization, vocabulary, language use and mechanics (sentence structure, grammar, vocabulary and so forth).

As a teacher I did analytic assessment with students of fourth and fifth grade. For content, the students had a theme they had to write about, like about fathers. Their particular theme was their own choice. We did the exercises in the book to build and activate background knowledge, and to give them ideas. Then we worked on the theme. After that, they wrote their essays. I paid attention to organization of ideas and whether what they wrote was relevant to their theme. My individual assessment of vocabulary, language use, grammar, etc. depended on the student, level, and where we were in the semester. For the first draft, I might just underline what needed to be fixed and use a symbol to indicate what the problem was, like "W" for word choice. When I didn't think they could figure out, I told them on the first draft. I made more corrections on the 2nd drafts, and by the time they wrote the 3rd drafts, the essays were good.

According to Lloyd-Jones, 1977 and Mullen, 1980 in Kroll, 2003 primary trait scoring involves deciding which one aspect of writing is the key to success on this task, developing a highly detailed set of descriptors for performance on that aspect and training teachers in its use.

Multiple trait scoring treats the construct of writing as complex and multifaceted, it allows teachers to identify the qualities of writing that are important in a particular context or task and to evaluate writing according to the salient traits in a specific context.

Personally, as a teacher I give tests over the material we had studied. When I taught in a secondary school, the department gave my students an evaluation form to fill out about my teaching. Then, the principal often came into the room and evaluated me (he had a form that he filled out), and then met with me to discuss what he saw. As a student, of course my teachers gave me tests over the material. I also had to take the comprehensive exam for the bachelor's degree.

There is a case for instance here in my country when students are in the ninth grade(they finish primary school), and in the twelfth or thirteenth grade (they finish high school),the state would give standardized tests to all students, all we teachers have to do is just be in the room and time the tests.

The most popular form of alternative writing assessment is portfolio assessment. According to Bridwell-Bowles, 1990; Lucas, 1992; Smit et al, 1991 in Reid, 1993 portfolio is a collection of texts produced over a defined period of time to the specification of a particular context. It has several advantages: it reinforces commitment to writing processes and multiple drafts; it establishes the course as developmental and sequential; and it establishes a classroom writing environment as the basis for effective writing.

According to Brossell, 1986 in Kroll, 2003 writing assessment should reflect our best knowledge of how writing occurs and how is best taught. That is, it ought to proceed from an understanding of writing as a complex process of discovering and conveying meaning, a process that involves rhetorical, structural and mechanical choices.

Issues and challenges in assessment

Any well organized work, as well as the teaching and other educational activities during the implementation and completion must be verified to assess the level of achievement of the goals set. Therefore, the basic function of assessment is to improve the educational work. By assessing numerous teaching activities at the right time, feedback is provided on the results that the student and the teacher achieve in their work. Unfortunately, in today's Kosovo schools feedback often lacks to be given at the right time on the students' work and the results that they achieve in class. There are cases when a student by the end of class does not know what he has learned or what he has not managed to learn. On the other hand, the teacher does not have a clear picture of knowledge that students achieved in class, and in these situations, the teacher is not able to take appropriate corrective activities, nor can plan teaching in harmony with knowledge and skills that the students possess.

Regarding the new concept of assessment in the twentieth century, we can say that it has had a major impact in the American education system. The concept's characteristic is that the planning and organization of teaching must be initiated by the need of students, this means that instead of imposing from the outside, it should be started from what the students carry in themselves, instead of knowledge that will serve them in the future, the knowledge they will use now is needed, instead of passivity and formalism, activity and creativity should be possible, instead of the teacher to lead and guide, he/she should help and advise (Potkonjak, 1967, cited in Osmani 2010).

According to many sources, it is estimated that Rice is the first in contemporary assessment in the US who also used the knowledge tests. With the use of objective actions and instruments in assessing students' achievements, the use of traditional numerical grading ended. A great importance in the US has also been given to self-assessment. During the assessment we should take into consideration the needs of each individual for self-respect and cognition of their needs and develop positive personal needs and interests (Villutijeviç, 1992, cited in Osmani 2010).

Assessment policy and practice in schooling is being challenged to review the nature of the knowledge and skills being assessed. Also opening for review is the optimum range of contexts and conditions for collecting assessment information about how students work with and reconstitute knowledge. Based on my observations in class and conversations with teachers and students of the secondary schools in my region (Municipalities of Gjilan, Kamenica and Vitia), It has been identified that the most serious issues in the process of assessment are subjectivity, insufficient validity of assessment and grading, discontinuity of grading and lack of criteria for grading. During the assessment and grading only certain elements of what is defined as the object of assessment and grading are included, while the others are partially included or completely ignored. For example, little attention is paid to how students understand and analyze knowledge, how they explain it, comment it, connect it with other knowledge, think critically about it, exemplify it etc. Accordingly, the reason of ignoring the assessment and grading should be sought in the failure of teachers for not being permanently and completely trained to the demands of curriculum. They lack the knowledge about assessment processes, tools and models and so comes their inability to assess and grade students for something they have not learned.

Conclusion

By the way of conclusion I think that assessment is every teacher's job, they must know enough about assessment practices to be able to look at the assessments being brought into their programs or being taken externally by their students and evaluate them. During students' assessment, different techniques are likely to be used to assess the knowledge, while the assessment through questions and answers impromptu must be avoided because the teacher can be influenced by subjective factors of assessment such as: the current mood of the teacher, the attitude of the teacher towards the assessment, the current health and emotional situation of the student, sympathy and antipathy of the student, and the random factor which is manifested precisely what the teacher assesses according to the system of 3-4 questions. Therefore, the use of modern techniques and instruments to assess the knowledge significantly improves the achievements of our schools. Only when acting like this, traditionalism can be extinguished in the process of assessing students' knowledge. It is considered that the poor success in our schools is because of using traditional methods in assessing students' knowledge, and this practice should be changed. Therefore a firm understanding of how assessment works, what it can do and what it can not do, is an essential tool for today's teachers.

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Maritime English Language – General Features

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Abstract

The aim of this paper is to point out at the real role of English for specific purposes and its importance for the development of modern society (where English for specific purposes is accepted as the international language) and that the essential characteristics of English of maritime profession - as simultaneously creative and limited professional language are clearly and accurately defined. Under the linguistic creativity is primarily implied the ability of any natural language to create from a limited resource of linguistic units an unlimited number of linguistic units at all levels- the phonetic, phonological, morphological, lexical, syntactic and semantic level. Thus, limitation of linguistic units accompanied by linguistic unlimited creativity allows linguistic functionality, respectively the ability of language to respond to all challenges of civilization, man and society. With its creativity language transcends all boundaries and is ready to respond to any new accomplishment, invention or appearance of the modern age.

Keywords: register, lingua franca, interference, general language, specific purpose.

1. INTRODUCTION

Conversation is the widest field of social action, it is the system of the richest articulation, an inexhaustible potential and the widest opportunities. It is superior to the other(restrictive and narrowing) systems of discourse exchange; it is their origin and always alive source. The distinction between spontaneous and imposed creativity can be observed in the examples from the media and everyday conversation. Instead of connecting, which is the primary and natural function of one's language, the language can also separate and form the artificial boundary. In order to conclude this segment with the positive example in linguistic terms - diametrically different cultures, mentalities and people in the United States officially communicate in one language. The *Linguistic relativity hypothesis* purports about the limits of language based on which every man's view of the world is affected by the specific structure of the mother tongue at least in some aspects, therefore, European, Chinese, Arab and Indian, from that very reason do not live in quite the same world. This assumption, very inspiring though unproven and probably not verifiable has long historical roots but is particularly associated with the American anthropological linguists Edward Sapir and Benjamin Lee Whorf, during the half of this century. Around the same time, similar views induced a philosopher Ludwig Wittgenstein to concise but deep conclusion that the limits of one's language are simultaneously the limits of his world.

In philosophy, psychology and other sciences has been written a lot about the existence of the "real world" (as it is) and the "projected world" (the world as we experience and see). For example, in the framework of linguistics this distinction is systematically applied by Jackendoff to the semantics of natural language. Thereby, he also enters in the field of cognitive psychology and observes linguistic structure as a product of the mind in which mental processes occur automatically and unconsciously. Contemporary researches in human and animal psychology support the statement of our inborn ability to create projected world and to understand each other (Jackendoff,1983: 30).

2. ENGLISH LANGUAGE AS THE GLOBAL *LINGUA FRANCA*

The only real option for overcoming the language barrier is the usage of a natural language, which serves as the global *lingua franca*. The English language has already become a world language, thanks to political and economic progress made over the last 200 years by the people who speak English. English is used in more than 60 countries as the official language and it takes a prominent place in more than 20 others. It either domineers or has a secure position on all six continents. English is the main language of publishing, journalism, international business and academic conferences, science, technology, medicine, sports, international competitions, pop music and advertising. More than two-thirds of the

world's scientists write in English. From the total amount of information stored in the memories of English systems, 80% is in English. Radio-programs in English have been received by more than 150 million listeners in 120 countries. More than 50 million children have been learning English as an additional language at primary level; over 80 million students have been learning it in high schools (these numbers do not include China). It would not be difficult to fill in the next few pages with similar statistical data.

The number of native speakers of English now reaches around 300 million; another 300 million use English as a second language; and also 100 million speak it fluently as a foreign language. Some more radical assessments, which also take into account the speakers at a lower level of language fluency and knowledge show that the total number of speakers nowadays exceeds one billion.

2.1. Maritime English basic features

Although English has already been recognized as an international language both on land and at sea, it is necessary to be followed by clear rules in order to reduce the possibility of ambiguity and vagueness while sending and receiving messages. In contrast to the everyday communication, i.e. the conversation in which one statement performs a lot of different functions depending on the context, seafarer's English is precise and far more limited than everyday language. This linguistic limitation, respectively adjustedness is the key presumption for effective communication in the maritime profession.

For successful transmission of messages and communication in the maritime until nowadays have appeared several variants of maritime English, in linguistics known as *restricted languages.* British linguist (J.R.Firth) (1890-1960) introduced this term as a label for strictly reduced linguistic system that is used for a particular activity. This language is so contextually closed, that only a little linguistic variation is allowed. Such "languages" may be oral and written, and they can be found not only in specialized but also in everyday contexts. They usually consist of routinely-used formulaic structures, with conventionalized prosody or typographical layout, as well as the restricted vocabulary. Such languages are called "special languages" by Škiljan under the explanation "And within the society which overally uses one linguistic system, different forms of social and economic determinants encourage the emergence of particular, for the other participants of society at least partly incomprehensible "subsystems" - which are commonly referred to as *special languages*. Although the causes of their occurrence are quite diverse, they can probably be divided into three main groups: special languages emerged out of the need to be communicated a specific sub-set of non-linguistic universe, which is interesting as an object of traffic only for a particular group of speakers, or they have grown out of desire and intent that other speakers do not understand what is communicated about, or finally they are the result of the tendency of a social group to be identified by the linguistic labels within itself and distinguished from other groups. "

Basil Bernstein, who originally developed the term, during the 60-ies of the last century (which we must admit, given the course of linguistic thought is by now ancient history) the restricted speech or code defined as a speech with short, grammatically simple, often incomplete sentences, simplicity and repetition of the same conjunctions, limited use of adjectives and adverbs (Bernstein, 1979: 19-22), so all in all speech that is incomplete, grammatically incorrect and with poor vocabulary. Bernstein attempted to prove that children from lower social classes use **exclusively** restricted speech as opposed to children from middle and upper social classes. Also in Bernstein's works is being observed the fact that even these so called limited speakers can be extremely knowledgeable in a particular area or when it comes to a particular area they are more skilled, more familiar, and even more educated from the so-called elaborated code. The farmer will be taken as an example, a man who spent his lifetime in the countryside cultivating the land and being surrounded by parents or friends who are illiterate. Neither he nor his parents went to school, so maybe he did not have anyone to teach him about chemistry, physics or mathematics. If you ask him what is a resonance, interference or sinuous, very likely he will not know what it represents. However, if you ask him what is a mulcher very likely he will laugh at you and might even say: "It is impossible that you do not know!" He will explain to you not only what it is, but also how it works, what effect is achieved, of which is better than, etc. Does this mean that he comes under restricted speakers and therefore less intelligent people? Whether such man can demonstrate his overall knowledge in an artificial atmosphere of testing and in a situation where he is required to respond to just certain questions? A doctor of engineering science talking with a doctor of philology will also be taken as an example. The latter, in some kind of context might mention the ellipse, referring to the elliptical sentence that lacks a part of the sentence, and the first might think that it is a closed oval curve line and asked oneself what this has to do with what is discussed. Maybe on a given topic they will not have much to say but instead they will be silent and listen,

does that mean that he comes from a lower social class, perhaps he is less educated, etc.? Who would agree with this? Some of the world's greatest experts are only experts when it comes to their specialty, beyond it or some other areas outside their interest they may know a lot less, be less knowledgeable, use poor vocabulary, etc.

3. ENGLISH LANGUAGE AS A LIFE-SAVER

The needs and profile of our seafarers who are now sailing around the world have changed as well as the overall structure of the maritime industry. When it comes to teaching English, the easiest way is to stick to the old-fashioned methods because they are "most effective" for teachers who feel secure in familiar territory and do not want to change anything in their work with future seafarers. Maybe their classes are under control and predictable but a completely different atmosphere prevails on the open sea, i.e. aboard. There are people, without their families, left to the sea and to their knowledge of "the trade". They go to work every morning without abandoning the ship.

Any error is paid dearly – from technical to language ones. In methodology can be distinguished two types of errors in foreign language learning: *mistake* and *error*. This distinction can be also applied to errors in maritime communication depending on the weight and consequences of failures. The consequence is too mild word for what can follow an error or a mistake in the communication between ship-to-ship, ship-to-shore or the navigational bridge - engine room. Material loss is not worth mentioning in comparison to a human life. Multinationality of ship's crews requires one common internationally recognized language, which is followed by certain rules of communication. English became the world, and thus the maritime language number one, not because of its linguistic qualities, but of the economic and military superiority of the United Kingdom. The race for that position was long lost for Spanish and Italian even for German language.

 As it has already been mentioned, maritime English should be precise, and it can never be overdone in emphasizing of the *accuracy* in the register of maritime profession. Thus, the limitation of maritime English is just as important, if not, even more important characteristic of professional language - precisely that adjustedness, respectively standardization is essential for communication between ship-to-ship and ship-to-shore. It can even be concluded that safety of lives at sea primarily depends on that limitation, respectively standardization. In other words, successful communication in the field of maritime transport is impossible without the use of standardized marine communication phrases, which were introduced by the IMO organization in 2001. Communication in maritime and air transport is unthinkable without standardization of these registers.

3.1. Registers and sub-registers

In achieving its primary task - and that is communication in such a complex phenomenon as the society is - no language, regardless of its standardization, is homogeneous but complex, composed of numerous differences. It is not realized as a single entity, but with non-linguistic influences *is stratified* into linguistic layers, respectively speech variations, which despite their peculiarities, are difficult to separate - as the transitions are continuous. Speech variations are sociolinguistic forms that show functioning of non-linguistic impacts on language and their connection. Thus, all speech variations are the layers of unique system - *language*. That the language is not homogeneous and that is very creative, the proof lies in every individual who in his speaking knowledge has a number of speech variations that are often used unconsciously, depending on non-linguistic impacts, i.e. situations in which language is realized as a means of communication. There is a sociolinguistic term for this substitution of speech variations - *change of the code*, and the English term *code switching.* There are several classifications of language layers, and some of them have inconsistent names. We can meet terms such as *style, variant, type, dialect, sociolect, idiolect and jargon.* Idiolect represents a linguistic style of the individual. It reflects individuality and characteristics of speech representative (education, professional and social affiliation).

In contrast to the territorial stratification of language which creates variants of standardized language and dialects, *functional layers* occur by functional stratification, respectively speech variations characterized by specific choice of linguistic resources, their frequency, and they are determined by situation as non-linguistic category. The situation in which the language is realized, includes the function, the type and the domain of activity, place and time, the theme and participants in communication.

Sociolinguistic forms are the result of the usage, and depend on the use of certain groups of people who share common interests, professional orientation and activities. There are several terms in our language for this linguistic layer, namely: *professional language, language of the vocation, special language and scientific language*. In English, this linguistic layer has these terms: *special languages, technical languages and languages for specific purposes.*

Despite their linguistic characteristics, professional languages do not separate their users from other members of the speech communities, unlike sociolect (register of certain social class) or, for example, a secret language (the language of thieves, soldiers, students). On the contrary! Professional languages strive to provide an easier and more economical use of language. Linguistic limitation, in this sense, is another key aspect of professional language.

On the other hand, by their professional orientation, and from the standpoint of linguistic creativity, professional languages can be economic, maritime, medical, technical, business - in every professional field there is a specific language of that field, i.e. the profession. At the linguistic macro level, language has branches like a tree in our illustration.

Regarding that the professional language is used for special areas and special purposes, it may be considered as the sublanguage of the language as a whole, or the type of language in which can be seen multiple registers. By its structure, professional languages are not homogeneous, they are also multi-layered structure, which again points to linguistic creativity. In different situations, there is a further stratification of sublanguage, i.e. a type of language and creating sub-layers, i.e. *registers* further narrowing in *sub-registers*, covering smaller areas.

Therefore, keeping in mind the usage and outspread, the language can be divided into:

– general language used by all members of a speaking community;

– language for specific purpose

Modern approach to the study of language is interdisciplinary. In studies of language, which is observed in its use, just knowledge which is directly related to language is not sufficient. When attention is focused on the language of a certain profession/science, knowledge of linguistics and applied linguistics cannot be bypassed, as well as knowledge belonging to the fields of sociolinguistics, cultural linguistics, psycholinguistics and other disciplines related to language. However, a good knowledge of the methods and contents of certain professional/scientific field is also necessary. Language is the most expressive instrument that allows communication between people. Both experts and scientists from around the world, who belong to a certain profession/science communicate through language, but that language has its own peculiarities and differs from everyday conversation - general language. As it has already been pointed out, English is now the most represented language in professional and scientific communication in most discourse communities which are formed in order to satisfy the need of communication. The question is raised about the rules that apply in English which is used by members of such discourse community, if English is their mother tongue or a second, respectively foreign language. Keeping in mind today's role of English in the world of different professions and sciences, knowledge of the rules, respectively conventions of shaping and usage of this language should be applied in everyday practice of professionals and scientists who use English as their language of communication.

When it comes to the methodology of this paper, analysis of the functional segmentation is based on the sub-registers of maritime English, which will be taken into account when necessary. Some of the components and levels of English language, which is used for this purpose, can be elucidated primarily using synchronous studies. If more levels are included in the testing and various forms of analysis are applied, there is a possibility that the language is comprehensively perceived. If this approach is consistently applied, i.e. constantly bearing in mind the objectives of the research, results revealing the function of individual components and the structure of the analyzed language levels, their connection and completeness of language can be obtained. It then provides a picture of the way the language is actually manifested in reality.

The peculiarity of professional language is its vocabulary, which depends on the usage of people who rely on it. In addition to the terminology, it contains parts of the general lexicon. Vocabulary is the most powerful communicative barrier for the layman, who recognizes professional language by a large number of unknown words.

 It is important to emphasize that the lexicon of general and professional language has been mutually enriching, because there is a mutual activity of general and professional language, which is reflected in the presence of parts of general lexis in professional language and penetration of professional words in the general language.

Taking into account this internal differentiation, we can extract the registers used only by certain group of people, using specific terminology. This limited communication can be further narrowed in the sub-registers that have already been mentioned, and which include more specific areas of scientific disciplines, as shown in the following illustration.

English for Medical Studies   English for for Technicians   English for Economics   English for Secretaries   English for Psychology   English for Teaching

English for Academic Purposes(EAP)   English for Occupational Purposes(EOP)   EAP   EOP   EAP   EOP

English for Business and Economics (EBB)

English for Social Sciences (ESS)

English for Science and Technology (EST)

English for Specific Purposes (ESP)

General English (GE)

English as a Foreign Language (EFL)

English as a Second Language (ESL)

English as a Mother Tongue (EMT)

English Language Teaching(ELT)
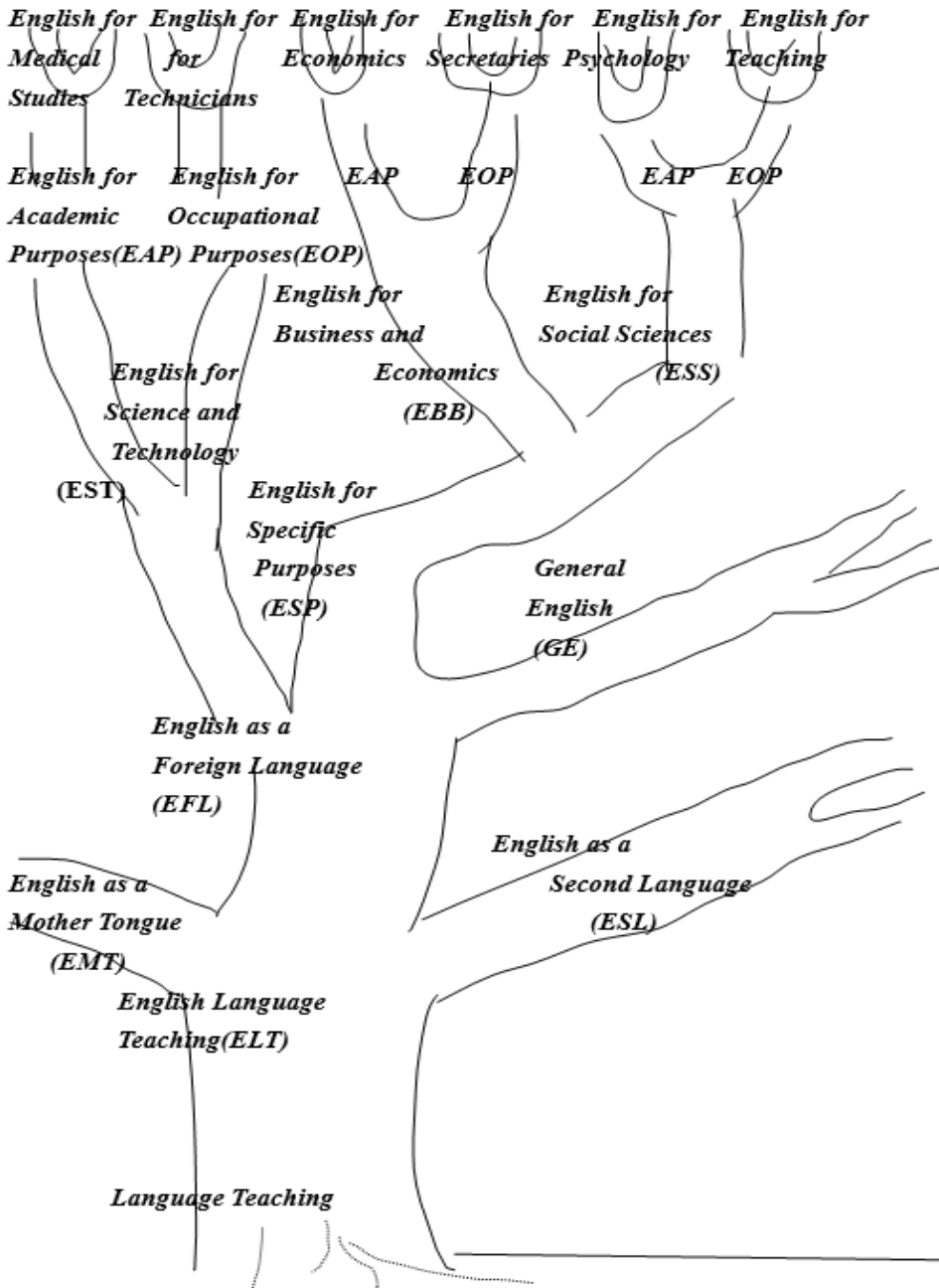
Language Teaching

Figure1: The tree of English language registers

3. CONCLUSION

Nowadays in maritime of the world English is widely accepted as a means of communication, and is exclusively used in most of the world's ports and countries. Only in Latin American countries Spanish is used in maritime and, partially, Portuguese. English for seafarers is an instrument of communication which they use not only for the performance of professional activities, but also in everyday contacts. It has a long-term goal for its users. Among other maritime languages (Spanish, Italian, French and Russian), it is a means of international communication at sea, considering the spread of its use. It has developed on a large scale, as an instrument of communication - from everyday communication, written and oral information, documentation, to scientific presentations. rite a short review about work and research done in paper and indicate paper highlights.

Unlike English, our maritime language has no role in the global maritime communication. Its function is limited to local area use. Due to its specific development, our maritime language is the subject of study both linguists and maritime experts. The characteristic of our maritime language is borrowing from other languages (in earlier centuries, especially from Italian, and more recently from maritime English) and fighting for local expressions. In addition to that , present language of our seafarers is based on lexical heritage of the whole our Adriatic coast, which gives it a diversity, semantic and stylistic abundance and flexibility of use. This is contributed by numerous maritime school, where unjustifiably little attention is paid to our maritime language. Each seafarer requires a good knowledge of the mother tongue, as well as the knowledge of other vocational subjects, but the written culture of our seafarers has not been satisfactory yet.

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Public Service Motivation among Indonesian Employees: a Critical Review Toward the Psm Theory

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Abstract

Public Service Motivation (PSM) is still a new concept in public administration theory. As a nascent theory, it needs to be proved with any contexts and cases of many countries around the world, especially developing countries that might have different contexts related to cultures, beliefs, views on the importance of financial rewards, etc. So far, most PSM research focuses more on comparisons between public and private employees in the Western and developed countries. There is almost no study about the PSM in developing countries. In addition, most of PSM theories tended to generalize the assumptions of the PSM among employees and often ignore cultural dimensions in their analysis. There is an impression that PSM theories are cross-culturally viable. This study examined the application of the PSM theories in Indonesia as a developing country, especially in Padang West Sumatera. Rational choice theories and the other PSM theories had been used in analyzing the finding of this study. Using t-test on responses by 417 respondents of public and 201 of private sector employees, this study tested the difference of PSM levels between the two sector employees. The findings of this study indicated that there is a significant difference in the level of PSM between public and private sector employees in Padang West Sumatera. The level of PSM of public employees tends to be lower than that of private sector. The results of this study imply that PSM theory is not cross-culturally viable.

Keywords: Public Service Motivation, civil servants, public and private sectors, developed and developing countries

INTRODUCTION

The study literatures and theories on Public Service Motivation (PSM) have grown tremendously over the last few decades. However there are still many questions remain unanswered in regards to several casesrelated to thePSMitself, such as thedeterminants ofPSM, the influence of PSM on employee performance, and so on. In addition, the theories related to Public Service Motivation (PSM) is still a nascent theory that need to be proved with any contexts of many countries around the world, especially developing countries that might have different contexts related to cultures, beliefs,etc.

This paper attempts to advance our understanding of public service motivation (PSM) in the Third World Countries, such as Indonesia. The existence of public service motivation among employees is one of the broad issues in Indonesia. Evidence suggests that there were some arguments why Indonesian people were more attracted to be civil servants compared to private employees, such as greater job security, pension, routine income, status and prestige, etc. This paper investigates public service motivation among Indonesian civil servants and private employees using data based on literature review and interview with civil servants and private employees in the area of Padang City, West Sumatera, Indonesia. This paper seeks to describe and analyze the current situation of public service motivation among Indonesian public and private sectors employees. This paper also attempts to compare the PSM among employees in Indonesia and in western countries.

The earliest investigation of PSM was conducted in 1982 by Hal G. Rainey. Rainey tried to measure PSM by asking public and private sector managers about their desire to participate in "meaningful public service". Based on his research, he found that managers in the public sector had significantly higher scores than managers in the private sector. Rainey finally concluded that "public service is an elusive concept much like public interest" (Brewer and Selden, 1998).

The study of PSM has become one of the studies in public administration that are very attractive to researchers in the last few decades. Perry and Porter (1982), for instance, have proposed an agenda of research to correct the understanding of motivation in public sector organization. Unfortunately, it is only a few research has been able to meet the agenda, whereas studies on PSM is very crucial and an important topic that should get more attention from researchers in the public sector. Such is the case with the study of PSM among employees in Indonesia. Studies related to the PSM among employees in

Indonesia have not yet become a serious concern among the researchers, whereas it is very useful for enhancing the productivity of staffs and for recruiting those who are well-suited to be public servants.

Perry and Wise (1990) have defined PSM as 'an individual's predisposition to respond to motives groundedprimarily or uniquely in public institutions and organizations'. In their definition, Perry and Wise thus focused on the unique features of government that might drive individuals. Based on rational, norm-based and affective ground, Perry (1996) found four dimensions of PSM: attraction to policy making, commitment to the public interest and civic duty, compassion, and self-sacrifice. In addition, Brewer and Selden (1998) have defined PSM as 'the motivating force that makes individuals deliver significant public service'. While Rainey and Steinbauer (1999) defined PSM as a 'general altruistic motivation to serve the interests of a community of people, a state, a nation or humanity'. On the other side, Crewson (1995b) defined the PSM as an individual service orientation that is useful for society, the orientation of helping others, and the feeling of accomplishment as intrinsic or service orientation.

From these definitions it can be understood that public service motivation is a characteristic or special features and should be manifested among civil servants. But it does not mean that it is only belonging to public servants. In other words, PSM is a concept of service motivation that not only owned by public employees but also by their counterparts in private sectors. Public service motivation is very close relationship to the need for achievement, altruism, and patriotism of benevolence.

Motivation in public sector employment has always been the attention of many researchers because it is very closely linked with the success of public employees or organizations to achieve their objectives. Public sector employees should have motivation solely directed to meet the needs of civil society and not for purely personal needs or the individual interests. Motivation of public servants who prefers the interests of others or the national interest rather than their self-interest is understood as a public service motivation.

According to studies that have been conducted in some developed countries, PSM were found to have significant correlations with the success of employees or organizations to achieve their objectives. Some researchers have put their attention and look at the importance of studies on PSM. However, the studies so far were more conducted in the developed countries, both in Western and other developed countries. Perry and Wise (1990), for instance, found that PSM is influenced by the diverse backgrounds of individuals, among other things, associated with demographic characteristics.

Several studies conducted in some developed countries have also found that there are differences between the PSM among public and private sector employees. Many public administration practitioners and educators, for instance, have long contended that public employees are different from those in other sectors of American society (Perry and Porter, 1982; Wittmer, 1991). In fact, an increasing number of empirical studies suggest that public sector employees differ from their private sector counterparts with respect to work-related values andneeds.Wittmer (1991), for example, analyzed differences in the rankings of eight reward categories for employeesin public, private, and hybridorganizations. He found that public and private employees differed significantly with respect to preferences for higher pay, helping others, and status. In addition, Crewson (1995a; 1995b), using data from the General Social Surveys, Federal Employee Attitude Surveys, and the Institute of Electronics and Electrical Engineers, concluded that public sector employees place greater value on service than private sector employees. While Choi (2001) who studied PSM in Korea concluded that the behavioral implications of PSM empirically confirmed in the United States also exist in Korea. Choi finally suggests that the theory of PSM may be cross-culturally viable.

Many scholars sought simultaneously to assess the utility of PSM. Crewson (1995a and 1995b), for examples, based on data from the General Social Surveys, Federal Employee Attitude Surveys, and the Institute of Electronics and Electrical Engineers, concludedthat public-sector employees place greater value on service than do private-sector employees. It is generally believed that the public employees are motivated by a sense of service not found among private employees (Staats 1988; Perry and Wise 1990; Gabris and Simo 1995). In particular, public employees are more likely to be characterized by an ethic that prioritizes intrinsic rewards over extrinsic rewards (Crewson 1995b). In other words, workers in government organizations are seen as motivated by a concern for the community and a desire to serve the public interest.

In comparison with the findings related to high pay, research on the importance of job security to public employees is less consistent. Keeping in line with public-service motivation as a focus on intrinsic rewards, it is expected that public employees place less emphasis on job security than do private-sector employees. Newstrom, Reif, and Monczka (1976) and Crewson (1995b) concluded that government workers do assign less importance to job security.In contrast, Schuster (1974), Bellante

and Link (1981), Baldwin (1987), and Jurkiewicz, Massey, and Brown (1998) reported that public-sector employees place a higher importance on job security. Furthermore, additional research has reported that employees of the two sectors do not differ on this factor (Rainey, 1982; Wittmer 1991; Gabris and Simo, 1995).

Briefly, research on rewardmotivators provides some support forthe argument that public employees are characterizedby a public-service motive. Government employees generally have been found to rate intrinsic rewards more highly than do private-sector employees. In contrast, private employees focus more on extrinsic rewards in the form of high pay, status and prestige, and promotion. However, Baldwin (1987) and Gabris and Simo (1995) suggested that although differences may exist between public and private employees, these differences are exaggerated in the research literature.

Building on Rainey's work, Perry and Wise (1990) identified three bases of PSM: rational, norm-based, and affective. After establishing their theoretical framework, Perry and Wise (1990) formulated three propositions: 1) The greater an individual's PSM, the more likely it is that the individual will seek membership in a public organization. 2) In public organizations, PSM is positively related to performance. 3) Public organizations that attract members with high levels of PSM are likely to be less dependent on utilitarian incentives to manage individual performance effectively.

In sum, the most frequent studies of PSM in the Western and other developed countries compares the job rewards that public and private sector employees value most highly. Individuals who are characterized by public service motivation place a higher value on intrinsic rewards of work, such as pay, promotion, prestige, job security, etc. Therefore, it is often concluded that public employees value intrinsic job rewards more highly – and extrinsic ones less highly – than their counterparts in private sectors. Consistent with this conclusion, research findings generally indicate that in comparison to private sector counterparts, public employees are not as motivated by higher pay (Jurkiewics, Massey, and Brown 1998) but place a greater emphasis on the importance of meaningful work and service to society (Crewson, 1995b; Frank and Lewis, 2004; Houston, 2000).

Thus in general it can be understood that the study of the PSM in various public sectors in developed countries generally found that public service motivation among employees that exist in the public sector employees is more affected by the desire to serve the community and desire to do something good for society or the nation. Motivations which drive their work are more likely to be intrinsic rather extrinsic. In addition, public service motivation among public employees in various countries, especially in developed countries in the West, according to modern motivational theories, is more affected by the desire for non-financial or intrinsic rewards, such as the desire to serve the public and the nation. With this kind of motivation or desire they will be motivated to acquire job performance and job satisfaction as internal satisfaction.

Furthermore, research on public service motivation in developed countries, especially Western countries, also shows that motivation of each individual to choose a job as public employees is affected by many factors and backgrounds. Motivation of individuals vary from one to another, and the diversity of motivation in their works is assumed as a result of the differences in case of an individual needs, the values they subscribed, the expected benefits, and demographic characteristic differences. These differences are seen as a key in motivating the behavior of individuals.

In general, the construction of public service motivation in each individual can be affected by various factors such as economic, social, educational, ideological, and other demographic factors. Based on his study, Perry (1997) found that public service motivation is influenced by the diverse backgrounds of individuals, particularly demographic correlates or characteristics. It means that demographic aspects will determine individuals to perform a high or low motivation in public service. These demographic aspects include: education, age, income, gender and so on. The four demographic variables were included in the Perry's analysis. Education, age, and income were expected to be positively associated with PSM, but no predictions he made for gender.

In addition, Lewis dan Frank (2002) has reviewed the interests of the American people to the public sector. Based on data from the General Social Survey 1989-1998 they found that both individual demographic characteristics and their importance to the various quality of work have influenced their interest in working in the public sector. According to them, job security is still a powerful attraction to their motivation for working in the public sector, but high financial rewards and the opportunity to become a useful person to society is the main attraction for them to serve in the public sector although not as strong as the attraction to the job security factor. They also found that there are indications that those minority groups, veterans, Democrats, and the elderly in the United States more likely to work in the public sector compared to those of white, non-

veterans, Republicans, and the younger people. In addition, there is a tendency that women and university graduans are more motivated and prefer to work in the public sector than men and those who are less educated.

However, the research finding among civil servants in the developed countries, as stated above, certainly can not be generalized to the case and the PSM among the civil servants in other countries, especially the third world country like Indonesia, where the context of the countries and the characteristics of the employees might be different compared to those in the West (developed countries) in terms of demographic conditions, culture, belief, etc. In addition, Choi (2001), based on his research in Korea, is also realize that the theory of PSM is still a nascent theory and provides ample opportunities for fruitful studies. Therefore, Choi has also suggested another comparative study on PSM conducted in any areas that might have different cultures, political views, and administrative environment, such as in Islamic countries.

Based on the above description, this paper will try to describe and analyze the reflection of public service motivation among Indonesian employees, especially in Padang West Sumatra. This study on PSM among Indonesian employees will be interesting and important to be conducted in Indonesia as a third world country which has largely Moslem population that might have different context from those in developed countries which has largely non-Muslim community. Then the research question of this study can be stated as: Is there a significant difference in the level of PSM between public and private sector employees in Padang West Sumatra? The above studies and discussions also led us to a testable hypotheses that: there is a significant difference in the level of PSM between public and private sector employees in Padang West Sumatera. The PSM level of public employees tends to be lower than that of private sector, on the basis of measurement scales of PSM used by Perry and Wise and some other researchers.

METHOD

This study is based on survey research used quantitative approache. The data upon which this paper is based were collected in a survey among Padang City public and private employees from some institutions and agencies. Data in this study were collected through questionnaires distributed to respondents from several public and private sector employees in Padang City, West Sumatera Indonesia.

In order to limit the analyses, this paper only considers an aggregate instrument of PSM. Thisinstrument involves averaging the score on aset of PSM items, scored from 1 to 5 (1 for 'strongly disagree' to 5 for 'strongly agree') for positive items and from 5 to 1 for the reversed items. The items used in this study referred to Perry's subscales of PSM dimension and measures (Perry, 1996).

The targetpopulationfor this studyfocused onallcivil servantsinlocalgovernment institutionsandprivatesector employeesin Padang City, West Sumatra. Number ofcivil servantswho served in this city, based on datafrom the Local Human Resource Agencyof Padang City in 2014,is around27,000employees.Whileprivatesector employeescannotbe identified,but it is assumed that there are about4,000 private employees in the city.

The sample for this study were determined through *multistage random sampling.* It consisted of employees both from some public and private sectors in Padang City. From the number of 1,000 questionnaires distributed in this study, it is only 618 respondents (417 of civil servants and 201 of private sector employees) who give feedback. The research instruments included items from other questionnaires that have been used to investigate differences between the public and private sector employees. The instrument was forward and backward translated and pretested with students and faculty staffs in the State University of Padang Indonesia and some private employees.

Data analyzing in this study used quantitative analysis. The data in this study were double entered to check for errors and analysed witht-tests as appropriate. *T-test* was used to identify the differences between the PSM level of public and private sector employees. In pilot study, the survey was administered to 60 undergraduate students and employees withat least five years' prior work experience in public and/or private organizations.

RESULT AND DISCUSSION

Most of studies on PSM in developed countries, whether in the West or in developed countries other than the West, as conductedby Kilpatrik, Cummings, Jennings (1964), Schuster (1974), Solomon (1986), Rainey (1982 and 1997), Perry and Wise (1990), Perry (1996 and 2000), Wittmer (1991), Jurkiewickz, Massey, and Brown (1998), Crewson (1995b), Houston (2000), Choi (2001), Willem et.al (2007), Buelens and Herman (2007), and others, generally found that there was a significant difference in the level of PSM between public sector and private sector employees. These studies generally found that private sector employees place greater value on the extrinsic reward, such as financial rewards or salary, than motivation or desire to serve the community and country. However, there are also some of the other studies, although not many, which found that the employees in the public sector place high importance on extrinsic rewards compared to intrinsic rewardswhen compared with their counterparts in the private sector, as found by Schuster (1974), Bellante and Link (1981), Baldwin (1987), Jurkiewickz, Massey, and Brown (1998), and Gabris and Simo (1995).

Based onvariousresearch findings, theobjectiveofthisstudyisto determine thedifference of the PSM level betweencivil servants and private sector employeesin Padang City, West Sumatra. To meetthis objectivethe hypothesis stated that: There is a significant difference betweencivil servants andprivatesector employeesin PadangWest Sumatra. Testingon thishypothesishas been made by usingttests. The result isas seenin table1.

Tabel 1.

Significance ofPSM differencesamongPublicandPrivate SectorEmployees

PSM	Mean		T-test	Sig.
	Public	Private		
Attraction to Public Policy Making	3.07	3.10	-0.518	0.605
Committment to Public Interest	3.79	3.75	1.739	0.083
Compassion	3.46	3.55	-2.487	0.013*
Self-Sacrifice	3.35	3.45	-2.750	0.006*
The whole PSM	3.41	3.50	-2.340	0.020*

Significantat the level of 0.05 (p <0.05)

Based on the table1, this studyfound that the level of PSM existed amongpublic sector employeesinPadangWest SumatraIndonesiaisat a lower levelthanthat ofprivatesector employees, m=3:44: 3.50 in the scale of 1'strongly disagree'to5 'strongly agree'. Similarlycomparison ofthePSM level inthe fourdimensionsalso showedthat the level ofPSMamongpublic employeesislower than that ofprivate sector employees,exceptin the dimension of committmenttopublicinterest, with the comparison ofmean scores: m=3:07: 3:10for 'attractiontopublicpolicy making', m=3.79: 3.73for 'committmenttopublicinterest', m =3:46: 3.55 for 'compassion', andm=3:35: 3.45 for 'self-sacrifice' dimensions.

This findings showed that the level of PSM among public sector employees in Padang West Sumatra is at a lower level (m = 3.44) compare to the results found by Bradley E. Wright and Sanjay K Pandey (2005) and Leisha DeHart-Davis, Justine Marlowe, Sanjay K. Pandey (2006), Jeannette Taylor (2007) in various government institutions in developed countries, such as in the United States and Australia, where they found that the level of PSM of public sector employees are: m = 3.62, 3.58, and 3.50. While some other researchers, such as J.L. Perry (1997), Young Joon Choi (2001), Bradley E Wright & Sanjay K Pandey (2005) in other studies based the data of WOQ, Richard M. Clerkin. et.al (2007),Leonard Bright (2007), and Sangmook Kim (2006), found the lower levels of PSM for the public employees, that is: m = 3.26, 3.35, 3.43, 3.35, 3.38, and 3.43.

This study alsofoundthat the level ofPSMamongpublicandprivatesector employeesin PadangWest Sumatrahasareversecomparisoncompared to the findings of researchers inmanydeveloped countriesasfound byPerry(1997),Choi(2001). Choifound thatthe comparisonis:m=3.35 (public) and2.96(private) based on the datafrom154civil servants andprivatesector employees in Korea.Similarly,otherresearchers, such asPerryandWise(1990),Rainey(1982and1997),Wittmer(1991),Crewson(1995b),Houston(2000), Perry(2000),

Willemet.al(2007), andothersalso found thatthePSMof publicemployeesis higher thantheir counterpartsinthe private sector.

Tabel 2.T-test resultsofdifferences of PSM level amongpublic andprivate sectoremployees

Group Statistics

	Sector	N	Mean	Std. Deviation	Std. Error Mean
Attraction to Public Policy Making	Public	417	3.0664	.61994	.03036
	Private	201	3.0977	.74320	.05242
Committment to Public Interest	Public	417	3.7890	.43120	.02112
	Private	201	3.7264	.41346	.02916
Compassion	Public	417	3.4553	.43410	.02126
	Private	201	3.5469	.41772	.02946
Self-Sacrifice	Public	417	3.3475	.44490	.02179
	Private	201	3.4531	.45184	.03187
Public Service Motivation	Public	417	3.4396	.28578	.01399
	Private	201	3.4964	.27618	.01948

Refer to the *t-test* resultsasin table2it could be seenthatthe overallpublic servicemotivationamongcivil servantsinPadang City West Sumatra was ata lowerlevelcomparedtoprivatesector employees. This was shownbycomparison of meanPSMshowingbothmean =3.44 :3.50. It alsomeans that the level ofPSM amongprivatesector employeesisat a higher levelthan that ofpublic employees.However, in thedimensionof committment topublicinterest it found that civil servantshavea higher levelthanprivatesector employees (m =3.79 : 3.73). Whileat the threeotherdimensions – the interestsofpublicpolicy making, compassion, andself-sacrifice – it was found thatcivil servantshavea lower level of PSM comparedtoprivatesector employeesbased ontheirmeans3.07: 3.10(interest onpublicpolicy making), 3.46: 3.55 (compassion), and3.35 : 3.45 (self-sacrifice).

The t-test results also showedthat the differencebetween theoverallPSM of civil servants andprivatesector employees was significant (p = 0.020). Similarlydifferencesin the PSM dimensions of 'compassion'and 'selfsacrifice'ofcivil servants andprivatesector employeesisalsosignificant,respectively,withsignificancep =0.013andp= 0.006. However,it was found thatdifferencesin thePSM dimensions of 'attractiontopublicpolicy making'and 'committmenttopublicinterest'are not significant, with the p=0.605andp=0.083. Based onthe meanand the higher standard deviation,theprivate sector employeerespondentsoverall havehigherlevels ofPSMin providing servicesto the publicrather than civil servants. However,thecivil servants(PNS) havea highercommitmentto servethe public rather thanprivate sector employees.

Based on Table 1 it is also seen that the difference level of PSM between public and private sector employees are only significant in the dimensions of 'compassion' and 'self sacrifice', and the 'PSM as a whole'. While in dimension of 'attraction to public policy making' and 'committment to public interest' it is found that the difference PSM level between the employees from both sectors are not significant. This showed that the PSM level of private sector employees in Padang West Sumatra as a whole is better than that of public employees in providing services to the public, except in the dimension related to 'commitment to public interest'.

If associated with the findings that have often found by researchers in many developed countries in the West, it is understandable that these findings differ in many ways compared to the findings on the same case in developed countries, especially in the West. Studies from several developed countries in the West, such as the United States, Britain, Sweden,

Australia, and others, including findings about the level of PSM in Korea, as has been conducted by Choi (2001), found that in general the public sector employees PSM has a higher level than their counterparts in the private sector.

Perry(2000), for example, found that the primary motivefor a person toworkinthe public sectoris the existence ofthe various intereststhatdraw their attention topublic service.Theseinterestsmightdiffer from theinterests oftheir colleagueswho workinthe private sector.It means that employeesinpublic sector place non-financial (intrinsic) rewardhigher thanfinancial (extrinsic) reward. This is differentwiththeircounterpartsin the private sectorthat placesprimaryimportanceto thefinancial rewardrather thanintrinsicrewardsthatbecomecharacteristic ofPSM. This viewisconsistent withotherfindingsbyPerryandWise(1990)who foundthat the levelsPSMis associated withnormativeorientationas the desireto serve thepublic interestorsocialjustice, and it does not requirean incentiveor rewardsystemtomotivatethe behaviorof thepublic employees.This means thatthe employeeswho serve inthe public sector,in general,havehigherlevels ofPSMcompared tothose who work inthe private sector.

In addition, Houston(2000)andWillemet.al(2007)also found thatthe employeesin the public sectorputsa higher valueonintrinsicrewardsof workin theform of work performance (achievement), good socialrelations, and self-esteemof the rewardsthat areextrinsic, such as financialpayments, promotions, career advancement, jobsecurity, status and prestige.This meansthatthe employees atthe governmentorganizationsorpositionsmore motivatedbytheirawarenessto the communityanda desireto servethe public interestandlessconcerned withrewardsthat areextrinsictopurelypersonalinterests.

This argument is also supported by Brewer et.al. (2000) who found that PSM can attract individuals to serve in the public sector and help the work behavior that is consistent with the public interest. This means that the public sector is prepared as a means of services for those who have high levels of PSM. Therefore, those who serve in the public sector should consist of those who have a high awareness of the public interest. This finding is also consistent with Rainey (1997) which states that for more than three decades ago several studies showed that the employees in the public sector place a lower value on financial reward and place a higher value on the altruistic or motives with respect to services for the public interest. This means that the level of PSM has become a characteristic that are typical among civil servants. Those who have high levels of PSM should really be more appropriate when they become public sector employees.

Rainey's findingsare alsosupported byCrewson(1995b)whofound thatthe employeesin the public sectorputa higher valueto serve the communitythanthey who servein the private sector. This showsthat the level ofPSMamongpublic sector employeesis higher thanthat of their counterparts inprivate sector. A similar casewas also foundbyHouston(2000)in his study thatthe employeesin the public sectorputa higher valueonintrinsicrewardsofwork rather than extrinsicreward.This meansthatthe employeesatthe government organizationsseem to be moremotivated by theawarenessto the communityanda desireto servethe public interest, which ischaracteristicfora person withhighlevels ofPSM.

However, most of general conclusions which states that the higher level of PSM exists in the public employees rather than the private sector, as often founded by researchers in the West, could not be applied to the employees in Padang City West Sumatra. This also shows that it appears to assume that Choi's finding (2001) based on his study among civil servants in Korea does not generally occur in any area of the country. As stated before, Choi viewed that the theory of PSM might occur in cross-cultural (cross-culturally viable) anywhere. However, this assumtion does not occur in the case of PSM among employees in Padang City West Sumatra which proves the contrary.

The case of the difference between the PSM level of public and private sector employees as existed among employees in Padang West Sumatra seems to be more suitable to be explained by the findings by Newstorm, Reif, and Monczka (1976) that concluded that there is no significantly difference in the level of PSM between the both in the form of the importance of self-actualization. So it is with the study of Gabris and Simo (1995) who found that public sector employees viewed their counterparts at private sector as employees who have the ability or greater efficiency in providing services to the community. This means that private sector employees have higher levels of PSM compared to public sector employees.

Thus in general, it is understandable that the theories related to the study of the PSM in various public sectors in developed countries, especially in the United States, Australia and other developed countries such as South Korea, could not be generalized, especially for employees in developing or third world countries that have characteristics of a social, cultural, economic, ideological, religious, and other values which might be different from that of in the West. As a result, these differences may lead to the different situation and the level of PSM among employees from one another.

Thepublic sector employeesindeveloped countriestend to havehigherlevels ofPSMthan those in privatesector. Extrinsicrewardsare not too significanttomotivatethemcompared to theintrinsicrewards. Thus, according toPerryandWise(1990) andCrewson(1995b),those whohave motivationora strong desireforpublic servicewill be moreattracted tocareersin the public sectorthat providesthe possibilityandopportunityto them tomeet their wishesormotives.However,these circumstancesmightnot be similar tothe situation of public employeesindeveloping orthird world countriessuch as Indonesia.

It seems thatthe theory ofscientific managementdeveloped byF.W.Taylor(1912)canexplain the situationamong the public employeesinPadang City West Sumatra. This theory isused to askabout the importance offinancial rewards(monetary incentives) to motivateemployees. Asrationalhuman beings, the public employees in PadangWest Sumatrastilltend toputfinanceasan urgent and primary need tomotivatethemto work.Therefore,because offinancialeligibilityis limitedand less adequateto support their livessothis might affected thelevel ofPSMamongthe employees

Humanrelationtheorydeveloped byEltonMayo(1933) alsocould explain thesituationof employeesinthisstudy area. Although thehumanrelationtheoryare beginning tolead to theimportance ofintrinsicrewardforthe employees,but theextrinsicrewardis still amatterof concern for them, such as security needs, working conditions of employees,andadequateincentives. Similarly, thehierarchy ofneedstheorydeveloped byMaslow(1987)alsocould explain theconditions affecting theemployeesinIndonesia, includingin this study area. According to the theoryof a needs hierarchy, people willhavemotivationwhentheyhave not reached acertainlevel of satisfactionin their lives.In addition,according tothistheory, humans are creatureswho neverreache theirfullsatisfaction.

According toMaslow, in the growingcommunity, the motivationismoredirectedto the fulfillment ofphysiological needs rather thanthose of developedcommunitythat emphasizeshigher needslikesocial needs, esteem, andselfactualization. This means thatin a society thatis growing,asinPadangWest Sumatra,the need forfinancial rewardsas akeytoolin meetingthe needs ofthe ground flooris still averypressingneedtobe met, includingfor employees.

Furthermore,the rational choicetheory, which laterdeveloped byGeorgeC.Homans(1961)andotherresearchersintosocialexchangetheory can also explain the situationthat occurred amongemployeesin this study areain relation tothe level ofPSMamong employees.According torationalchoicetheory, people areorganismsrationallycalculatinghow toactthat allows themto maximizeprofits andminimize lossesorcost. An individualwillprovide products or servicesandas arewardhealsohopes toacquiregoods or serviceshe wants. Thistheorypresumesthat theexpertsof social interactionsimilar tothe economictransaction. It means that someonewillalwayslook forward tothe rewards ofa service which he addressed.An actionisrationalbased onthe profit and losscalculation. Soin socialinteraction, an individualwill consider thegreater profitofthe issuancecosts(*costbenefitratio*).

Rationalchoicetheoryalsoindicatesthe existence ofattitudesthat emphasizesindividualismprofit and lossandself-interestpreferencethanthe interests of others. Therefore,in relation to the life of employees in Padang West Sumatra, it is normal ifaperson haslowlevels ofPSMandlow awarenessof the importance ofothers.Moreover,if we thinktheirliving conditionsinthe economy is stilllackthebasicneeds ofpeople, how mighttheybethinking of the fateof otherswhiletheir own destinyis notdeterministic. Thisareprincipleslto live like that was developed by Weber(1958)throughhis work '*The Protestant Ethicand the Spirit o fCapitalism*', and thisprinciple also encouragethe development of capitalismin the Westwhere thegainmaterialorfinancial rewardsseemed to bethe main reasonofeveryeconomicsocialbehavior.

CONCLUSION AND RECOMMENDATION

Issues on Public Service Motivation (PSM) have been debated in various studies in some developed countries over the past few decades. However, those studies have not managed to get a strong theory to explain these PSM cases among the employees. The findings still need new evidences based on studies in various regions of the any countries so that they can find a stronger theory at one time.

Most of PSM studiesconducted indeveloped countries so far,especiallyin the West, generally foundthat the level ofPSMamongpublicemployeesis higher thantheircounterpartsin the private sector. In addition,severalfindingsalsoimplythat the level ofthePSMandits effect on theworkamongthe employeesindeveloped countriesin the Westis also assumed toexistamong employeesin anyareaof the country.A fewscholars arguedthat the theory ofPSMmightbe *cross-culturally*

viable.But, of course, this conclusion isnotentirelytrue anddoes not occurin the case ofPSMamong employeesin PadangWest Sumatrawhich provesthecontrary.

Thus,in general, it can be concluded thatthe theoriesrelated to thestudy ofthePSMinvariouspublic sectorsindeveloped countriescould not begeneralized,especiallyfor the casedevelopingorthirdworld countries whohavesocialcharacteristics, cultural, economic, ideological, religious, andothervalueswhich might bedifferent from one to another.

Giventhatthisstudyhas severallimitations, with respect tothe scope ofthe study areaandvariables, the results of this studycertainly did nothave pretensionsandis notintended to begeneralizedto all employees throughout theareainIndonesia. This study suggests several areas where future research might be focused. An obvious priority is that more research need to be conducted to explore and test the other variables. Therefore, it is recommended that otherresearchersmakesimilarstudiesinvarious regions inIndonesiawitha broaderscopeand involve the othervariables than those have beentested in this study. It is likewiserecommended thata similarstudyhaspropagatedmadein any areas of other thirdworldcountries, because so farmoreresearch onPSMmadein developed countries, which would have different characteristicsin many wayscompared to those in the thirdworld countries. Toreproducesimilarstudiesinthirdworld countriesandtoincludeothervariablesinthe studythen it is expected tobemorereinforcingtheoriesconcernedwith the level ofPSMamong employees.

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eParticipation Issues in Contemporary Europe

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Abstract:

Today, Information and Communication Technologies have developed to the extent of amplifying political procedures that are central to the contemporary civic society, such as political participation and citizen engagement. eParticipation is a multidisciplinary field of study, which is particularly relevant in several contexts and environments, e.g. digital democracy, public services, open government, popular social media etc. This paper addresses the eParticipation framework in the European context, during the last 10 years.Our research will explore theoretically and empirically how citizen participation is achieved through social media and digital public services. The article explores both the cultural and political environments that favor the development of eParticipation initiatives, with the study of networking interactions based on social and public policy initiatives. We are particularly interested in the public policy formulations that embrace eParticipation and most importantly the recent developments in the field, which include a number of eConsultation, ePolling, eLegislation, eElectioneering, eVoting etc. A review of the good practice examples in eParticipation policy development will help us identify the strengths and weaknesses of the digital framework. Within the context of social value, we want to explore the aspect of eParticipation in the broader political scene, by examining the role of digital participation in political crises. By drawing examples based on case studies of public policy formulation in European countries, the research suggests a correlation between digital innovation and challenging politics. The framework is originally designed to be sustainable for the European societies and it places citizens in the center of its conception. It is, however, argued that the interaction between public policy innovation and citizen engagement needs continuous scholarly attention and study.

Keywords: eParticipation, innovation, eGovernment, social media, citizen engagement

I. Introduction

The potential for Information and Communication Technologies (ICTs) to increase political participation and address the growing democratic deficit across Europe and elsewhere has been the subject of many discussions. However, only recently a sufficient application of ICTs for the support of democracy has put this 'potential' in a real-world context. Past scholar work (Macintosh et al, 2003) considered two components to eDemocracy, one including eVoting as a part of the electoral process, and the other including eParticipation as a part of democratic decision-making. This article concerns the use of Information and Communication Technologies as a process that reinforces democratic participation and focuses on the value and use of ICTs in participatory democracy, while special attention is paid with regards to European democracies. The review of the eParticipationpractice aims to clarify some possible prospects and limitations offered by ICTs in the participatory process. An important part of research on digital democracy in the last decade highlights the political advantages deriving from the use of the internet (Delli-Carpini, 2000; Coleman & Gøtze, 2004; Stanley & Weare, 2004). Given that citizen participation in technological resources is becoming increasingly common in Europe, learning from the recent experiences should be of particular interest to scholars and practitioners working in the field of eParticipation. The article builds on these earlier relevant studies and uses the definition of eParticipation as the use of ICTs to support information provision and 'top-down' engagement or 'ground-up' efforts to empower citizens, civil society organisations and other democratically constituted groups in order to gain the support of their elected representatives. Effective information provision is often seen as the conclusion of effective engagement and empowerment (Macintosh & Whyte, 2008).

As eParticipation applications gradually multiply both in the European Union and internationally, new systemic challenges emerge. Design of evolved services, new political initiatives and technological developments have to be examined under the light of a maturing domain. Within this context, the article will bring together a review of programs that are currently being implemented with the theoretical base founded upon, in order to discuss issues of both ideological and practical

nature, so that a real exchange of knowledge and experience can be achieved. Specific attention will be paid, apart from policy and technology issues, to implementation-related issues, such as good practice examples. Among other findings, this paper discusses the political value of the initiative for the contemporary European societies, as well as its role in political crisis. It is expected that the outcome of this research will contribute to the literature on electronic and participatory democracy, as well as provide a policy evaluation of the use of ICTs in a large-scale participatory initiative. The article will highlight four main challenges for eParticipation. The first will focus on the dual perspective; from the citizen's point of view how can technology enable an individual's voice to be heard and not be lost in the mass debate? There is a great need for technology and supporting measures to enable virtual public spaces such that an individual's voice develops into a community voice. From a government's perspective, there is the challenge of how to listen to and respond to each individual. Fostering online communities and developing e-engagement tools to support such communities could enable a more collective approach. The second challenge is how to build capacity and active citizenship by controlling ICTs power to encourage involvement of more citizens on public issues. This creates the requirement for accessible and comprehensible information and the opportunity to debate on important social issues. The third challenge concerns coherence. New information and communication technologies can be used to support the information, consultation, participation and analysis, as well as evaluation. Finally, consideration should be given to knowledge management methods and approaches so that they can support policy-making. It is expected that the outcome of this research will contribute to the literature on electronic and participatory democracy, as well as provide a policy evaluation of the use of ICTs in a large-scale participatory initiative.

II. Understanding eParticipation

Online political participation is a challenging topic and object of research. In the literature, it is frequently found under eDemocracy, since both eParticipation and eDemocracy are conceptional compounds of the use of Information and Communication Technologies that link citizens with one another and with their elected government (Gadras & Geffet, 2013). This normative assumption is based on the conception of digital technologies that is supported by political actors and interest groups promoting eDemocracy. In this perspective, technologies are concerned to be a modern way to the re-invention of political networking and re-establishment of citizen-centred systems (Rosanvallon, 2008). The 'digital agenda for Europe', the initiative of the European Commission as a part of the *Europe 2020* programme, reflects and puts these concerns into perspective and terms of public policies (Chrisaffis & Rohen, 2010). The phenomenon of eParticipation has received increased attention during the last ten years, due to late technological advancements, experiments, policy reports and research implementations. Understanding this emerging field of politics is not easy as there is no approved definition of the field, no specific overview of the research disciplines or methods and because the boundaries of the field are undecided (Sæbø et al, 2008). Traditional literature will help us to identify scientific considerations important for the field's theoretical development. The theories used for this chapter provide the starting point for a grounded analysis that leads to the deployment of a general model: the eParticipation seen from a researcher's point of view. The theories provide structure for understanding the developing field, as well as an initial suggestion of its content. It also provides the basis for developing research guides for the future. eParticipation involves a technology-based interaction between citizens and the political sphere and between citizens and administration (Porwol, 2013).

The utilisation of information and communication technology in political participation enables public participation and interactiveness through simultaneous feedback and opens up a new channel for political participation while strengthening existing citizen engagement (Dijk, 2000). These notions of eParticipation as a consultative, democratic process which involves citizens in policy-making does not consider communication among citizens on informal channels such as social media. This chapter is a first step towards the understanding of citizen-focused eParticipation. We aim to develop an analytical framework for the understanding of government and citizen-led eParticipation; defining the conditions under which the integration of the two types of eParticipation produce the best outcome; and determining the potential of government and citizens to embrace eParticipation. To attempt a first approach of the concept of eParticipation, we need to analyse the term: 'e' and 'participation'. Participation is generally understood as 'joining' in the sense of taking part in some communal form of action, or in the sense of undertaking a role in decision-making (Sæbø et al, 2008). Though participation is the subject of many theoretical discussions (e.g. participatory management, community participation, participatory research), eParticipation is usually associated with some form of political initiative or decision-making. Participation is an integral part of the democratic political system (e.g. voting or activism). This literature research focuses

on political participation in the decision-making sense and covers participation within and outside the formal political system. The 'e(lectronic)' in eParticipation has a direct association with recent 'e' disciplines (e.g. eBusiness, eGovernment) and refers to the leverage of information and communication technologies (mainly, the internet) for the transformation of citizen involvement in decision-making processes.

eParticipation is largely understood as the technology-moderated interaction between the social and political spheres and between civil society and administration (Porwol, 2013). The focal point of eParticipation is the citizen, i.e., the target of eParticipation is to increase citizens' participatory power through digital governance. A number or other social initiatives, such as voluntary organizations and businesses, are also relevant in this context, but they are not the principal focus of eParticipation. Technology-based interaction between the political sphere and the administration sphere, which does not involve citizens, is thus less in focus in eParticipation (Sæbø et al, 2008). As a research area, eParticipation is related to other research areas. eParticipation is a subarea of eDemocracy (Macintosh et al, 2003). If eDemocracy is concerned with the mechanisms that strengthen democratic decision-making through technology, then eVoting and eParticipation focus on the means to achieve this. The main differences between the three: eDemocracy concerns itself with the structural democratic relationships in a society. eParticipation better defines a set of technology-mediated participatory processes, while eVoting focuses on one particular participatory process common to all representative democracies, the way that technology helps to enact the process (Sæbø et al, 2008).

The disciplines that are most usually connected to eParticipation is political science, political and social theory, public administration and sociology. A smaller number of contributions comes from other disciplines such as information systems, computer science, communications and science and technology studies. Models of democracy are frequently used for characteristic forms of participation (DiMaggio et al, 2001; Lourenco & Costa, 2006), while Habermas (1996) offers a more philosophical background for studying social participation (DiMaggio et al, 2001). A number of theories have been considered relevant, but only appeared inconsistently. DiMaggio et al. (2001) refer to innovation diffusion theories (Rogers, 1995), the network society (Dijk, 1999), and social capital (Putnam, 2000), among others. There is little common theoretical background on eParticipation, with an exception of theories from political science and political philosophy. Theories are used for a particular purpose by some researchers, linked to a particular theory or a particular research task (Sæbø et al, 2008). It is to be expected in a very young research area, there is little consistency or continuity in the choice of theories or research methods. There is no evidence of the emergence of a theory, or theories of eParticipation, whereas there is a considerable focus on the empirical examples.

eParticipation should be reviewed in the context of participatory culture. Contemporary eParticipation 'seeks to empower people with the help of Information and Communication Technologies, enable them to integrate in bottom-up decision-making processes, and to develop social and political responsibility' (Maier-Rabler & Huber, 2010). ModernICTs offer more possibilities to citizens with regards to their political choices. The means to achieve participation in society and politics have been simplified. However, instead of making things easier for citizens with a variety of participatory means at their disposal, it poses greater challenges to them. If people want to move from occasional eParticipation to sustainable eParticipation, they need to learn how to make informed choices among the available ICTs and adequately use them. Acquiring capabilities for the informed usage of social media is therefore at the heart of modern participatory society (Maier-Rabler& Huber, 2010). A participatory society is featured by its participatory culture. "A participatory culture is a culture with relatively low barriers to artistic expression and civic engagement, strong support for creating and sharing one's creations, and some type of informal mentorship whereby what is known by the most experienced is passed along to novices. A participatory culture is also one in which members believe their contributions matter, and feel some degree of social connection with one another" (Jenkins et al, 2006, p. 3). The classifications of participatory activities individuals are engaged in reflect different perspectives from the different bodies of literature, ranging from the institutional to the individual. These classifications can include different forms of public participation which connect the individuals and the State, as well as social participation or individual acts of engagement, and this has led to our three-fold classification of public, social and individual participation (Brodie et al, 2009).

More specifically, public participation is the engagement of individuals in the various structures and institutions of democracy. This form of participation is often referred to as *political participation*. A good example to understand political participation is the act of engaging people to make their voices heard and giving them the right to influence these decisions that affect them, as well as enhancing the delivery of services (Cornwall, 2008; Involve, 2005). These meanings of public participation often privilege an institutional perspective and focus on the engagement of individuals in decision-making

processes within existing political structures. *Social participation* refers to collective activities that individuals may elaborate as part of their daily routines. It is associated with an individual's associational activities in both formal and informal contexts (Jochum et al, 2005), and include cultural or voluntary and community engagement (Jochum et a., 2005). People often choose to participate in associational life for a range of reasons that may have little to do with the State or the institutions of governance. People also engage on an individual basis. In this category, participation is based on an individual's personal values and worldviews as much as on personal experiences. Individual participation covers the choices that individuals make as part of their everyday lives, and reflects on the kind of society they wish to create and live in (Brodie et al, 2009). Within each of these three broad forms of participation there is a great number of individual participation activities, which can overlap between public, social and individual participation.

III. The Potential of Social Media

Participation is a key feature of a democratic nation, despite the varied forms of democracy existing. The liberal democratic approach considers elections as the central element of a democracy, while the deliberative theory of democracy includes public discussion and consultation of the citizens during the legislative process (Maier-Rabler & Neumayer, 2008). Therefore, societal and civic dialogue is an important part of political participation. The vision that new Information and Communication Technologies (ICTs) would increase citizen participation and especially among youth, has always followed the introduction of new media. The internet due to its interactivity and its nature as the promoter of user-generated content was perceived as a technology that would encourage democracy and participation. Nowadays, the internet and internet-based technologies are in the centre of communication infrastructure for developed economies. The use of positive potential of ICTs is a new challenge for both politics and society. ICTs can help to actively engage more citizens and - especially - youth into politics.

According to Fuchs (2008), communication and cooperation can be ameliorated by Web 2.0-technologies due to their new 'architecture of participation' (O'Reilly, 2005). The collaboration, decentralization and universality of the user-centered applications supports the transformation of the user into a producer and thus a more active aspect of the process (Birdsall, 2007).More importantly, for those who are skeptical about traditional forms of participation, the internet and Web 2.0 applications can serve as a channel for political engagement. Meaningful preconditions for eParticipation to ensure the democratic and political potential of ICTs are necessary, as well as the commitment of the existing political system for their protection (Maier-Rabler & Neumayer, 2008). These assumptions are in line with a participatory perception of democracy that merges eParticipation into the process of civic engagement.

Social media represents today a too high share of internet traffic[1], as people spend more and more time on social media sites, such as Facebook, YouTube and Twitter. The internet is a vital part of modern generations' lifestyle and especially appealing to the youth. With the turn of the millennium, the character of the internet changed rapidly by Web 2.0 applications such as MySpace, Facebook or Wikipedia (O'Reilly, 2005). These types of online activities are perceived by most people as trendy, easy and appealing, leading us to note that the strengths of social media are the alleged weaknesses of the pioneering eParticipation projects (Sæbø et al, 2008). Social media platforms are lowering obstacles to access and participation in conversation compared to governmental services. Participation is made easy in numerous ways, as for example, through national and local government adopting social media channels for citizen communication; or community groups using social media to engender community action. More importantly, this participatory culture creates the perception that developments can help modern democracies to include their citizens in the political process. Therefore, the use of social media can be considered as an effective way for filling in the gaps that prevent eParticipation from becoming part of people's lives.

The features of Web 2.0-based democracies extend the capabilities citizens have, in order to participate actively in democratic processes. Allegedly, the use of social media can: a) raise general awareness of important issues, b) make eParticipation platforms more accessible to audiences that are not involved in political discussions and c) utilise the newest trends in online communications to its advantage, making users' participation easier and more intuitive (Lacigova et al, 2012). Additionally, to address the political participation gap by the means of the internet and social web, closing the digital

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[1] More than half of the world internet user have a social media account on the most popular sites, i.e. Facebook, Twitter and Pinterest, according toInternet Live Stats, http://www.internetlivestats.com/.

divide between the social media literate and illiterate must be set as an equally important goal. If eDemocracy policies aim to enhance and support civic participation, then the average individual citizen has to be empowered to the maximum in his ability to participate in the democratic procedures (Maier-Rabler & Hubler, 2010). The social web is not simply a solution to the democratic question, rather than a challenge to its improvement.

Access to information is the main argument for complimenting new information and communication technologies as an enabler for citizen participation and thus more democracy in the society. Moreover, it is understandable that access alone is not enough and that people need to develop skills and literacy to acquire the desired information. Hardly ever this missing link between access and literacy, which is motivation and interest for political engagement receives enough attention (Maier-Rabler & Hubler, 2010). In ICT-favoured circles, people learn to handle new technologies and social media at ease, but this is not the case for most average citizens. To actually encourage people to use the newly acquired skills for participatory purposes, further motivation and guidance is needed. The integration of the two separate spheres of formal education in school and informal ICT learning in computer-based spaced would be vital to the support of development of civic and political engagement.

In order to illustrate the importance of using social media as an enabler for eParticipation, the validity of the above claims has been proven by demonstrating the utilization of social media by currently running eParticipation projects. OurSpace[1] sets the perfect example: an open-source social networking, designed to provide a forum for large groups of young people, regardless of nationality or language. The OurSpace project was an initiative of nine organisations from six European countries (Austria, Belgium, Greece, UK, France and Czech Republic) and was funded by the European Commission under the ICT Policy Support Programme in 2013. OurSpace included the commonly used features, such as user's profile, invitations, recommendations, rating and statistics, in a more appealing to young audiences way. Additionally, is had reached out to wide audiences by its own Android App, iGoogle gadget and a Facebook app, enabling mobile access to the platform and adjusting to the current trend that an increasing number of people use their mobile phones rather than their laptops to engage in online activities (Lacigova et al, 2012). The promotion of OurSpace on popular social networking sites, such as Facebook and Twitter, generates daily a wide user base from young audiences. In conclusion, the use of social media for increasing eParticipation can be a valid, cost-effective way to establish participation in policy projects, by promoting them as part of people's everyday lives.

IV. The value of eParticipation in modern democracies

Participation has become a motto in modern societies. Not only frequently used by policy-makers, it is also seen as a synonym of engagement, involvement and empowerment, in a context that involves 'public' or 'community'. Generally, the advantages of participation relate to service effectiveness and efficiency, decision-making quality and legitimacy and active citizenship (Smith & Dalakiouridou, 2009). In this chapter, we will examine the terms and social value of eParticipation, and summarise the current state of research in this field. Our analysis is focused on whether Information and Communications Technologies or electronic forms of participation enhance democratization and how.

The use of ICTs in the interim of democratic participation has made public participation more engaging to more target users, including citizens living abroad, younger generations, companies and organizations that had limited access to participation before. Medimorec, Parycek and Schossböck studied the influence of the ICT penetration on participatory democracy, in the Eastern Europe and Austria, and they observed a parallel shift of democratic mindset alongside internet penetration (2011). One of the many advantages of eParticipation was linked to the flexibility it offers in terms of time and location. Another one is the variety of choices offered to its participants. One sense of flexibility can be geographical, but flexibility can also define adjustable timing. Online services can be set up quickly and easily be adapted to different needs and are more up to date than offline tool (Medimorec et al., 2011). Additionally, eParticipation offers different forms of information, giving users the possibility to decide which services they need to use, how to access them and what kind of information they wish to have. It should, however, be noted that despite the length of opportunities provided are readily available, not all governmental sites take advantage of the possibilities on offer. A past review of state and federal government websites in the US revealed that key features that would facilitate connections or interactivity between government and citizens, such as email, comments or complaints, chat rooms, search features, broadcasting of government events, and website

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[1]OurSpace, https://www.joinourspace.eu/

personalization were readily available for use. However, most governmental sites have not made enough progress at incorporating these democracy-enhancing features (West, 2004).

Personalisation allows users to customise and personalise their profiles, therefore increasing the usability of online services and applications. Interactivity is another major advantage. Today there are a number of ways users can provide feedback using a range of aspects, such as maps, construction documents, Web 2.0 modules or other interactive means (Medimorec et al., 2011). Interactivity improves the services offered by public administration, especially because it allows prompt reactions and the ability to provide more information when needed, thus improving relationships with users. Most US governmental websites reviewed between 2000 and 2001 increased their potential of communication because they included features of two-way interaction (West, 2004). Modern and interactive ICTs offer numerous opportunities to the user, to communicate simultaneously and non-simultaneously at the individual or collective level. According to producers of civic websites for youth, many young people are frequently contributing to websites, creatively engaging in invitations to join, to have their say and to represent themselves. The research project *UK Children Go Online* (UKCGO) investigated 9-19 year old users of the internet in the United Kingdom to find an increasing virtual engagement on behalf of the youth (Livingstone, 2010). The role of the youth and essentially the hope that ICTs can lead to more participation of youth, to more political awareness and increased engagement is evident in the eParticipation efforts, regardless of the fact that many initiatives fail to achieve that through implementation. A number of youth-targeted surveys were conducted in Austria to record the preferences of youth in political participation, the internet and Web 2.0 technologies. The results highlighted a reverse ration of interest between traditional politics and Web technologies: the more increased interest for Web 2.0 technologies one had, the more decreased an interest in traditional politics was expressed. (Maier-Rabler & Neumayer, 2008). It was, hence, assumed that Web 2.0 technologies can play an important role in the revitalization of political participation.

Other social utilities of eParticipation (and eGovernment, in general) include the ability to envisage policy, to offer to citizens the means to control the government and its policies, to balance the power of lobbies, to avoid corruption and to foster active citizenship, all with the long-term objective of strengthening representative democracy. Therefore, according to an OECD (Organisation for Economic Cooperation and Development) report, the objective of technology-enabled information dissemination, consultation and participation is to improve the policy-making process through a range of mechanisms designed for (2003):

- Engaging with a wider audience through counsel and participation technologies, which are adjusted to broader participation.
- Providing relevant information, in an accessible and comprehensive format, to the target audience in order to enable more informed participation.
- Enabling in-depth consultation and supporting online advisory debate.
- Encouraging the analysis of contributions to improve policy.
- Providing relevant feedback to citizens to ensure transparency in the policy-making process.
- Monitoring and evaluating the process to ensure continuous improvement.
- Therefore, it is important to distinguish the level of participation, the technology used, the level of the policy-making process and various other issues, which include the benefits that online participation potentially offers (Macintosh, 2004).

Based on data provided by the European Commission, many people today are losing interest and trust in the way their governments proceed with policy-making (Gatautis, 2010). There are issues of trust, openness and transparency, which remain the main concern, as the public lacks of confidence in governmental institutions (Panopoulou et al, 2009). In the meanwhile, public indifference and dissatisfaction is massively expressed through low turnout rates at elections, which further lead to representatives elected by a minority of the electorate. In this context, citizens increasingly demand greater transparency and accountability from the government, and favour public participation in the shaping of policies that they become the subject of (Gatautis, 2010). For these reasons, participation is gradually gaining vital importance in modern societies. The pursuit of governmental goals involves an effort to mobilise individuals, groups and communities, through perceiving active citizenship both as a responsibility as well as a right. Thus, participation starts develop in a moralising rhetoric, a functional condition of the state and a regulating discourse (Smith & Dalakiouridou, 2009). Empowering people

and inviting them to 'cooperate' and get involved with the government is a key strategy to achieve the welfare state they demand.

eParticipation has become a key strategy with regards to the democratic deficit that Europe is facing. The term *democratic deficit* has appeared in connection with the EU, above all to indicate the opaqueness of decision-making (Smith & Dalakiouridou, 2009). Great effort has been put into the upgrade of transparency and accountability in public power in the EU and the enhancement of its legitimacy. "Transparency is perceived as a necessary condition for democracy, as it ensures that citizens obtain all the information they need to call public authorities to account. Legitimacy demonstrates the capacity of European institutions to provide a system of good governance and fulfil their functions in an impartial manner. Citizens and other actors reflexively assess both the processes and the outputs of governance in terms of their legitimacy" (Smith & Dalakiouridou, 2009, p. 4). A number of initiatives promoting transparency and accountability have already been initiated by EU institutions, to evidently provide citizens with more opportunities for information, but in reality citizens feel insecure in front of increasing amount of information and remain reluctant to form their future as Europeans, an insecurity which results in a passive expression of citizenship (EACEA, 2013). The following good governance principles were formulated as an answer to the perceived mistrust of European citizens in the European structure. From 2000 onwards, the policy documents adopted by the European Commission make a clear reference to the transparency and accountability needed, while from 2002, consultations are given more importance as a citizen contribution to the policy-making.

The EU Research Framework Programmes 5, 6 and 7, following the logic of the first four framework programmes (1984-1998) for the support of the community research and technological development,have addressed various technological issues and tested a range of eParticipation services. More specifically, Framework Programme 5 launched an important number of projects to enable the online participation of all stakeholders in decision-making, in topics such as the improvement of interaction between citizens and public administrations, on-line mediation systems for citizens and their representatives, the enhancement of the former's participation etc (Chrisaffis & Rohen, 2010). The current framework programme (2014-2020), ambitious *Horizon2020*, continues to direct policy-making in Research and Technological Development, under the auspices of the European Commission.

V. Design of digital participatory public services

eGovernment development is based on strategic planning, usually under the responsibility of national governments, which defines the common targets set for public administration: modernised services, with low cost and time minimization for public service execution and the development of improved, citizen-centered practice. A number of tools, which are used to increase eParticipation, have been identified, also referred to as *eMethods* and includes many of the functionalities that we are already aware of, such webcasts, FAQs, blogs, chat rooms or discussion forums. These web-based tools cover many areas of participation, such as legislation, policy-making or social action.

Generally, the development of eGovernment strategic plans is a *top-down* procedure, which means that central governments supervise the design and execution of national eGovernment initiatives. The *top-down* procedure is defined with means of educational methods, as a scheme where the instructor presents the general conception of a system and then proceeds to its subsystems (Jorgensen, 2005). In eGovernment initiatives, the instructor is the central government, who plans and monitors multiple projects. *Top-down* eGovernment plans contain policies and project goals, but not methods and principles. Information and Telecommunication Technology vendors provide mainly eCommerce-based applications as solutions for eGovernment and for digital service execution, after being transformed and adapted to public administration methodologies (Lowry et al, 2002). Another approach to eGovernment design is the *bottom-up* procedure. A *bottom-up* approach, in contrast to *top-down*, refers to a decentralised procedure of eParticipation, which allows for individual research to design and drive their own projects in a controlled environment, while targeting and prioritizing specific problems and then expanding to a wider system architecture (Zissis et al, 2009). Interestingly enough, surveys on eGovernment show that although a number of eGovernment initiatives achieved their goals in time and cost savings for both citizens and public administration, the design procedure of national governmental planning creates problems to eGovernment reception by both citizens and public administration (Anthopoulos et al, 2007). Skepticism incommodes governmental planning, with regards to the success and development of eGovernment.

Each one of the eMethods used to support eGovernment projects are accompanied by a SWOT analysis. SWOT, which stands for 'Strengths, Weaknesses, Opportunities and Threats' analysis is a descriptive method used to identify and list positive or negative factors about an issue, in a more consolidated way. In the final stage, all the data from the SWOT models are combined in one form, in order to make a comparison between eParticipation tools. The first step for the SWOT analysis is to establish a series of criteria. These criteria are thoughtfully selected in order for the balance to be maintained after technical and social requirements (Anthopoulos et al, 2007). There is a number of technical requirements to enable the effective implementation of eParticipation tools. The first and foremost prerequisite is related to security and privacy in the eParticipation context. eParticipation services need to be user-friendly, as simple as possible and time-effective, in order to ensure the participation of users. The value of security and privacy measures is high, not only to ensure that users will use but to trust the system, as well. A lack of trust on the security variables of the system will result in low participation rates and thus an ineffective system. Thus, the proper balance of between security, usability and openness is highlighted as vital in the effort to implement effective eParticipation services (Fraser et al., 2006). Anthopoulos *et al.* identify a number of technical requirements to facilitate this implementation (2007), such as: a) deployment complexity (i.e. how difficult the deployment of an eParticipation tool is), b) Information richness (i.e. the amount of information the specific eMethod is able to contain) c) Security (e.g. in the case of a user's navigation), d) Interactivity (i.e.g. to what degree are the communication channels interactive), e) Scalability (i.e. how effectively can the application scale up to a broader public).

The variation of necessary parameters to be taken into account show that, thanks to design choices and software features that promote participatory behavior and trusted consultation, citizen-oriented services are more than an online area where citizens can only report problems for their local government. Much more importantly, they create an environment where, due to changing political circumstances, the social actors can undertake a variety of actions to cope with actual problems (De Cindio, 2012). Research suggests that this variety of design choices and software features enhance engagement around open data, as they enable conversations around them and promote people's collaboration on issues that involve data. From a technical point of view, the tools that support data analysis are absolutely necessary, but there is also an increasing demand to explore tools that support social communication and interaction, as well (Davies, 2012). Undoubtedly, more research interventions will add value and increase the understanding of data use and support the development of improved strategies for data engagement. However, when studying a policy initiative depending of technology, one should always anticipate that emerging technologies will eventually challenge the framework and its ability to deal with new concepts, tools or applications. At the same time, it will be tested by the success, failure, results and difficulties of each specific case based on the rule that all successful models evolve through exploration (De Cindio, 2012).

VI. Developments in eParticipation

Recent initiatives based on the analysis and assessment of democratic systems offer theoretical and empirical insights towards the development of eDemocracy frameworks. From a theoretical point of view, those initiatives support developments in the democratic process; while from an empirical point of view, they contribute in identifying formulas and criteria for the evaluation of practices, which can be relevant for offline and online modes. Here, we consider tools and methods that directly promote citizen participation in policy-making rather than the ones that support group discussions only.

eVoting

Electronic voting (eVoting) refers to the ability to vote via the internet. eVoting refers to both the electronic means of casting a vote and the electronic means of arranging votes. In some countries, punch cards (e.g. USA) and optical scan cards (e.g. Germany and Scotland) are tabulated using electronic means, and they have been in use for decades. Electronic voting in polling stations is being used in some of the world's largest democracies, such as France, Italy, Netherlands, and Norway etc. A number of EU member-states, including Czech Republic, Finland, Greece, Latvia, Lithuania, Romania and other, are currently developing pilot programmes of eVoting systems to improve various aspects of the electoral process (Ace, 2010). eVoting is often seen as a tool that helps to advance democracy, to build trust in electoral management and add credibility to the electoral process. The technology is rapidly evolving to invite election managers, international organizations, vendors and authorities to continuously update their methodologies and approaches(IDEA, 2011). In recent elections, internet voting

has attracted wide interest, creating hopes that communications technologies may lead to increased voter turnout, and the inclusion of voting groups that had abstained from elections. Estonia was the first country in the world that allowed internet voting in the 2007 national parliamentary elections, and has thereafter served as an important case for studying the state of eDemocracy (Bochsler, 2010).

Specialized techniques used in other domains have been proposed to contribute to the development of eVoting systems. These techniques aim to bring a higher level of competitiveness in the design and implementation of voting systems.Helios is the first web-based cryptographic eVoting system.It has a single component and uses a public bulletin board (Adida, 2008).A. F. N. Al-Shammani, A. Villafioritat and K. Weldemariam describe the consecutive phases of voting (2012). In registration phase, voters first obtain their password via email. Helios separates the process of voting in preparation from casting. Anyone using the system can check the authentication of the ballot, since every user is given only at ballot casting time. After the ballot has been completed from the user side, the voting system proceeds with the encrypted vote by displaying a sign of the ciphertext. The preparation of the ballot can either be audited, or the ballot can be cast after the voter has been authenticated. In the case the vote decides to audit the ballot, the ciphertext and the randomness used for encryption is displayed, which allows the user to check that the vote was properly transformed into the ballot. As soon as the ballot is cast, the voter receives a hash for the encrypted vote, which is also posted on the BB next to his name. In tallying phase, the ballots are mixed and decrypted, providing proofs of correctness for both steps.

During the past two decades, researchers have been developing verifiable eVoting systems, however only few of the developed systems have been used in real-world elections. The eVoting systems that have been used in large countries, such as India, Brazil and the US are unverifiable and there have been concerns about security implications. The biggest problem with developing verifiable eVoting technologies seems to be the public distrust on responsible authorities. Since 2013, Dr. Feng Hao's has been developing a project that aims to devise a secure eVoting system: "We aim to provide a means whereby voters can independently verify that their votes are accurately captured and tallied by the system; ensuring that the integrity of their vote is maintained. In the process, we eliminate reliance on authorities who tally the cast votes, so the election is self-tallying" (Hao, 2014). In the EU the eVoting initiative is still in the beginning. Estonia was the first country to start an actual eVoting project in 2003, which has been used in the 2005 local government council elections for the first time, to continue its success with the national elections in 2007 and every 4 years ever since. Germany and Netherlands that were using electronic voting machines since 1998, stopped their eVoting projects in 2009 and 2008 respectively, until further testing is completed (Ace, 2010). In the case of Germany, it was suggested that the use of voting machines was "unconstitutional", while the Dutch government decided to address security concerns and other issues emerged by returning to paper voting (NDI, 2014; NDI, 2014a).

eConsultation

eConsultation designates interactive online platforms where citizens, civic actors, experts, and politicians gather to provide input, consider, inform and influence policy and decision-making. Introduced by political institutions or non-state actors, eConsultation can take different forms, target on different groups or issue areas, in the use of technical tools at which they are launched (Coleman & Gøtze, 2004). Sometimes, they incorporate spaces for citizen-to-government as well as citizen-to-citizen interactions. What makes eConsultation unique in comparison to other spaces of the virtual public sphere, is the ability to cause influence on the policy-making process. Informal electronic spaces such as virtual communities, local forums, chat rooms and participants interact in a way that allows them to exercise political influence (Tomkova, 2009). The goal of eConsultations is to affect formal political and decision-making processes. Additionally, the purpose of eConsultation has been to enable citizens with relevant experience and expertise to inform and advise legislators on specific areas of policy (Coleman & Gøtze, 2004). eConsultations is a more formal and organised form of eSpace compared to other forums or digital attempts in the virtual public sphere. They tend to have a set duration, agenda and pre-defined topics for discussion by the host. Given that it is government agencies that usually start eConsultations and not individuals, the difference in level between the actors involves variation in levels of authority, expertise and access to decision-making processes (Tomkova, 2009). *Your Voice in Europe*[1] is the European Commission's 'access point' to a number of consultations, discussions and other tools allowing citizens to play an active role in the European policy-making process. It is argued that

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[1]*Your Voice in Europe*, http://ec.europa.eu/yourvoice/.

eConsultations provide functional and deliberative communication benefits, enhance social inclusion and citizen-government interactivity and make public policy making processes more transparent and legitimate.

ePolling

Online polls are another type of eConsultations offering snapshots of civic temperature on a specific public issue. As a quick web-based survey, ePolling allows participants to select one answer from a list of alternatives in response to a simple statement or question. Once an answer has been submitted, current poll results are usually displayed along with relevant numbers or percentages. Typically there is no collection of personal or demographic information. Therefore, unless users' Internet Protocol (IP) addresses are logged in, it can be difficult to stop participants responding more than once. Quick polls are generally employed as light-weight, fun e-tools, rather than contributing to any weighty policy debate (Macintosh et al, 2005). Examples of more elaborate ePolls or eSurveys include the ones utilised by the EU Commission, as part of the *Your Voice eInitiative*, while the simpler one-shot polls appear as a sub-feature on government websites.

eDeliberative polling combines online deliberation in small group discussions with random sampling to facilitate public engagement on specific issues. A variety of these surveys and discussion forums support such this eDeliberative polling. Directly addressing the issues raised by traditional offline engagement techniques for policy development, ePolling has a major advantage: it involves the public in all key issues. The concept of deliberative engagement address the problem by prompting the gathering of public views by a process of deliberation. Although the potential for eDeliberative polling has been recognised by a number of well-respected organisations, such as the Internet Corporation for Assigned Names and Numbers (ICANN), it yet lacks to be its wide application in the local government context (Macintosh et al, 2005).

ePetitioning

The so-called web-based system hosts online petitions and allows third parties to be signed up to by addition of their name and address online. ePetitions are another form of eConsultation which enable citizens to enlist issues, complaints or requests directly to the government. Usually, the names and addresses need previous verification, but as ePetitions are only informing the local councils about an issue, and not presenting it (which will lead to legal enforcement), the level of control does not need to be the same as for eVoting. Additional features can enhance the quality of ePetitions and the transparency of the process (Macintosh et al, 2005). In some cases, an integrated discussion forum can be incorporated in order to offer the users the possibility to argue about their support on certain petitions. The format and procedure followed in ePetitions varies from local government to local government. In modern democracies, this form of participation is legally integrated. In the EU member-states, for example, the right to petition is protected by national constitutions and in some cases European regulations (Riehm et al, 2011).They are mainly intended to serve as a bottom-up participatory tool, but they have also been hosted by governments (Tomkova, 2009). UK government's popular 10 Downing Street and the European Parliament's petitions initiative set a good example of such online spaces (Tomkova, 2009).

Generally, the right to petition ensures access to all institutions of the political–administrative system at all levels (state, regional, local). However, in some cases specific institutions are established to act as responsible for the processing of petitions. These institutions play the role of mediator between citizen and executive power and maybe even an advocate of the petitioner (Böhle & Riehm, 2013). From a study conducted in 29 countries (EU member-states and Switzerland), a total of 59 national state–level parliamentary petition bodies and ombudsman institutions were identified (see table below). In the majority of these countries, there is a pattern where both a parliamentary petition body and an ombudsman institution processes petitions to the parliament (Böhle & Riehm, 2013). Seven countries do not support the possibility of petitions to parliament (Cyprus, Denmark, Estonia, Finland, Ireland, Latvia, and Sweden), while only three of the 29 countries (Germany, Italy and Switzerland) have no parliamentary ombudsman institution at all.

Table 2: Possibilities for petitioning national parliaments.
Note: ● Petition system provided; ○ No petition system; — No upper house.

Country	Petition body/institution		Ombudsman–Institution
	Lower house	Upper house	
Austria	●	●	●
Belgium	●	●	●
Bulgaria	●	—	●
Cyprus	○	—	●
Czech Republic	●	●	●
Denmark	○	—	●
Germany	●	●	○
Estonia	○	—	●
Finland	○	—	●
France	●	●	●
Greece	●	—	●
Hungary	●	—	●
Ireland	○	○	●
Italy	●	●	○
Latvia	○	—	●
Lithuania	●	—	●
Luxembourg	●	—	●
Malta	●	—	●
Netherlands	●	●	●
Norway	●	—	●
Poland	○	●	●
Portugal	●	—	●
Romania	●	●	●
Slovakia	●	—	●
Slovenia	●	○	●
Spain	●	●	●
Sweden	○	—	●
Switzerland	●	●	○
United Kingdom	●	●	●
Total	21	12	26

Source: Böhle & Riehm, 2013

The most important contribution of the petition systems, which is greatly enhanced by the help of the Internet, is the strengthening of the public participation. This is gradually coming into realisation, firstly, by designing ePetitioning systems in a direction that enhance democracy and secondly by ameliorating the democratic system itself as to be more open to dialogue and citizen participation.

eLegislating

When it comes to legislation, the question that arises as a result of the synchronisation of the field by computing trends, is not only how it is possible to make digital laws, but also whether digital media will change the forms of law-making. The success of user-friendly software and websites has developed a great sense of convenience, which has become one of the major features and thus norms of online communication. The interactive, informative and engaging nature of the internet is what makes it popular to users, alongside with the simplicity of using its online libraries. Users that become familiar with informal, user-friendly cyber-formats may even come to reject the stiffness of conventional legal texts compared to the ones they access online (Howes, 2001). eLaw is a new concept, which is used in Europe since 2004. It refers to electronic legislation and to the different aspects of electronic publishing of legislation. eJustice is a similar concept, including the use of electronic technologies in the field of justice (European eJustice portals etc.). The EU Council has an eLaw and eJustice working group, exchanging information on the practices of EU Member-States and developing policies at the EU level. The European Commission has created EUR-Lex as a one-stop shop to European legislation (EUR-Lex which includes N-Lex, a portal of national legislation in EU Member-States) (Hietanen, 2012). EUR-Lex is estimated number of 13 million visits per month (Trafficestimate, 2015). European legislation today is made available in most of the European member-states free of charge. However, there are differences in the way legislation is made available. There are types of legislation varying from limited period legislation to legislation of the last century, consolidated or unconsolidated form with amendments etc. In some countries, the original versions of legal acts are available, while in others the consolidated versions of legal acts are also available. An eLegislation portal has a number of features that can either support the top-down flow of knowledge from the government to citizens. Based on a DMS (Document Management System) that is used to track and store electronic documents, eLegislation is capable of storing any type of legal document (Ona, 2013). It appears, thus, that eLegislation portals increase the volume of information that becomes available to the larger audience, making citizen participation more expansive. The main challenge, however, is the need to ensure that this increase in volume of information does not affect the role of such portals being meaningful and actionable.

eCampaigning

eCampaigning defines the use of 'new' communication technology, such as the internet and mobile telephones, in campaigning. eCampaigning can be a quick, cost-effective and efficient way of contacting, informing and mobilizing large numbers of people in contexts where electronic tools are easily accessible and widely used. World-wide data show that average internet use tends to increase more rapidly than gross national product (Rosling, 2006). eCampaigning involves both passive and active tools, often combined. Passive tools use a one-way communication: users receive information via email or by reading a website. During the last years, emailing, comment and posting functions on websites and blogs, social networks and other new technologies enabled two-way conversation, sometimes in real time, elevating the internet into an active tool (UN Women, 2012). Campaign messages can spread through social networks only with a mouse click, on a spontaneous, unregulated way that never could before.

Studies on the implementation of eCampaigns and eVoting in different European countries, show that the Internet is often associated with the professionalization of the voting process as well as the electoral campaigns (Norris, 2004; Norris, 2002). However, new concerns have arisen that relate to trustworthiness and identity in campaign management, and involve issues of targeting, personalization, complexity and negative campaigning. While, though, networked technologies promote public participation and engagement on a way not possible in the pre-digital era, they are as well source of tensions and conflicts which are posing new questions to traditional models of power and control, creating new balances (Marcheva, 2010). Therefore, the same technologies that could create spaces for public and networked engagement, may as well allow citizens to organize other than social gatherings or political protests, such as terrorist attacks.

The first tangible example of the use of ICT technologies in electoral campaigning comes from Spain, which went through a so-called "Americanization" of politics, following the successful pattern of the Obama social media campaign, in 2008. In the aftermath of 2008, Spain and Catalonia have embraced new technologies by opening up online channels for disseminating electoral content (Xifra, 2011). Three years later, the Finnish national elections showcased an extensive use of social media in the electoral campaign. Despite the fact that citizens' participation in eCampaigns was limited, there were indications of mobilization and 'potential of change' regarding the citizen activity (Strandberg, 2013). The 2009 European

Parliament elections represent the first eCampaigning effort on a pan-European level, where many different online applications (Facebook, YouTube, Twitter, MySpace and Flickr) were used systematically (Vesnic-Alujevic, 2011).

Participatory Budgeting

Participatory budgeting (PB) is the online process that allows citizens to participate in the decision-making process of budget allocation and it has been considered as one of the main innovations that aim to reinforce accountability on a governmental level. Thus, it belongs to the online public practices that reinforce democracy at both local and regional levels. It provides citizens with the opportunity to approach governmental operations and to participate, discuss and control the allocation of resources. "The enhanced transparency and accountability that participatory budgeting creates can help reduce government inefficiency and curb clientelism, patronage, and corruption. Participatory budgeting also strengthens inclusive governance by giving marginalized and excluded groups the opportunity to have their voices heard and to influence public decision-making vital to their interests" (Shah, 2007). Provided that it is administered properly, participatory budgeting can elevate governmental services and strengthen the quality of democratic participation.

Thus, it is not a coincidence that the inclusion of participatory budget practices in European states has increased. In the UK, the government expected to have PBs implemented at all administrations supporting local governments by 2012. Local authorities from Barnet, Northamptonshire and Maidstone used an online budget simulator to consult citizens on their preferences, regarding to the allocation of the budget (Daventry District Council, 2009). In Germany, after a pilot project in 2005 in Berlin, where the local council received budget proposals from citizens online, the city has repeated the operation. Since then innovative initiatives have been conducted in the cities of Cologne, Hamburg, Freiburg and Leipzig (Luehrs, 2009). Combining online and offline methods, in 2006 the city of Modena in Italy set an experiment in which citizens could send email suggestions while they were watching live video streaming of the meeting. The use of SMS in order to reach a broader and younger audience has been used in more Italian public budgeting processes, such as those of Rome, Bergamo and Reggio Emilia (Peixoto, 2009). According to Peixoto, the budgetary allocations were increased based on large citizen demand, and the amount of proposed workings was larger than the original planning provided (2009). Therefore, the participation altered the original budgetary planning both quantitatively and qualitatively.

VII.   eParticipation and European Good Practice

The potential for ICT to alter the negative democratic balances across Europe and increase the level of political participation has been the subject of academic discourse. However, only relatively recently there has been adequate practical design and application of eParticipation to consider this potential in a real-world context. The development of such advanced information systems has enforced a growing community of research and practice which analyzes eParticipation. Current analysis includes understanding the role of technology in public participation and learning from the experience of European countries. The achievement of eParticipation initiatives is the relationship created between citizens and government assumed as one of a partnership. Since the promise of eParticipation is the ability to deploy ICTs to establish a partnership between governed and governing, as to neutralise the declining public confidence in democratic institutions and meet new expectations of increased popular participation in governance (Schmitter and Trechsel, 2004). eParticipation is, therefore, one of the reforms that representative democracies are currently experimenting with in the hope that participation counteracts public discontent. Estonia and Sweden have provided us with invaluable case studies from the study and practical application of eParticipation projects, in their democratic efforts to increase citizen participation.

Estonia, an EU member-state of 1.3 million inhabitants, has established a successful record of pioneering eParticipation projects, also known as the first country to introduce eVoting for the national elections of 2007 (Charles, 2009). One of the projects worth examining, both in terms of citizen mobilization and government response, was the eParticipation application known as TOM, which stands for "Today I decide" in Estonian (Glencross, 2009) kicking off in 2001. This was a pioneering move since it enabled Estonian citizens to participate in the national legislative process; other eParticipation initiatives around the world have been restricted to the local or regional level (Carman, 2007). Starting in 2001, the Estonian TOM platform provides until today a valuable model for understanding the dynamics of eParticipation. This Estonian case provides lessons for eParticipation in practice so that the expectations of users and government officials both benefit from such initiatives.

According to the OECD theoretical framework for categories of citizen engagement, the TOM platform fits the model for using Information and Communication Technologies to promote active citizen participation rather than providing information or as a consultation mechanism (OECD, 2001). At first, the TOM project was more ambitious than similar projects. Rather than being a simple medium for collecting signatures, the TOM tool became a forum for citizens to discuss legislative proposals, within a ten-day period following submission, and to vote upon them. After an idea been proposed by a user the system functions first allow for discussion between TOM users (participating citizens), then authors of legislative proposals have three days to amend them before they are voted by users. Once a proposal is voted by a majority, it is forwarded to the relevant government department, which then has a month to respond to the proposal explaining the argumentation behind an action. This formal government response is then posted on TOM (Glencross, 2009). The experience gained from launching and developing TOM and the central participation tool was further used as a model for international product such as TID+ ('Today I Decide' International[1]), an open-source software that can be used for the collection of public proposals (Åström et al, 2013). A number of legislative ideas were discussed and gained momentum on TOM, such as traffic policy, taxes, constitutional affairs, crime and alcohol policies (Glencross, 2009).

The Interregional Cooperation Programme INTERREG IVC, which is financed by the European Union's Regional Development Fund since 2010, records successful eGovernment programmes throughout the European Union (Lukka, 2010). The city of Tartu in Estonia has followed a successful pattern to update the electronic profile of the city. The local authorities decided to involve the Tartu residents in this process from the beginning. At first, the city residents contributed with their opinion on the new website's schemes, and in the second phase, the website architecture was built. A number of methods were used to engage citizens; from public polling to testing of navigation, the needs and wishes of the ordinary people were taken into consideration about the new website. The goal of the project, which was to create a standard methodology and a working prototype with maximum involvement of the city residents, was achieved. The project, also, has been a huge success because the city residents participated actively and expressed interest, the methods produced results and the project was completed in a timely manner. The most important thing was the chance that the city residents were given to express their opinions and the subsequent efforts have relied on those opinions. Social media proved extremely helpful as well; Facebook was used to achieve communication with the city residents, including posts inviting all to take part in the public poll and share their ideas about the website. During the second phase, at the creation of the website prototype, fewer participants were considered which, however, secured a high quality of results, because the ones involved were motivated and competitive enough to ensure effectiveness.

In Sweden, at the local level, eParticipation initiatives are only a few. However, they offer important examples of eParticipation practices run by Swedish local authorities. A number of online 'deliberative referendums' were undertaken in small cities such as Malmö, Vara and Sigtuna. In the city of Sigtuna, ten online referendums were conducted in one year and the results were promising: a relatively high percentage of citizens took part in these online referendums (30-60%) and the contributions made by participants did have an impact on final policy decisions (Åström et al, 2011). Other initiatives include the Gothenburg Online Forum and the Malmö Initiative. In 2004, the city of Gothenburg launched an online forum with regards to a redevelopment project, in their effort to create new structures for policy-making and planning (Benesch and Ullmark, 2008). The redevelopment of the city Södra Älvstranden included two challenging tasks: a) the planning and development of the municipal area with the minimum financial impact on the taxpayers and b) and the broadening of citizens' participation.

To achieve the attraction of investors in the area and enhance citizen participation, the municipality contracted a company named Ävstranden Utvecklings AB (ÄUAB), which was responsible for both urban planning for the indirect dialogue with citizen (Åström et al, 2013). The following dialogue with citizens was conducted in two ways: an online forum and an exhibition at the City museum. By November 2006, 980 posts had been registered on the forum. Many contributions were direct proposals and opinions focusing on the city life, housing, transport, environment and the new city look. In the end, the impact of citizen participation was valued as limited and it was noted that citizens and decision-makers had different perceptions about the development of the process. Citizens taking part in the online debate expressed expectations about an open process where participation would directly influence the process, while representatives of ÄUAB and the planning department supported the view that 'online deliberations' preceded formal planning, in any case (Åström et al, 2013).

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[1] *'Today I Decide' International*, http://tidplus.net/.

Despite the subsequent dissent, the Gothenburg Online Forum serves as model of citizen participation in terms of sharing problems rather that sharing power.

The first ePetitioning system was launched in 2008 in the city of Malmö. The most defining aspect of ePetitioning systems is the willingness of public authorities to take petitions seriously when preparing an institutional plan. In a similar to the Gothenburg case, broadened participation was achieved in quantitative terms with nearly 200 ePetitions in the first year. But the political and administrative decision-makers refused to give a formal response to petitioners, which the petitioners themselves had taken for granted. One year and a half afterwards, the actual participation in the Malmö petition system added up to 210 initiatives and 5,500 signatures (SALAR, 2010). On a survey that asked the petitioners what motivated them to participate in the Malmö Initiative, they replied that *simplicity* was crucial. Additionally, the collection of online signatures is important, as well as petitions' ability to generate awareness and publicity in local media (Åström et al, 2013). What is even more crucial, though, is the potential to address democratic concerns in real political issues, the time they arise.

VIII.   Conclusions

Lately electronic participation has evolved enough to start re-engaging citizens with the democratic processes by exploring the potential of ICT in the public sector. At the academic level, a number of frameworks have helped us to understand eParticipation, through the most familiar disciplines and social initiatives that approached contemporary models. At the practical level, a large number of eParticipation initiatives have been launched at all levels, some with larger success than others. In this article, we examined the use of ICTs and the main aspects of eParticipation initiatives from a social and political perspective. Additionally, we provided an understanding of the progress and current trends of eParticipation. For that purpose, we summarised the European experience with eParticipation and analysed information gathered from the relevant literature and the implementation of political initiatives.

In general, it can be concluded from the research that there is increasing activity in the field of eParticipation in Europe, as well as there is a number of exceptional initiatives already implemented and fully operational. However, there are still many opportunities to be explored and a lot to be achieved with the cooperation and sharing of good practice between countries and regions, but also across the different levels of participation (Panopoulou et al, 2009). Furthermore, practical implementation of eParticipation initiatives suggests that the scope of eParticipation initiatives narrows the potential outcome, allowing more active participation and more specific outcomes. This empirical conclusion could be the basis for further consideration of the prospects and restrains of eParticipation. It should be further examined whether eParticipation can indeed essentially involve the public and in what ways this could be achieved. Hopefully, the research presented in this article will contribute to the future work and research of eParticipation developments and will facilitate the transfer of eParticipation good practice.

Yet, one of the greatest challenges to eParticipation is the fear of unfulfilled expectations. Based on Hirschman's model it appears that eParticipation models alone are no solution for the problem of public distrust of political institutions. Citizen participation may be successful in the promotion of loyalty only if the use of the participation leads to reform; when participation seems pointless, the result is simply disengagement (Hirschman, 1994). From this perspective, governments seeking to implement eParticipation will be successful only if citizens' willingness to trust the eParticipation process can be sustained, and if the system has notable effects on the legislative decision-making process. Thus, the government's willingness to take eParticipation initiatives to the next level should be evaluated not only on the basis of planning and implementing such opportunities, but indeed taking into consideration the outcome of citizen participation. In that matter, citizens are concerned by the extent to which their participation counts as important.

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Financial Analysis and Bankruptcy Risk Identification Models Used by Companies Operating in Poland – Empirical Study Results

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Abstract

Financial analysis and bankruptcy risk assessment models are applied to assess an economic position and to identify risks to business activity. The assessment is conducted based on data from financial statements which in Poland can be prepared in accordance with both domestic and international accounting standards. Bankruptcy risk identification models which based on historical or prospective data allow identifying a probability of such an event started to appear in Poland a few years following the political changes of 1989. Currently, there are over 15 models developed by different authors and described in detail in the literature. The aim of this article is to present the results of an empirical study (survey study) on the application of financial analysis and bankruptcy risk identification models which was conducted among the largest Polish companies. The study results show that Polish companies apply tools of financial analysis to assess the economic position not only of their own entity, but also competition and business partners, and bankruptcy risk assessment models developed according to and adjusted to the Polish economic circumstances.

Keywords: financial analysis, bankruptcy risk identification models, financial statements, survey study,

1. Introduction

Changes in the capital structure and the passing of risk constitute reasons of conflicts between shareholders and other stakeholders (Swanson, Srinidhi, Seetharaman, 2003). One can imagine a situation, in which shareholders strive to increase the value of assets and thus influence the increase of unpredictability of company's future position (Nowak, 2013). For every entity the building of company values is inherently related to capital structure, and relationships between the two have been the subject of interest of and studies conducted by many scientists. Such studies were already carried out in 1960s by F. Modigliani, M.H. Miller (Modigliani, Miller, 1958).

Nowadays, in the Polish economic reality one can often see attempts to apply synthetic measures to predict financial problems. The majority of those attempts are directed at the use of Z-score models prepared and presented in western countries. Such an approach, however, has limited application as those models have been developed in different economic circumstances (Holda, Micherda, 2007). Models of financial risk assessment developed in one country cannot be applied to another country due to differences in (Prusak, 2005):

- economies of specific countries,
- applicable accounting standards,
- access to information.

Similarly to other countries, in Poland there are models based on discriminant function which are useful to assess solvency as well as bankruptcy risk. One of the first Polish models was developed by E. Maczynska (Maczynska, 1994). Currently, there are more than 15 models used in Poland which have been developed by different authors.

To assess financial risks of Polish companies, ratio analysis is applied, and one of the first Polish studies in that respect was conducted by D. Wedzki in 1997 (Wędzki 1997).

What is more, the assessment of company's bankruptcy risk is a process, the objective of which is to determine a probability of such an event in the future on the basis of historical and prospective data (Dorozik, 2006). The primary source of such data is a financial statement.

The principles of preparing general purpose financial statements in Poland are stipulated in the Polish Accounting Act of 29 September 1994, with further amendments (*The Accounting Act of 29 September 199)*. It should be indicated, however, that since 2005 capital groups listed on the Warsaw Stock Exchange must prepare their financial statements in accordance with IAS/IFRS (IFRS, 2014*)*, which is related to the implementation of Regulation (EC) No 1606/2002 of the European Parliament and of the Council on the application of international accounting standards to the domestic regulations. A comparison of domestic and international legal regulations for reporting shows that the structure of financial statements as well as the scope of data and revaluation method are not identical and thus provide information of different quality. Nevertheless, financial statements prepared in accordance with both the Accounting Act and IAS/IFRS constitute the primary source of information used for financial analysis and bankruptcy risk assessment.

The aim of this article is to present the results of an empirical study on the use of financial analysis and bankruptcy risk identification models by the largest companies in Poland. It should be noted that the study conducted by the authors is the first study of this sort carried out in Poland.

2. Description and methodology of the study

The largest companies in Poland were invited to participate in the study, and the sampling was purposive, not random. There were 120 entities participating in the study, eighty of which were the companies listed on the Warsaw Stock Exchange which composed two major indices, i.e. WIG-30[1] and WIG-50[2]. The remaining 40 companies were selected from a list of the largest Polish companies indicated in a summary list entitled *Lista 500*, prepared by the Polish weekly magazine *Polityka* in 2014. The first 40 companies listed in the summary which were not stock-listed were selected for the study.

The study was conducted from 10 May 2014 to 20 June 2014 by means of a mail survey. The survey questionnaire which was prepared and then sent out to the respondents consisted of two parts:

- the first part, the so called particulars, included first eight questions regarding basic information on respondents, such as type of business activity, employment rate or capital structure;
- the second part included next nine questions on financial analysis and methods of bankruptcy risk assessment as well as their application by the studied entities.

Questions in the questionnaire were closed-ended and open-ended. Some of them required only *yes* or *no* answer; however, in most cases respondents were asked to select one answer or more from those available. If applicable and justified, respondents could express their own opinions. Statistical methods, especially structure ratio, were applied for the analysis of result.

3. Description of sample

Survey questionnaires were sent to 120 selected companies, thirty four of which returned completed questionnaires, which constituted the response rate of 27,5%. Seven questionnaires (20,6%) were received from companies from WIG-30 index, fifteen (44,1%) from companies from WIG-50 index, and twelve (35,3%) from non-public companies listed in the summary of the largest Polish companies, *Lista 500*.

The decisive majority of the companies which returned completed questionnaires were capital groups (67,6%) which prepare consolidated financial statements (67,6%) and which are listed on the stock exchange (64,7%). There was also an insignificant dominance of companies with solely Polish capital (58,8%), employing over 250 people (55,9%) and

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[1] WIG-30 – index of thirty largest companies on the Warsaw Stock Exchange. The constituents are selected based on two criteria: capitalization and turnover.

[2] WIG-50 – index of further fifty largest companies on the Warsaw Stock Exchange, following the 30 companies composing WIG-30.

conducting production (52,9%) or (50,0%) trading activities. Questions were mainly answered by chief accountants or financial directors. Specific characteristics of companies participating in the study are presented in Table 1.

Table 1. Description of the sample

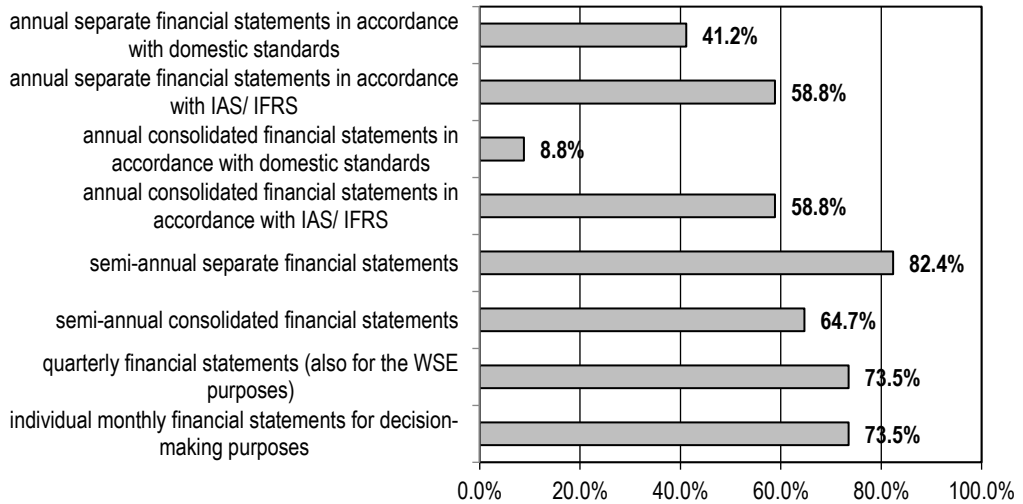| Characteristic		N	%	Characteristic		N	%
Activity*	Production	18	52,94	Stock exchange	Listed	22	64,71
	Trade	14	41,18		not listed	12	35,29
	Services	17	50,00	Capital	solely Polish	14	41,18
Capital group	yes	23	67,65		with foreign capital	20	58,82
	no	11	32,35	Employment	up to 250 people	15	44,12
Financial statements	Separate	23	67,65		more than 250 people	19	55,88
	Consolidated	11	32,35	Sales revenue	up to 250 million PLN	14	41,18
* more than one answer possible					more than 250 million PLN	20	58,82

Source: author's compilation based on survey results

While describing the sample, it should be underlined that only some entities which returned completed questionnaires prepare their financial statements in accordance with international standards (IAS/ IFRS). It is 86,4% of stock-listed companies and 8,3% of the remaining companies, among which capital group entities are dominant. As for the stock-listed companies, it should be mentioned that they have a long-standing experience in applying international regulations to prepare their financial statements. On average, the period of eight or nine years was indicated, which is directly related to the 2005 introduction of obligation to prepare financial statements of companies listed on the WSE in accordance with IAS/ IFRS. Regarding other entities, the period of applying international regulations is much shorter – most often those companies have prepared their financial statements in accordance with international regulations for two or three years.

4. Study results

The study started with determining what kinds of financial statements the analysed companies prepared. It was possible to choose an answer from several options including the type of financial statements (separate and consolidated), preparation standards (domestic and international) and frequency (annual, semi-annual, and quarterly). The results are presented in Chart 1.

Chart 1. Financial statements prepared by the analysed companies

Chart 1.

| Category	Percentage
annual separate financial statements in accordance with domestic standards	41.2%
annual separate financial statements in accordance with IAS/ IFRS	58.8%
annual consolidated financial statements in accordance with domestic standards	8.8%
annual consolidated financial statements in accordance with IAS/ IFRS	58.8%
semi-annual separate financial statements	82.4%
semi-annual consolidated financial statements	64.7%
quarterly financial statements (also for the WSE purposes)	73.5%
individual monthly financial statements for decision-making purposes	73.5%

Source: author's compilation based on survey results

All analysed entities confirmed that they prepared separate statements, and 60% of the entities indicated that they prepared statements in accordance with IAS/ IRFS. All capital groups (67,6%) confirmed that they prepared consolidated statements. What is more, seventy-five per cent of the entities indicated that they also prepared semi-annual and quarterly statements as well as individual monthly statements for decision-making purposes. It is worth mentioning that semi-annual and quarterly statements were prepared by all companies listed on the WSE, which results from disclosure requirements.

Further questions regarded the application of financial analysis of financial statements to assess economic position of company. The first one was to provide information whether a company applied such an analysis, and if so, whether it was applied only to assess the financial position of their own entity or to assess other entities such as competition or business partners. The results are presented in Chart 2.

Chart 2. Application of financial analysis for economic assessment

| Category	Percentage
own entity	91.2%
business partners	64.7%
competition	44.1%
not applied	8.8%
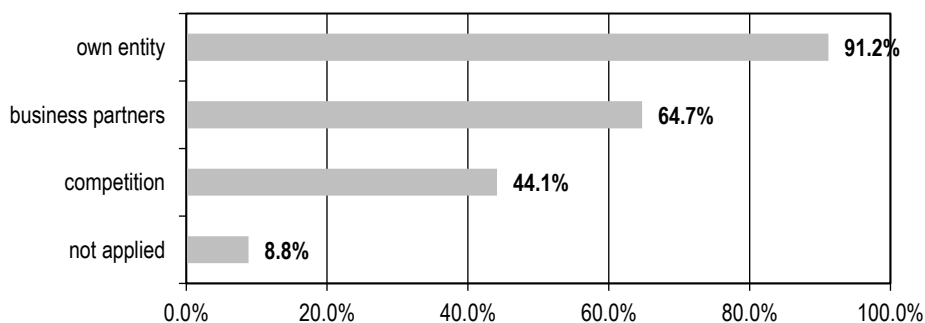
Source: author's compilation based on survey results.

The application of financial analysis of financial statements was confirmed by 91% of the respondents. They were all companies listed on the WSE and 75% of the remaining entities. All companies applied financial analysis to assess their

financial position, almost two-thirds used it to assess economic position of their business partners as well, and more than half to assess competition. A deeper analysis of the results showed that the percentage rate of the application of financial analysis to assess business partners and competition was higher for the companies listed on the WSE. The rate was 81,8% in the case of business partners and 54,5% in the case of competition. For non-public companies the rates were 33,3% and 25%, respectively. Similarly, a higher percentage rate of answers was received in the case of capital groups. The assessment of economic position of business partners was conducted by 73,9% of them and 36,4% of the remaining entities. In the case of competition assessment, the rate was 52,2% and 27,3%, respectively.

Next, the companies which applied financial analysis were requested to indicate which groups of ratios they most often used to assess financial position of entities conducting business activity. The results are presented in Chart 3.

Chart 3 Groups of financial ratios used by the analysed entities
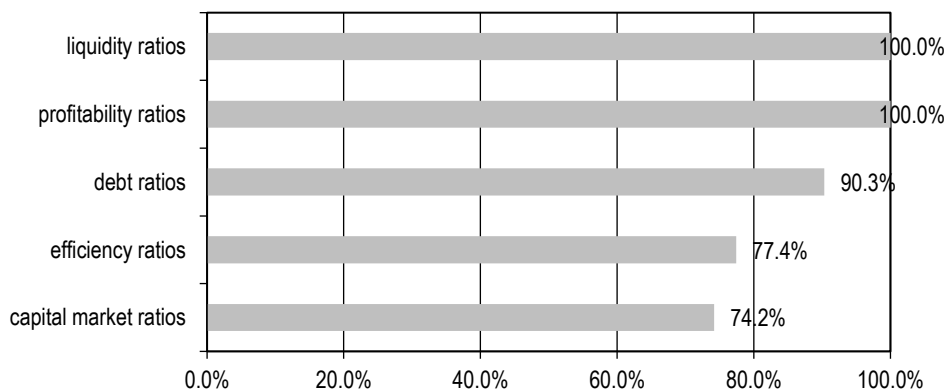
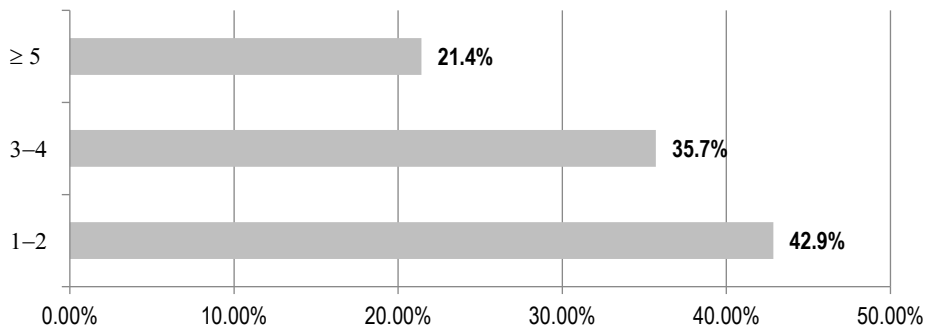Source: author's compilation based on survey results

All analysed entities confirmed that they applied liquidity and profitability ratios while 90% confirmed the use of debt ratios. It is worth mentioning that in the case of the first four ratio groups the results did not differ for public and private companies, capital groups and separate entities, companies with solely Polish capital and those with foreign capital when analysed separately. The only difference appeared in the case of capital market ratios which were applied by all stock-listed companies and only by 11% of the remaining entities. A similar difference was noted in the case of capital groups (82,6%) and separate companies (12,5%), which directly results from the fact that most of the capital groups participating in the study are listed on the Warsaw Stock Exchange.

The respondents were also asked about the application of computer software for financial analysis. An affirmative answer was given by 93,5% of the respondents. Computer software was used by 95% companies listed on the WSE and by 89,9% of the remaining entities. Moreover, financial analysis was performed by 38,7% of the respondents, using possibilities of their own financial and accounting software (e.g. modules purchased for financial analysis or tools integrated with ERP software) while the remaining 61,3% performed financial analysis using spreadsheets. It is worth mentioning that in the case of companies with foreign capital (47,3%) the percentage rate of the application of their own financial and accounting software for financial analysis purposes was slightly higher than in the case of companies with solely Polish capital (25%).

Further questions were related to the use of models of bankruptcy risk assessment developed on the basis of financial ratios. The aim of the first question was to indicate whether such models had been applied. Only 41% of the respondents gave an affirmative answer, from which 57,1% were stock-listed companies and 42,9% the remaining companies. The models were also applied by 57,1% of the capital groups which prepared consolidated financial statements.

The next question was to show whether in order to identify bankruptcy risks the respondents used one model or more and to determine which Polish bankruptcy risk models reviewed in the literature were most frequently applied. The results are presented in Chart 4 and Table 2.

Chart 4. Number of bankruptcy risk assessment models used by a single entity

Source: author's compilation based on survey results

Table 2. Models of bankruptcy risk identification used by the respondents

| Model	% of indications	Model	% of indications
M. Pogodzinska and S. Sojak	57,14%	M. Hamrol, B. Czajka and M. Piechocki	14,29%
E. Maczynska	35,71%	P. Stepien and D. Strak	14,29%
A. Holda	35,71%	A. Pogorzelski	7,14%
D. Wierzba	35,71%	J. Janek and M. Zuchowski	7,14%
S. Sojak and S. Sawicki	35,71%	B. Prusak	7,14%
J. Gajdka and D. Stos	21,43%	D. Apprenzeller and K. Szarzec	0,00%
M. Maczynska and M. Zawadzki	21,43%	Other	21,43%

Source: author's compilation based on survey results

In order to assess bankruptcy risk the studied entities usually use one model or two. It was confirmed by almost 43% of the respondents. The use of at least five models was confirmed by 20% of them. A detailed analysis of the results showed that entities constituting capital groups and stock-listed companies used a smaller number of models. This might be related to a better economic position of those entities.

Regarding the type of a model, the analysis of the results showed that only one – Pogodzinska and Sojak's model – was most popular, and more than half of the respondents confirmed that they used it. One-third of the respondents applied Maczynska's, Holda's, Wierzba's and Sojak and Sawicki's models. The percentage rate of application of another model is worth attention, in which case all the respondents indicated that they used Altman's model.

Finally, respondents using bankruptcy risk identification models were asked whether such models could be applied by companies which prepared their financial statements in accordance with IAS/ IFRS. The results are presented in Chart 5.

Chart 5. Application of financial statements prepared in accordance with IAS/ IFRS to assess bankruptcy risk

71.4%

14.3%

14.3%

□ yes   ■ no   ■ I don't know
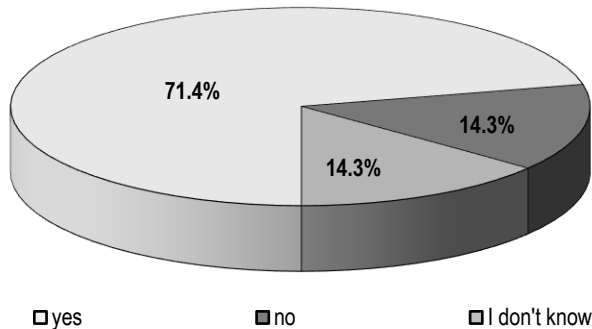
Source: author's compilation based on survey results

Almost 75% of the respondents gave an affirmative answer, with 90% of them being capital groups which prepared financial statements in accordance with IAS/ IFRS. Nevertheless, the respondents indicated that financial statements prepared in accordance with international regulations required adjustments and grouping, so that information included there could be used to assess company's bankruptcy risk. It mainly regards items included in the statement of financial position and statement of comprehensive income.

The respondents were also asked whether models applied to measure individual items presented in the financial statements influenced the results of models assessing bankruptcy risk. The respondents were of one mind and gave an affirmative answer.

5. Summary and conclusions

Based on the survey study on the application of financial analysis and models of bankruptcy risk assessment conducted among the largest Polish companies, the following conclusions may be drawn:

- all entities perform financial analysis of their own economic position, almost two-thirds assess the economic position of their business partners and nearly half also assess their competition;
- entities use computer software to perform financial analysis. Nevertheless, they usually use separate spreadsheets rather than software integrated with the currently used financial and accounting software;
- merely 41% of the entities use models of bankruptcy risk identification to assess their financial position; usually companies listed on the WSE and capital groups use such models;
- almost half of the respondents use one model or two models described in the Polish literature to assess bankruptcy risk; most often it is Pogodzinska and Sojak's model;
- the respondents believe that information included in financial statements prepared in accordance with international standards can be applied to the Polish models of bankruptcy risk assessments provided that specific adjustments and revaluations are introduced to those statements;
- applied measurement methods influence the results received from models of bankruptcy risk assessment.

The assessment of financial position, and most significantly the assessment of risks to business activity are highly important, and therefore Polish companies use all tools and methods theoretically available. The use of financial analysis

and models of bankruptcy risk assessment allows making reasonable decisions and limiting the level of risk. Nevertheless, results of performed analyses will always be distorted because of:

- changes in legal regulations, including amendments to the Accounting Act and international standards;
- lack of possibility to compare results of analyses over time due to a lack of unified accounting standards among business partners;
- change of measurement method, including introduction of goodwill as measurement method.

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The Copyright in Albania and its Legal Protection under National Law

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Abstract

*It is a fact that the entire history of existence and development of human society has been founded on products of intellectual creativity of the human mind, which have been used to solve different problems of the time.We all have witnessed how the human imagination in the world has made possible the development in the field of science, technology and especially in Arts. Scientific innovations and the artistic activities, such as the music, painting or literature are created by individuals who have the ability to see and to express things in new and innovative ways.Intellectual property is a legal term that refers to the special protection, reserved by the law to the product shaped by human ideas, such as scientific and technological inventions or the artistic works. First of all, the intellectual property is considered a non-material asset that can be sold, bought, exchanged, licensed, etc., as well as any other property. On the other hand, it is considered as a personal exclusive right of the owner. Under intellectual property laws, the owner of intellectual property is granted the right to stop any infringement, unauthorized intervention or activities in relation to his property. One of the most important intellectual property rights is the **copyright**, which is the object of study of this article. The Copyright and the related intellectual rights, specially provided by the domestic normative framework, constitute relatively new legal institutes to Albanian reality. The Copyright in Albania presents special features because on the one hand it's facing a normative regulation which aspires to get closer to international standards, but in practice it's facing a insufficient and ineffective protection by the competent state authorities.*

Keywords:copyright, intellectual property, author' rights, Albania.

INTRODUCTION

DEVELOPMENT OF COPYRIGHT, THE REALITY IN ALBANIA

If we look back to see where we have achieved and what approach we have described in the field of copyright, we will see that creativity in the fields of literature, music, fine arts and others were born much earlier than the right and legislation is created and adopted to adjust its defense. Copyright is a relatively new legal institute compared with known and regulated institutes since Roman law. Copyright is not recognized by the Roman law as a right to issue property profits[1].

Only after the discovery of the press in the Middle Ages, when the intellectual works began to materialize and distribute for the first time, was born the idea of extracting material benefits, because in this period began to become evident even the income that arose in the publishing field, mainly of books and texts. Characteristic of this period was that the income derived from a work was not given to the authors or creators of these works, but publishers, librarians and owners of printing company. In the late eighteenth century, the authors became conscious regarding their property rights as a result of the combination of authorship with commercialization and for the first time copyright was recognized and regulated by law, in particular the right of authors and creators to attract material benefits from their creations. The development of modern

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[1]A.Mandro, "E drejta romake", Shtëpia botuese Afërdita, Tiranë, 1998, p.139.

legislation on copyright was supported by legal efforts which were conditioned by commercial interests to take control of the publishing industry monopoly and the right manufacturing.

In England in 1710, came into force Statute of Anne[1], which intended to restrict the prior rights of publishers in a number of years. This statute is one of the first full acts that gave the modern appearance to the legislation on copyright in the countries which practice the Common Law, but also in international practice in general. *So copyright as entirely personal non-property and property rights is designed at least in 1710 with judicial practices and laws aimed to create monopoly protection of copyright.* Nowadays, the legal regulation of copyright is not only an aspect of domestic law of each state, but it has taken international dimensions, becoming the object of normative regulation by international agreements between participating States in these treaties. Also in the framework of European Union law, copyright and rights related to it, has become part of its normative regulation, binding it to the Member States' legislation. In this context, Europe Union countries and those that are in the process of being part of the European family have carried as a liability or are in the process of implementation, the adaptation of national legal standards with the European Union in terms of copyright.

Legislation for the protection of copyright is the branch of a wider embodiment laws called Intellectual Property. The term **intellectual property** refers to commonly creations of the human mind. Intellectual property protects the interests of creators by giving them the right of ownership over their creations[2]. In the world, intellectual product as "the object that causes report copyright", is known later, by being compared with the recognition and regulation of other institutions of civil law. Despite the idea for "pecuniary benefit from the works of intellectual creativity" was born in the Middle Ages, only the late 18th century[3], for the first time, the copyright of its concrete benefits in terms of wealth, was recognized and remedied especially by law[4].

The copyright is protected by international law for over 200 years. It provides the economic basis for the creation and distribution of musical, literary and artistic works, movies, computer programs and other forms of creative expression. Copyright protects human artistic integrity and culture. Nowadays, the legal regulation of copyright is not only an aspect of domestic law of each state, but it has taken international dimensions, thus becoming subject to regulation by the normative international agreement between states participating in these treaties[5].

The Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by the Republic of Albania[6], Article 1 of the Additional Protocol, provides that *every natural person or legal person is entitled to the peaceful enjoyment of his possessions*. The European Court of Human Rights, in its judicial practice, protects the copyright as a fundamental right, stating that the term "assets" includes intellectual products as literary and artistic works, trademarks, licenses etc[7]. In this context, even the Constitution of the Republic of Albania attaches a special importance to copyright, as it establishes **the freedom of creativity** as one of the constitutional rights and guarantees the protection of **copyright**[8]. This means that every person who is the subject of an establishment in any of the forms considered as *intellectual work*, not only has the right to freely exercise his creative, intellectual or artistic ability, but also to protect this right from any violation by other persons, making it either in the form of a copy, improper use, unauthorized reproduction etc[9].

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[1]Arthur. R. Muller, Michael H. Davis, "Intellectual Property", 1991,West Publishing Company, P.O. BOX, 64526, p.280.

[2]Suela Zenelaj, "E drejta e autorit ne Bashkimin Europian". http://www.academia.edu/4037273/EdrejtaeAutoritnë BE.

[3]M.Semini-Tutulani, "E Drejta e Detyrimeve dhe e Kontratave (Pjesa e Posaçme)", Tiranë, 2006, p.192-193.

[4]*Statute of Anne*of 1710 in Great Britain, which used to regulate the property aspect of copyright obtained from booksellers.

[5]Berne Convention "On Protection of Literary and Artistic Works," the TRIPS Agreement "On various performances of intellectual property rights related to trade" (1995), the Rome Convention for the Protection of Performers, Producers of Phonograms and Organizations broadcast (1961), the Universal Convention on Copyright, the Treaty of the World Intellectual Property Organization (WIPO, 1970), etc.

[6]Law No.8137 dated 31.07.1996 "On the ratification of the European Convention for the protection of human rights and fundamental freedoms"; added to the law No.8641, dated 13.07.2000 (additional protocol); added to the law No.9264, dated 29.7.2004 (additional protocol); Changed the law No.9453, dated 15.12.2005 (additional protocol).

[7]See: Human Right Court decision dated October 4, 1990, No.12633 / 87, Smith Kline and French Lab. v. Netherlands; Decision dated 11 January 2007, No.73049 / 01, Anheuser-Busch v. Portugal;

[8]Article 58 of the Constitution of the Republic of Albania: "1. Freedom of artistic creation and scientific research, placing in use, as well as profit from their results are guaranteed for everyone. 2. Copyright is protected by law".

[9] Prof.Asoc.Dr.Mariana Tutulani, Mariana Dedi, "Pronësia Intelektuale", Tiranë, 2005, p.56.

I. DEVELOPMENT PHASES OF COPYRIGHT IN ALBANIA.

Historical development of the copyrights in Albania was followed in several main stages through which have passed the development of the state and law. These stages are:

1. The first stage - the regulation of copyright by the Civil Code of 1929, which is also one of the most comprehensive legal acts in this field. This Code, which referred to the contemporary western legislations, predicted copyright as one of the objects of the right of ownership. This right is sanctioned as copyright for inventors too over their works and inventions. The object of these rights was called intangible items.

2. The second stage - the regulation of copyright from 1955 to 1981. Article 58 of the General Part of the Civil Code approved by a special law[1] sanctioned the protection of copyright as one of personal non-property rights[2].

3. The third phase - the regulation of copyright after the collapse of the communist system and the establishment of political pluralism (after the year 1990 onwards)[3]. The Civil Code of 1981, spread its legal effects until 1992, with the approval of the law No.7564, dated 05.19.1992 "On copyright", constantly changing with other laws and completed with bylaws. During this phase, the Constitution of the Republic of Albania was approved, which establishes the freedom of creativity and ensures its protection[4] as one of the constitutional rights. The entry into force of the Criminal Code belongs to this period, which in the treatment of Articles 148 and 149, considers criminal offense *publishing the work of others under his own name,* and *non-authorized reproduction of other people's work*[5].The 1992 law "On copyright" introduced new concepts and wider protection in this as delicate as important area.

4. The fourth stage - a very important moment for normative regulation of copyright marks the adoption of the *lex specialis* - the Law No.9380 dated 28.04.2005 "On copyright and other rights related to it", as amended. With the entry into force of this law and bylaws in its implementation, we may say that Albania has a more complete legal framework and somewhat similar to that of European countries in the field of copyright.

By focusing in several directions, it is noted that the law is more specific and brings the introduction of new elements. Thus, for the first time in law it is applicable the notion of *contract*, meaning "publishing contract" and "contract for musical and theatrical performances". By publishing contract[6], the author passes to the publishers, towards a fee, the right of production, reproduction and distribution of work. While in the contract for musical and theatrical performances[7], the holder of copyright or organizer of the show, carries over the right to perform in public the literary, dramatic, dramatic-musical, choreographic or pantomimes work. For the contracts to fulfill their effects, they are required to register with the relevant authorities, which in the new law would be called "Albanian Office of Copyright" (AOC)[8]. Only after registration and certification at this office, the contracts are valid.

Another provision that is the subject of numerous debates following the adoption of the new law, is the forecast to Article 51 paragraph 3 of Law where is sanctioned that: *Any agreement for the transfer of property rights in the exclusive form is filed, registered and certified in the Albanian Office to Copyright*. Similarly, an innovation of the new law is the forecast in

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[1]Law No.2022, dated 02.04.1955.

[2]More specifically, this article sanctioned the opportunity of the author to protect personal non-property and property rights if his name or nickname is affected by the copyright in general and others. The author may require the court's recognition of its right, the cessation of violation by other persons, or the restoration of copyright in his favor. If he had caused damage was entitled to seek the cause of the damage. Personal non-property rights were protected after the death of the author or their holders.

[3] Prof.Asoc.Dr.Mariana Tutulani, Mariana Dedi, "Pronësia Intelektuale", Tiranë, 2005, p.54

[4]Referring to Article 58 of the Constitution which deals with constitutional recognition of the right to create and to be the author of a work.

[5]Article 148 of the Penal Code provides that "The publication or use of totally or partially with its name of a literary, musical, artistic or scientific work that belongs to another, constitutes a criminal offense and is punishable by fine or imprisonment up to two years ". Article 149 of the Penal Code provides that: "Reproduction in whole or in part of literary, musical, artistic or scientific work that belongs to another, or use them without the author's consent, when their personal and property rights thereof, constitutes punishable by a fine or imprisonment up to two years".

[6]Law "On copyright and related rights", Article 38.

[7] Ibid, Article 49

[8]Ibid, Article 117.

Articles 95 and 96 of the concept of *database*, listing the author's exclusive rights in a database. In 1992 the law had no such treatment. For the first time it is treated by the law and broadcasting of satellite programs (satellite broadcasting), thus the authors find for the first time protection for these broadcasts[1].

The new law regulates the right of appeal against the violation of the exercise of the right of public performance of the work[2]. So any person who holds the right to exercise public performance of a work, has the right to ask the prefect of the district to prohibit any public performances, for which there are no documentary evidence proving the registration and certification by the Albanian Office Privacy Rights (Article 119/1). So the right-holder makes first complaint to the prefect that in this case constitutes the first link of appeal. After this, the prefect addresses for competences to the AOC confirming whether or not the claim of the party. After receiving an answer from AOC, the perfect allows or prevents the performance of the work. The decision is final and can be appealed to the judicial authorities.

II. TREATMENT OF THE CONSTITUENTS ELEMENTS OF COPYRIGHT, UNDER ALBANIAN LAW.

II.1. Circle of works entitled to protection as objects of copyright.

Intellectual property is traditionally divided into two main categories: *copyright* and *industrial property*. Industrial property itself is a broad category that includes several other sub-categories which vary from one country to another. In our country the integral sub-categories of the Industrial Property are: *inventions and utility models, trademarks, industrial designs and appellations of origin.*

The object of copyright is *the work*, which by copyright law is defined as: "*Work is any original and intellectual materialized creation, which aims to have effects on human senses by taking a particular physical shape, despite the forms of expression*". By this definition there are a few elements of being a work, as follows:

1. The work should be a creation that is characterized by **originality**, the totality of elements that make it distinct and evidentiary from any other creation or work done up to that point, regardless of whether it is original or derivative.

2. The work is an **intellectual creation**, which means it itself carries a minimum of creative value. This means, that the work is not only related with the entities which represent the intellectuals' category, but can be prepared by anyone with any level of education and schooling.

3. The work should be in **materialized form**, in order to cause effects mainly on visual and auditory senses of the public.

4. The work should be not only in the material form, but also in a **physical form** as well, regardless of the form of expression. A creation that is not embedded in a physical or material handler, regardless of the form, appearance or function, it is not a work and does not enjoy such protection as such[3].

All of the above conditions or elements of the work must exist together cumulatively. The absence of even one of them makes the creation not being a work.

Copyright protects literary, artistic, journalistic and other works, which include: a) any original intellectual creation of this nature, regardless of its form of expression; b) any creation developed in the form of a work or a collection[4].

With **original work** we understand a creation which has not existed before, or even if it has existed before, it is presented in a new form with new elements that make it distinct from the previous establishment. Regarding the original works that are included in the objective of the copyright, the law "On copyright" sanctions the circle of works entitled its protection, presenting a list of products in the field of literature, art or science, creative work of human mind etc[5].

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[1]Ibid, Article100:*"The public activity of broadcasting programs in radio or television, by satellite, in the Republic of Albania, based on the provisions of this law and other legal provisions in force".*

[2]Ibid, Article119.

[3] Prof.Asoc.Dr.Mariana Tutulani, "E Drejta e Autorit në Shqipëri", Tiranë, 2009, p.59-60.

[4] Ibid.

[5]In Article 7 of Law No. 9380, dated 28.04.2005 "On copyright", as works which enjoy the protection of the law are considered: a) Literary and journalistic writings; b) Lectures, speeches and other works expressed orally; c) Religious prayers and sermons, which materialized

Alongside original works, the law provides and protects **derivative works**[1]. Derivative work means any intellectual creation, which derives from an original work by fulfilling the condition: without violating it. Such works are those which rely on a previous creation, but bear in itself a creative work, have selective nature and disposition, which makes these works have the same legal status as the original ones and their authors enjoy all rights of the author of an original work[2]. The law makes sure to define the district products or works that are not subject to copyright and do not enjoy the protection of this law[3].

As mentioned above, to bear the copyright, whether for an original or derivative work, it is necessary that the production of intellectual work take concrete shape, to materialize in order to be perceived by others without the necessary publication of the work.

II.2. The subject of copyright.

The author is the person who creates the work, explained above and with this quality can be primarily **a natural person**[4]. Since work is the product of intellectual creativity, in the logic of the law, there is no age limit for having this quality, so the author can be any person with legal capacity, regardless of whether or not the capacity to operate. Not only this, but author may also be an adult person who is of age but by court is deprived or has limited capacity to act. In the quality of the author can be **two or more natural persons** (the case of co-authored[5]) especially in manufacturing audio-visual works (songs, movies).In these cases, each of the co-authors will be the author for his creative work. It is an accepted practice that in special cases, in the quality of the author may also be a **legal person** (for audio-visual works, the author is the cinematographic company).

We can say that whenever there is an author, there is an authorship. Authorship is the legal relationship established between the natural person who has made the creative work and materialize it in a form and a work itself which is the result of his creativity. The authorship occurs at the time of creating the work or at the time when finding out who is the author of the work, without the need for any legal action.

By making the connection between **the author** and **the owner** of the work, the law provides that the copyrighter is the first owner of personal property and non-property rights that are related to his work. If we refer to the Law "On copyright" we will see that the right of ownership of a work is entitled to its author or owner to determine the fate of the work, pass the right of ownership of the work to another person, to dispose it, to sell it, import it, to provide rental for it etc.

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in a holder that proves the existence of the work;d) Every other oral or written creation; e) Computer programs, entering the row of newer works protected by copyright; f) Scientific creations, written or oral, as scientific lectures, cycles of university lectures, studies, textbooks, scientific projects and documentation; g) Musical compositions, written or oral; h) Dramatic and dramatic-musical creations; i) Choreographic creations; j) Pantomime, dramatic compositions; k) Cinematographic creations; l) Other visual creations and audiovisual; m) Photographic creations; n) The creations of fine arts, which can be: Paintings, Sculptures, Drawings, Sketches, Engravings, Graphic work, Lithography; o) Works of applied art; p) Architectural creations; q) Three-dimensional creations; r) Maps and drawings in the field of topography, geography and science in general.

[1]In Article 8 of Law No.9380, dated 28.04.2005 "On copyright and other rights related to it", are listed the derivative works which include: 1) Translations; 2) Resetting or adjustments; 3) Illustrations; 4) Documentary creations; 5) Musical arrangements; 6) Any transformation of a literary, artistic or scientific, that is the product of creative work of the mind; 7) The summaries of works and contributions, which include: adjustments and disposition of creativity and folklore materials; 8) Database is a summary of independent works, information or other materials listed methodically and systematically which individually accessed by electronic or other means.

[2] Prof.Asoc.Dr.Mariana Tutulani-Semini "E drejta e autorit në Shqipëri", Tiranë, 2009, p.65-74.

[3]In Article 9 of Law No. 9380, dated 28.04.2005, provided kinds of works that are not subject to copyright, including: a) The ideas, theories, concepts, discoveries and inventions in a creative work, regardless of the way the making, explanation or expression; b) Official texts, legal nature, administrative, legislative, political and other relevant official translations; c) Official symbols of the state, organizations and public authorities, such as: arms, seal, flag, insignia, medallion, distinctive signs, medal; d) Means of payment; e) News and press information; f) Simple data and facts.

[4]Article 5, paragraph 1, Law No.9380, dated28.04.2005.

[5]Article 6 of Law No.9380, dated 28.04.2005, treats in this way the co-authorship meaning: *A joint workof a creative work of some authors in collaboration; Co-authorship by agreement between the parties or under the provisions of the Civil Code of the Republic of Albania; Copyright in a joint work which belongs to the authors, who agreed between them choose one of them as the main author, etc.*

The law provides that another special subject of copyright is also **the publisher of the work**. The publisher is the person who undertakes the publication of a work, making it available to the public the copies of the work, by the sale contract. The publisher connection with the author is made through a *contract of publication*, in which the author passes to the publisher, in exchange for a reward, the right of *reproduction* and *distribution* of the work. The publishing contract and the rights that have passed to the publishers are valid and effective only after registration and certification in Albanian Office for Copyright and end after the deadline for which was agreed in the contract or after all the published copies are completely delivered.

III. THE CONTENT OF THE COPYRIGHT AND ITS PROTECTION BY ALBANIAN LEGISLATION

III.1. The contents of the copyright, according to the Albanian legal framework.

The content of copyright includes two very large and important groups' rights, which are: (a) the personal non-property rights, otherwise referred to as moral rights and (b) property rights or otherwise referred to as the economic rights[1]. In article 12 to article 18 of the law on copyright there are listed all property rights with its character, where we can mention:

1. **The exclusive rightof exploitation** of his work in every **form** and **way**. The exclusive right means of personal right of copyright, excluding any other as its title. Use of the work means joy and its availability as well as the in material and non-material terms.
2. **The right of compensation** for each case and for each type of use of the work, authorized or not by himself.[2]
3. The right to import the work in order to distribute it to the public.[3]
4. The right to translate the work.[4]
5. The right to adjust, collate, transform the work.
6. The right of the display or the declaration of the work before the public eye[5].

7. The right to communicate the work to the public by broadcasting or retransmission.[6]

8. The right to broadcast the work to the public by cable or other means.[7]

The author of a work also enjoys the **personal non-property rights**. These rights are inextricably linked with the author when he was alive, but even after his death[8]. Only a part of their inheritance passes to the heirs of the author. And the right to the name, the appearance in public under a pseudonym, the co-authorship, is personal non-property rights that do not pass by inheritance. Personal non-property rights include:

1. The right to establish his name on the work or on any copy thereof;

2. The right to request that he is recognized as the author of a work;

3. The right to determine under whose name will his work be presented to the public;

4. The right to remain anonymous or to use a pseudonym.

5. The right to decide whether his work will be presented to the public, when will be presented, how will it be done, and the place where his / her work will be presented to the public for the first time;

6. The right to demand respect for the integrity of the work and to oppose any removal or change that affects his name and honor;

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[1] Prof.Asoc.Dr.Mariana Tutulani-Semini, "E drejta e Autorit në Shqipëri", Tiranë, 2009, p.122
[2] Law No.9380, dated 28.04.2005, article 5/a.
[3] Ibid, Article 5/b.
[4] Ibid, Article 5/c.
[5] Ibid, Article 5/d.
[6] Ibid, Article 5/dh.
[7] Ibid, Article 5/e.
[8] Prof.Asoc.Dr.Mariana Tutulani- Semini, "E drejta e autorit në Shqipëri", Tiranë 2009, p.129

7. The right to decide when the author draws work from publication or amend it, when the toggle part of the whole, when to share the work in parts, even when partially or totally destroys it.

The broadness of understanding and interpretation of non-property rights of the author has been the subject of many judicial practice issues. Thus, the international jurisprudence has widely addressed the issue of moral rights of the author in the civil case, judged by the Supreme Court of India, "A.N.S *vs.* the Indian Government". In this issue they were identified and found protection moral rights, related to a mural drawn which was then destroyed by the government[1]. Even Albanian case law recognizes issues that had on focus the protection and restoration of property and non-property (moral) rights of the author. Mention here is the civil case "J.D *vs.* the "International Organization for Migration (IOM)", with the object of restoring the copyright and economic damage compensation[2]; case "Arba Editions" ltd. *vs.* "Albtelecom" shareholders with the object of compensation of the property and non-property damage[3];case "Afërdita Shijaku"*vs.* National Cultural Centre for Children Tirana and the Ministry of Economy, Trade and Energy", with the object of cessation of violation of the copyright and material and moral compensation for the use of the property[4], etc.

III.2 Author and his protection by the Albanian legislation.

According to the Albanian law for copyright does not appear to require anything other than the fact of creating the work, to be called its author and to enjoy the protection of copyright. The first paragraph of Article 1 of the Law provides that "*This law protects works ... regardless of the form of expression ...*". Likewise, the second paragraph of this article reinforces this idea when it states "*The protection does not depend on the form or manner of expression ...*". Under Albanian law, the person who has created a work gains protection by copyright from the moment of its creation. It is not necessary for the work be fixed in a touchable tool, nor is it necessary to have a notice to whom the copyright belongs and when it has started.

It should be noted that in some countries it is not enough just the fact of creating the work to legally protect the author. But, except of creating the work it should be fixed into a touchable expression. This is the case e.g. in the US and in England. In fact, it is thought that the condition of fixing the work in a touchable tool is important because, otherwise how can we prove that the work has existed before, that the author is you, and that it later, for example, is copied? How can you complain to the court when you have no material proof, or a document or record of your work? This will make it difficult to alleged copyright protection, since the only defense would be that with witnesses.

In the US, until 1989 when the US signed the Berne Convention, should be respected even some formalities, such as in the placement of *a notice* that the work is protected by copyright ("Copyright", or the authors right belongs to this or that person). Meanwhile, Albanian law as the law of a Member State of the Berne Convention responds to obligations covered by this convention, by does not require any kind of formality to protect the underlying copyright. So the lack of such notification in work ("copyright" belongs to the author) does not prevent a person from the protection of copyright. Normally, the author of the work and, therefore, the holder of the copyright, is the one whose name, normally, appears in the work as its author.

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[1]The issue of talented sculptor, Amar Nath Sehgal who couturier a mural. The mural was uncovered partly of the wall and the remains were stored. This was considered a violation of the honor and reputation of the artist. Based on Article 6 of the Berne Convention, Indian law codifies the concept of moral rights to protect copyright, in order to distract from his economic rights, to claim ownership of the work and prevent any deformation or modification to the work which would prejudice his honor and reputation. It is important to note, that if murali was completely destroyed, there would be likely, that Sehgal had received the same compensation, especially because of the large space of time between the removal of the mural and trial.http://www.wipo_magazine/en/2007/article 000I.

[2] The decision of the College of High Civil Court No.1867, at the hearing on 26.11.2003 and 09.12.2003.

[3]The decision No.125, dated 07.02.2001 of the Court of Appeals in Tirana and decision No.2312, dated 07.13.1999 of the Tirana District Court accepted lawsuit filed by "Arba Editions" ltd. against "Albtelecom" shareholder with object of economic and non-economic compesation - the defendant has reproduced telephone cards that he sells them to the public, postcard images produced by the plaintiff, ie those works that according to him, the reproduction is prohibited.

[4] Decision of Tirana District Court dated 11.11.2011 (civil case No. 894 Act): Afërdita Shijaku against the National Cultural Centre for Children Tirana and the Ministry of Economy, Trade and Energy; The obligation of the respondent Ministry of Economy and Energy and the Children's Cultural Centre to pay the plaintiff the value of ALL 3.39 million for infringement of copyright of the work Skultural Group "Flowers of life".

Copyright, according to the violation made, can be protected in the following ways:

a. Protection in civil terms. For breach of copyright, unless an agreement is reached between the parties, interested persons can ask the court to resolve the dispute in a civil trial. To judge whether there is a violation of copyright the following elements must be proven:

1) It must be proved that the work is one of those, which are *protected by copyright*, provided by law;

2) It must identify the right that has been violated, which can be considered part of the content of copyright and;

3) It must be proved that the plaintiff is the holder of that right. If the plaintiff is the author, then it is simple, because the author is presumed to be the first holder of all economic rights of the author. If the plaintiff is not the author, but the person whose rights are transferred, the court should require the license or the contract of alienation and see if it is exactly the violation of that right, having passed the license, or contract alienation (sale, donation, etc.). To legitimize the establishment of the claim, the plaintiff must be the owner of that right that is allegedly infringed, or the holder of the exclusive license for that right. The holder of a non-exclusive license may come to the court as a third party.

4) It must be proved that the use of the right of the defendants is illegal. Illegal use constitutes performing any action, which forms part of the author's economic rights, without first obtaining his consent. However, there are some uses, which, although carried out without the prior consent of the author does not constitute a violation of his rights. These restrictions are called economic rights of the author, for example, when the use of the right is from those uses which are permitted to the public, or when the term of protection of the work has already expired, and the work is in public possession. These types of uses allowed, but not illegal, are well defined in law.

Civil process can also be used to compensate in money the moral damage (non-property) that may have occurred to the author, when his honor and personality has been affected.

b. Protection in administrative terms. The state, through special administrative bodies can be invested mainly for the implementation of the regulatory framework imposed on Copyright, administratively. This intervention is realized through control inspectors of the Tax Police, for the collection of the rewards and establishing sanctions against persons who illegally use copyright.

So far there have been three acts that enable this: The Law No.8826, dated 05.11.2001 "On some amendments to the law No.7564, dated 05.19.1992 "On copyright"; Decision of the Council of Ministers No.309, dated 13.06.2000 "On the tariffs to be paid by the users of artistic property"; and an Instruction of the Ministry of Finance in the implementation of the above law. These acts create a system, under which control inspectors of the Tax Police checkon the main artistic property users to see if they have entered into contracts with the author, or the author's society, if he has adhered such. If these users have contracts with copyright societies, then they have to pay those fees provided by the state. Pursuant to the Decision of the Council of Ministers No.309 / 2000, the Tax Police inspectors can impose penalties provided by the law against those entities that use the work of others without regard of the above contracts, or who do not pay bonuses provided from such contracts. Of course, against any penalty decision it is recognized the opportunity appeal in court. Moreover, the legal framework in force[1], provides the buildup of a special inspectorate, which operates in accordance with the law of inspection[2] and covers specifically the areas of copyright.

For the radios and televisions, in particular, it has become a public regulation of how they respect the copyright in the programs broadcast. Albanian legal framework for radio and television[3], requires these entities to submit to the National Council of Radio and Television (NCRT) documentation proving that they have the right to broadcast the programs. This might be a document that proves that the program is produced by them or for which they have the right to broadcast, if the program is produced by third parties. If radio and TV stations broadcast programs that have not produced by them and who do not have contracts sale, donation or exchange, the NCRT with its own initiative, or upon appeal to other operators may

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[1]Law No.9380, dated.28.4.2005, "On copyright", amended by Law No.78/2013, Article 131.
[2]Law No.10433, dated 16.06.2011, "On inspection of the Republic of Albania".
[3]Law No.9124, dated 29.07.2003 "On some amendments to Law No.8410, dated 30.09.1998"On the Radio and Public Television in the Republic of Albania".

impose fines of 200.000 up to 1 million ALL. It can also shorten the time of the license up to 50%, or may remove the offender's license.

A special role in the protection of copyright in the administrative aspect it is played by Albanian Office for Copyright (AOC), a main institution, with the public legal person status, according to Minister of Tourism, Culture, Youth and Sports, headquartered in Tirana. AOC shall exercise its activity in pursuant to the Constitution, in Albanian legislation on copyright, in other legal provisions and regulations in force, and as well as in other conventions and international agreements, to which Albania is a party. AOC has as object of activity the supervision and monitoring of respect for the rights of authors and other rights related with entities (natural/legal entities, private or public) which are users of literary, artistic or scientific property[1] . The law does not stipulate in detail the organization and functioning of this Office, but it predicts that "The status, the scope of activity, the internal organization ... as well as other issues related to the operation of the Office are approved by the Council of Ministers".

Regarding the comprehensive analysis on the current situation of legal order, in relation to copyright, we can say that the problem is evidenced in the effectiveness of normative acts (laws and regulations). Therefore, for the Albanian government come the task of finding legal means to achieve the purpose of the law in the field of legal regulation of copyright and its protection in the most dignified manner. Hence in the government's progress-report for the coming years, the planned activities for the advancement and enforcement of national strategy on Intellectual Property, are focused and organized in accordance with three main components:

- Harmonization of legislation.

- Strengthen of the institutional and administrative capacity

- Raising public awareness.[2]

c. Protection in penal terms. Copyright is protected through the penal process as well. Penal punishment for violation of the economic and moral rights of the author is provided by the Penal Code. Thus, Article 149 of the Penal Code, in the protection of the personal property of the author provides *a fine or imprisonment up to 2 years, for reproduction of the work that belongs to another or using it without the consent of the author.* Likewise, Article 148 of the Penal Code comes in defense of author's moral right (non-material) to be recognized as the author of his work when *predicts the punishment by fine or imprisonment up to 2 years for publishing or using its name under a work that belongs to another*. Penal sanctions for violations of copyright are provided even by the law of copyright itself[3].

CONCLUSION

In the international context, the intellectual property initially was known simply as a moral right and then gained the status of an economic right of the intellectual property owner. In our legal system, the institution of copyright is relatively late and found only when Albania established democratic system after 90s. The 1992 Law "On copyright" introduced new concepts and broader protection in this important area. So, we can conclude that national legislation in this field, seen in historical comparative national plan, has made significant progress.

Currently, the applicable law is that of 2005 "On the right of the author and other rights related to it", as amended, which is considered a good law but not with the proper standard of implementation that deserves a candidate country for the European Union. This law has a clear aim to guarantee the protection of these rights, which include the rights arising from a creative activity, trading, manufacturing or any other activity of assessment, exploitation, use or alienation of literary,

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[1]http://zshda.gov.al
[2]Information received from the Ministry of Integration, Directorate of Integration and Projects, 2012.
[3]Law No.9380, dated 28.4.2005, "On copyright", article 125, "Penal Sanction": "*If measures for seizure of vehicles, equipment or production facilities of this issue, it is decided as a result of performing an offense or an penal offense, the decision making body forwards the case to the prosecution authorities for the continuation of penal proceedings, in accordance with the provisions of the Criminal Procedure Code and other applicable provisions".*

artistic, scientific work within the territory of the Republic of Albania. This law for the first time mentions the publication and musical show contracts, as it establishes for the first time the competent state authority - Albanian Office for the Protection of Copyright - despite that this does not regulate in detail the organization and functioning of this entity.

As is evidenced even by other researchers, formal legal standard for copyright in Albania is completed, while the implementation in practice of the law in this field is far from international standards.

Some suggestions for a more dignified defense to copyright would be:

- The increase of the authority and of the capacity of the Albanian Office for the Protection of Copyright, in order to be able to make the final administrative decisions and applicable to offenses in this field. One might suggest the creation of regional centers of the office for effective coverage of the territory.
- The preparation and the implementation of public awareness campaigns on intellectual property issues. Promoting public debate about current issues concerning the protection of intellectual property, especially from the perspective of international law and international business. The involvement of the media in cooperation at this stage appears to be a concrete and useful step to be realized.
- The promotion of the activities of various interest groups (including NGOs, business associations, chambers of commerce, businessmen, scholars, etc.) involved in the protection of intellectual property rights, by means of the discussion, exhibitions, lectures, etc.

Public support is a fundamental element for the success of initiatives to protect copyright. In this context, it is necessary not only that the state should protect intellectual property rights, but also for the general public to understand the consequences of violations of these rights.

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NPLs — THE SOLUTION RECIPE FOR ALBANIA

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Abstract

The quality of the loan portfolio in Albanian banking system is facing many obstacles during the last decade. In this paper we look at possible determinants of assets quality. During the recent financial crisis commercial banks were confronted with deteriorating asset quality that threatened not only the banking industry, but also the stability of the entire financial system. This study aims to examine the correlation between non-performing loans and the macroeconomic determinants in Albania during the last decade. NPLs are considered to be of a high importance as they represent the high risk exposure of banking system. A solid bank with healthy assets increases the market efficiency. Our approach is based on a panel data regression analysis technique from 2005-2015. Within this methodology this study finds robust evidence on the existing relationship between lending interest rate, real GDP growth and NPLs. We expect to find a negative relationship between lending interest rate and asset quality. Further we assume an inverse relationship between GDP growth and non-performing loans, suggesting that NPLs decrease if the economy is growing. Furthermore this study proposes a solution platform, which looks deeper into the possibility of creating a secondary active market for troubled loans, restructuring the banking system or implementing the Podgorica model. This research paper opens a new lieu of discussion in terms of academic debates and decision-making policies.

Keywords: Non Performing Loans, Albania, lending interest rate, real GDP growth, bank restructuring, secondary market

Introduction

Non-performing loans are considered to be the one of the biggest obstacles within Albanian banking system and not only. They induct an issue of high interest from all financial stakeholders all over the world, especially after the global financial crisis of 2008. Considering recent studies about NPLs, it is visible that they have experienced a significant increase everywhere in the world, especially in Balkan Region. The deterioration in the loan quality was considered the main cause of financial crisis for development economies.

Despite all efforts done, it is obvious that NPL problem is still a big obstacle in terms of economic efficiency. Therefore, it is necessary to develop a solution platform, which can contribute in reducing the risk that derives from troubled assets. Many studies are done with respect to this problem, but most of them are constrained by only explaining the reasons that brought the system at this stage by examining the current situation. The inability to address NPLs to a solution is the biggest hurdle economies are facing nowadays. They are one of the main causes of economic stagnation. Therefore minimizing

troubled asset portfolio is a "must-do" in order to increase economic growth. According to Hou (2007) NPL are likely to hamper economic growth and reduce economic efficiency. This paper aims to analyze non-performing loans in Albanian banking system. The study gives a clear picture of the situation by not only discussing the main determinants that drive NPLs and giving a clear overview of the Albanian financial system, but also coming up with a solution package for dealing with troubled assets. This paper opens a new lieu of discussion in terms of academic debates and future studies related to banking industry.

The study is focused on two main determinants in explaining the NPLs behavior: real GDP growth and lending interest rate. On a macroeconomic perspective the study expects to come up with a negative relationship of lending interest rates and indicating that by increasing lending interest rates, nonperforming loans will decrease; in addition the same relationship direction stands for real GDP growth, stating that during the periods of economic expansion, the asset portfolio of the banking system is more healthy, making banking system more solid.

The paper continues as follows: In the following section the paper illustrates a summarized literature review about the importance of nonperforming loans in the banking system. The third section describes the methodology; the forth section exhibits the financial situation of Albania, followed by the quantitative analysis of the NPL and macroeconomic factors during the last ten years and the solution package strategy. The study ends with the conclusion section.

The NPLs importance for banking system

Non-performing loans have been in the spotlight during the recent financial crisis. This paper highlights the reasons that drive NPLs to an acute threat and also aims to come up with a solution package. According to Barr and Siems (1994) asset quality is the main reason of bank failure. Richard (2011) states that a rapid growth on non-performing loans in developing countries causes an increase in inflation, a significant decrease in economic growth and a severe depreciation of the domestic currency. Meka (2015) highlights that NPLs are of high importance for the top level management of the banking system, for the following reasons:

Firstly, they cause a decrease in banking profitability. Jassaud & Kang (2015) points that NPLs generate a "negative carry," as they do not produce cash interest revenues, yet require funding at market rates. On the other side, this fact keeps an increasing pressure on interest rates charged on standard and special mention loans, which must compensate losses coming from problem loans. Furthermore, Murgasova et .al (2015) affirms that elevated levels of NPLs can also pose a threat to financial stability.

Secondly, Meka (2015) highlights the continuous operational costs, which are mostly related to human resources and other financial, legal and administrative costs that banks have to face when dealing with NPL portfolio.

Thirdly, high cost of funding; banks facing high levels of non-performing loans have difficulties in attracting new funding opportunities, which imposes a high pressure for the shareholders of the banks.

Fourthly, higher risk premium coverage; an increase of the NPL portfolio consequently leads to an increase in provision fund, which creates a direct effect on shareholders profitability and return.

Fifthly, compromised future liquidity difficulties; NPLs occlude the investment fund and also hampers the relationship between the bank and its clients by not being able to fulfill their liquidity requirements thus putting the bank into liquidity troubles.

Lastly, according to Murgasova et.al (2015) a high stock of non-performing loans can restrain the economic activity of overextended borrowers, which leads to a discouragement of the efficient resource allocation towards productive consumers.
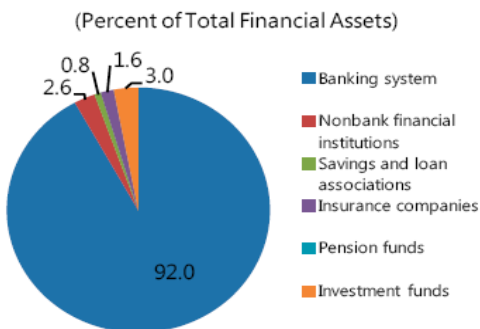
According to Adela and Iulia (2011) unresolved NPLs force economic activity of overextended borrowers and discourage resources from being allocated to productive uses. They emphasize that an increase of the NPL portfolio in Western Balkan Countries, will shrink the medium-term investments and economic growth. Further they add that high NPL levels constitute the biggest constrain in terms of credit supply in Balkan Region.

Referring to Murgasova et .al (2015), non-performing loans increased significantly mainly in those economies where the loan growth during the pre-crisis was strong and where the recession was deep. Albania manifests precisely the same inclination of rapid growth of NPLs and a sharp decrease of the economic growth, despite the fact that it did not fall off to a recession. Many studies about the relationship between troubled assets and macroeconomic indicators come up with different results in line with their economic cycle phase either their state of economy. Further this paper analyses the relationship of GDP growth and lending interest rate with non-performing loans.

Salas and Saurina (2002), Khemaj and Pasha (2009), Dash and Kabra (2010) have found negative relationship between troubled assets and real GDP growth. This studies lead to a clear indication that higher GDP growth entails higher level of income. Referring Guy and Lowe (2012) this increase of GDP growth (decrease of NPLs) improves the capacity of the borrower to pay its debt and reduces bad debt.

Interest rate is an important indicator in determining asset portfolio. According to Bofondi and Ropele (2011) there should be a strong correlation between interest rates and rise of NPLs. In addition Fofack (2005) states that economic growth and real interest rate are significant indicators in determining bad loans.Jimenez and Saurina (2006) find evidence that GDP growth, real interest rate and credit conditions are the main determinants in explaining the bad loan portfolio of the banks. Further they find a negative relationship between GDP growth and NPLs. Messai and Jouini (2013) came up with consistent results with the theory mentioned above about the relationship between troubled assets and real growth. This findings are consistent with Rajan and Dhal (2003), Fofack (2005), Jimenez and Saurina (2006), Khemraj and Pasha (2009), Dash and Kabra (2010), Espinoza and Prasad (2010), Greenidge and Grosvenor (2010). In terms of real interest rate Messai et.al (2013) obtained a positive relationship with NPLs, consistent with Fofack (2005), Jimenez and Saurina (2006),Khemraj and Pacha (2009), Dash and Kabra (2010).

**Financial Market in Albania**

The dominant part of the Albanian financial market is constituted by banks, indicating that more than 90 percent of the financial system is leaded by banking system. The financial health of this major part of the system is very important for the country. According to recent studies, the main threat for this predominant part of the financial system is attributed to non-performing loans. Therefore, this paper attempts to address the NPL issue. Even though Albania dialed relatively well with the recent financial crisis, the economy is still frail and continually dealing with economic troubles. Referring to International Monetary Fund report systematic risk in Albanian financial system has increased with the recently established investment funds.

Graph 1: Financial System in Albania

Source: IMF Report, 2014

The banking system has faced many problems related to troubled assets, which caused a significant deterioration of bank's balance sheets; this consequently caused a decline in profitability level.

The graph below shows the trend of the main categories of quarterly non-performing loans in Albania from 2005 until first quarter of 2015. In overall the graph shows a significant increase of the NPL, indicating a sovereign threat for the financial system.

As seen in the graph below, the NPL problem became more evident especially after 2008. Loss loans were mainly stable until 2008, but increased sharply right after in 2009 getting to its highest value in late 2014. This again affirms that financial system in Albania is dealing with serious troubled assets and decrease of profitability. This weakens the whole economy, making the country less able to deal with the possible financial shocks.

Graph 2: Non-performing loans in Albanian banking system.
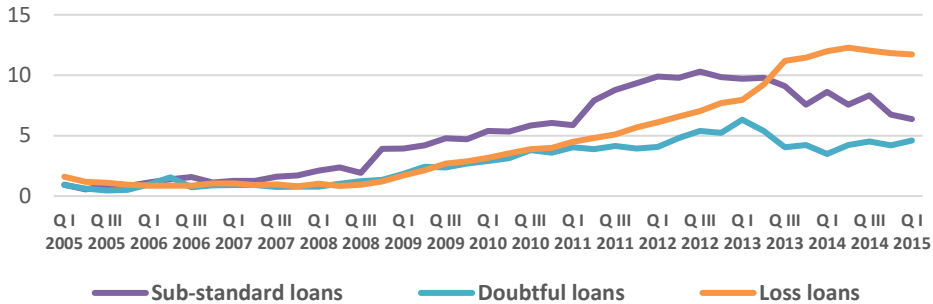
Source: Authors

Referring to the literature section above, one of the main indicators affecting troubled loan portfolio is real GDP growth. To have a better picture of the current situation, the trend line of troubled loans and GDP is displayed. As seen in the graph below a negative relationship is expected. During the 10 year period taken into analysis the GDP in overall has experienced a slight constant decline, while in opposition to this is the trend line of NPLs, which have experienced a sharp increase during the same period of time. The slope of the trend lines points out that the elasticity of NPLs with respect to GDP change is high.

Graph 2: Real GDP growth and NPL portfolio
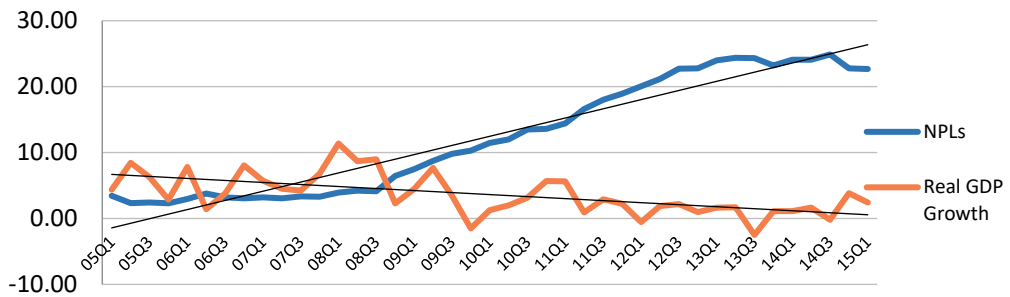
Source: Authors

During periods of economic contraction, savings shrink, therefore banks experience a significant decrease in deposits level. In this type of situations, banks tend to take higher risk in order to increase their loan portfolio and consequently increase their profits.

Data and Methodology

This study focuses on Albanian financial system, more specifically commercial banks. The time frame taken into consideration after the adjustments for missing data is 2005 until first quarter of 2015. The data on NPL and lending interest rate is generated from Bank of Albania, and data on real GDP growth from INSTAT. A detailed approach on data collection is shown in Table 1.

Outliers are considered as numerical values highly shifted from the rest of the data. They usually occur because of extreme events or measurement error. To identify them a scatter plot and kurtosis computation analysis is made. After computing the scatter plot, observations that were highly shifted from the rest of the data were identified and deleted (this is known as a trimming approach).

Table. 1: Variable Description

This table summarizes all variables used in this empirical analysis. Apart from variable description, abbreviation, expected relationship to the depended variable, literature review is also proved in forth column. These assumption on expected relationship are based on the literature review summarizes in the second section of the paper. The expected correlation based on the literature, is also shown in the fifth column.

Variable	Description	Literature	Corr	Abbr	Source
Non Performing Loans	*Non-performing loans refers to the troubled assets of the bank. It is measured as a percentage change on quarterly basis. Three main loan classifications are included in the NPL portfolio (Substandard loans, doubtful loans and loss loans). NPLs are considered as the dependent variable in this linear regression analysis.*	Hou (2007) Ropele (2011) Messai & Jouini Murgasova et .al (2015) Meka (2015)		NPL	Bank of Albania
Real GDP Growth	*Real GDP growth is an indicator for the state welfare, and is closely related to saving and consumption. This variable is also calculated on quarterly basis. Literature shows that countries with high NPL portfolio experience a sharp decrease in economic growth. Therefore it is considered to be very close to NPLs.*	Salas & Saurina (2002), Khemaj & Pasha (2009), Dash & Kabra (2010)	–	GDP	World Bank
Lending Interest Rate	*The indicator used for Interest Rate in terms of NPLs is lending interest rate in ALL currency. This is a clear cut indication whether an increase in lending interest rate will disfavor borrowing in an economy, hence reducing troubled asset portfolio.*	Rajan &Dhal (2003), Fofack (2005), Jimenez Saurina (2006), Khemraj Pasha (2009), Dash & Kabra (2010), Espinoza Prasad (2010), Greenidge & Grosvenor (2010).	–	LIR	Bank of Albania

The variables mentioned in Table 1, are compiled in a pooled equation. A multi-factorial linear regression analysis is computed taking NPLs as the explained variable and real GDP growth and interest rate as the explanatory variables. The study covers a 10 year time frame, where the financial crash is also included.

$$NPL = \ \beta_0 + \ \beta_1 real_{GDP} + \ \beta_2 Lending\ IR + \ \varepsilon \qquad \text{Where } \beta_i \text{ is the intercept} \qquad (1)$$

In the next section an empirical analysis is computed to have a better picture of the current situation of NPLs and its explanatory factors.

Empirical Findings

In this section empirical results and interpretations on the prominence of the research are provided. A descriptive statistics table is depicted to give a general idea on variables distribution and their correlation to dependent variables. Table 2 summarizes the descriptive statistics of the variables taken into consideration for this analysis.

The correlation matrix gives a better insight on the relationship between variables. The correlation coefficient measures the strength and direction of a linear relationship between two variables; the closer the coefficient to one, the higher the correlation between variables and vice versa.

From table 2 it can be said that there is a strong positive correlation between lending interest rate and non-performing loans. This correlation counts for approximately -87%, stating that variables are negatively correlated, which is in line with findings of Rajan and Dhal (2003), Fofack (2005), Jimenez and Saurina (2006), Khemraj and Pasha (2009), Dash and Kabra (2010), Espinoza and Prasad (2010), Greenidge and Grosvenor (2010). Almost the same scenario appears with real GDP growth, with a negative correlation counting for about 67%, indicating that these variables move in opposite directions and are moderately correlated.

In terms of distribution shape characteristics, kurtosis and skewness are also showed in the descriptive statistics table. Kurtosis checks for how small and sharp the central peak is relative to a standard bell curve. Standard normal distribution is called mesocurtic and equals a kurtosis value of 3.Non-performing loans are relatively sharp but still close to normal distribution, while the independent variables are not very close to normal distribution, regarding its fat tails.

Table 2

This table summarizes the descriptive statistics of the regression analysis. The sample includes 41 observations from Albanian financial industry. The variables for the multivariate regression analysis are generated mainly from Bank of Albania, World Bank and Institute of Statistics in Albania (INSTAT). Non-performing loans and l ending Interest rates are generated from Bank of Albania; real GDP growth is downloaded using INSTAT database. All the observations are on quarter basis. The correlation matrix gives a clear picture of the relationship and correlation strength of the variables. The closer the coefficient to 1 the stronger is the correlation and vice versa. The positive sign indicates that the variables move to the same direction (positively correlated) and a negative one indicates that the variables move in different directions (i.e if one increases the other decreases). This table is computed after outliers are deleted.

Descriptive Statistics

Variable		Non Performing Loans								Correlation matrix		
		Ob	Mean	Median	Std.Dev	Kurtos.	Skew.	Min	Max	(1)	(2)	(3)
(1)	NPL	41	12,46	11,46	8,623	-1,759	0,197	2,30	24,8	1.00		
(2)	GDP	41	3,62	2,926	3,089	-0,550	0,414	-2,50	11,3	-0.67	1.00	
(3)	LIR	41	12,07	12,88	1,837	-0,276	-0,565	7,87	14,5	-0.87	0.52	1.00

Table 3

This table indicates the multivariate regression model which stands in support of this article. The regression is run for non-performing loans and for real GDP growth and lending interest rate, which represent the dependent variables.

Variable	Coefficient	Std.Error	t-statistics	P value
Intercept	56,72***	4,108	13,420	0.0001
Real GDP Growth	-0,843**	0,221	-3,813	0,0021
Lending Interest Rate-ALL	-3,358***	0,372	-9,035	0.0001
Observations	41			
Adjusted R Square	0.82			
Standard Error	3.715			

Statistical Significance; coefficients: *significant at 10%; **significant at 5%; ***significant at 1%, two sides.

Skewness is an indicator of the asymmetry and deviation from normal distribution. The negative sign for skewness shows that the distribution of observations is left skewed, and vice versa.

Table 2 shows that skewness value for non performing loans vary within the range of [-0.5 to +0.5], closer to 0, meaning that the distribution is closely symmetric. Real GDP growth skewness indicator in between the range [-0.5 to +0.5] states that GDP observations are moderately skewed. While lending interest rates variation of skewness, indicates that interest rate distribution is moderately skewed (left skewed).

Table 3 displays the regression output. As shown in the table 3 real GDP growth is negatively related to non-performing loans. The result is statistically significant at a level 5%. The negative coefficient of 0.843 indicates that under ceteris paribus condition, an increase of 1 per cent in real GDP growth, leads to a decrease in almost 0,84 per cent in NPL. This is an indication that during positive economic cycles, troubled loan are not a threat. These findings are in line with Salas and Saurina (2002), Khemaj and Pasha (2009), Dash and Kabra (2010).
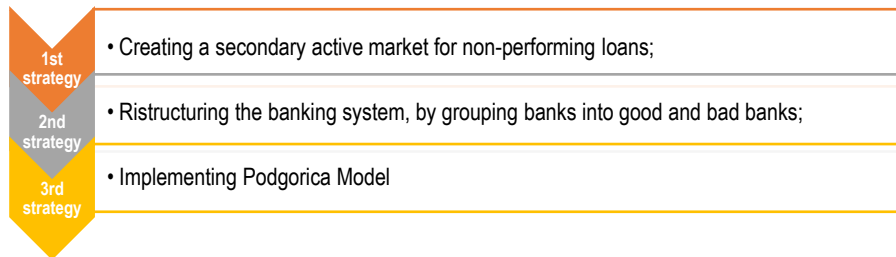
The same relationship stands for lending interest rate, which results to a statistically significant negative relationship with a magnitude of 3.358. This coefficient means that under ceteris paribus an increase in 1 per cent in lending interest rate for Albanian lek currency (ALL), leads to a decrease in almost 3.36 per cent in non-performing loans. This is a clear indication that an increase in the interest rate discriminates borrowers in the economic system. Therefore, borrowers with high credit risk will not have incentive to get loans from the banks.

The model displays an adjusted R-Square of 0.82, which reveals that 82 per cent of the variance is explained by the model. The impact of both in-depended variables, are considered statistically significant, according to the *p-values* and *t-statistics* values.

Solution Strategies

After analyzing the NPL situation in Albanian banking system, this paper comes out with the result that non-performing loans are a threat for the banking system. In the current situation where the Greek financial crisis is seriously affecting the stability for all East European Region and especially Albania— because of the expected decrease of the remittances of Albanian immigrants working in Greece—the stability of the financial system is a necessity. Therefore the system should be kept out of financial distress.NPLs are a "must deal with" issue. In this point of view this article suggests three main options as the strategy of dealing with NPLs.The diagram below summarizes the three solution strategies to be taken into account.

Table 4: Recommended Solution Recipes for NPL problem in Albania

1st strategy	• Creating a secondary active market for non-performing loans;
2nd strategy	• Ristructuring the banking system, by grouping banks into good and bad banks;
3rd strategy	• Implementing Podgorica Model

Source: Authors

First strategy is related to creating a secondary active market for troubled loans and developing the securitization process in Albania. This process would reduce the costs for managing this toxic asset portfolio. Banks would have the opportunity to trade the risky assets. Creating this market would significantly increase the market efficiency.

Second strategy of solving the NPL problem is a bank restructuring, which consists in dividing the banks in two main groups: good banks and bad banks. The last one specifically consists in creating a so called "bad bank" which will manage non-performing loans. This bad bank will bail out the financial system. According to Shehu and Kaci (2014) this strategy increases the credibility of good banks, and reduces the liquidity risk, which is the main cause of banking failure. Cavallo and Majnoni (2002) further find supportive empirical evidence and suggest policy implications regarding banking restructuring. This strategy should be accompanied with a private placed Guarantee Fund, which should monitor and control the process. In overall this restructuring of the troubled loan portfolio leads to a minimization of the credit risk and improves the NPL portfolio.

Third strategy is the Podgorica Model. As mentioned in the section above, the main determinants that drive NPLs are economic growth and lending interest rate; but looks like examining the main determinants is still not enough. Therefore another solution should be taken into account. According to Impavido et.al (2012), keeping economic growth at the optimal level is not the best alternative for Eastern Europe Region. Technically Podgorica Model is a multitask approach, which includes some stakeholder groups such as: banks, central bank, government and businesses in difficulties. Podgorica— according to Stijepovic (2014) — is based on several approaches.

The first approach is financial and operational restructuring of business on voluntary basis, as the basic issue for materializing this approach, which facilitates the NPL restructuring process.

The second is approving the *Lex Specialis*, as a multilateral agreement between government, central bank and commercial banks. According to Dakovic (2013), all these stakeholders should sacrifice. According to this approach government creates conditions for fiscal incentives (tax deduction and partial subsidization of the interest rate).

The third approach is compilation of a detailed plan for financial and operational restructuring; this NPL restructuring considers only the financial administration of the company, but also a reshape of business activity and its operational structure.

The forth approach is related to the restructuring process which is completely out of the court, as a pure intermediary process.

According to Dokovic (2013) this model creates positive impact in remodeling the economy in long term; it also decreases the risk of financial instability.Applying Podgorica Model in Albania will come up with a positive result not only regarding banking industry, but also the whole economy. Referring to Meka (2015), applying Podgorica approach for restructuring NPL portfolio will lead to the following issues.

- Commercial banks in Albania would cash in more funds and pay less provisions; on the other side this would lead to relieve lending process;
- The consumption demand would experience a significant increase which would positively impact Albanian economy;
- Businesses keep them self away from possible failures and still circulate in the economic system, generating incomes, employment possibilities, contributing in this way to a further improve in credit risk and increasing liquidity in the economy.
- Government would generate more income from tax, as long as the business climate will improve because of the decrease of credit risk;
- Central Bank can fulfill its long term financial objective, lowering in this way the liquidity risk.

According to Meka (2015), in substance, the "Podgorica" Approach is rooted on common grounds as the Bank of Albania actual platform for NPL resolution, but a better addressing of the issue of non-performing loans should aim at more ambitious objectives and ensuring positive effects for more and more stakeholders.

Conclusion

Financial market in Albania is still narrow and dominated by commercial banks at about 90 per cent. During the last decade non-performing loans has increased substantially, posing a threat to financial stability.

The study find significant statistical evidence for a negative relationship between lending interest rates and real GDP growth, ascertaining that real GDP growth and lending interest rates have a negative relationship respectively on loan misbehavior, indicating that in cases of economic expansion of Albania, the borrower ability to repay loans will increase; on the other side higher interest rates embed higher pressure on borrowers to deal with their periodic payments. These findings are in line with Rajan and Dhal (2003), Fofack (2005), Jimenez and Saurina (2006), Khemraj and Pasha (2009), Dash and Kabra (2010), Espinoza and Prasad (2010), Greenidge and Grosvenor (2010) etc.

The article proposes a triple solution "recipe". Creating a secondary market for troubled loans, restructuring the banking system by grouping banks into "good" and "bad" banks and implementing the non-traditional but effective Podgorica model—are the most convenient pathways to drive non-performing loans to a solution. To make the solution strategy work, a strict financial supervision is required.Combining these alternatives in time can also be a successful bailout strategy for Albania. We cannot find the "*one model fits all*", but we can take the best experience from the countries to deal with this issue.

To conclude, it should be emphasized that non-performing loans are not only constrain to banking industry, but to the whole society because it effects are spread directly into economic growth and social welfare, therefore a special attention should be paid to them.

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Pharmaceutical Uses of Chitosan in the Medical Field

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Abstract

Two of the considerably versatile and promising biomaterials are chitin and chitosan. Chitin is known to be the most abundant natural amino mucopolysaccharide, produced annually almost as much as cellulose, and it is found in the structure of a wide number of intervertebrates (crustaceans' exoskeleton, insects' cuticles) functioning as a structural component that provides strenght and protection to the organisms, and the cell walls of fungi, among others. On the other hand, chitosan only occurs naturally in some fungi (mucoraceae). The composition of chitin is based on $\beta(1 \rightarrow 4)$-linked 2-acetamido-2-deoxy-β-D-glucose (N-acetylglucosamine). Due to their natural origin, both chitin and chitosan are defined as a family of polymers which present a high variability in their chemical and biological properties such as biocompatibility, biodegradability, mucoadhesion, anticholesterolemic, antitumoral, hemostatic and antimicrobial effect. These characteristics of chitin and chitosan have a major influence on the their properties and depending on the DD (degree of dezacetilation) and Mw (molecular weight), they are used in a variety of medical applications such ascosmetics, artificial skin, wound-dressings, water engeneering, opthalmology, drug-delivery system. The aim of this review is to highlight the physicochemical properties of chitin and chitosan used in the wound healing process.It is known that in the last years, the number of pacients suffering from wounds and burns difficult to treat and heal has increased. During the wound healing process, the dressing protects the injury and contributes to the recovery of dermal and epidermal tissues. Due to their high biocompatibility, biodegradability and similarity to the human body macromolecules these natural polysacharides (chitin and chitosan) are extensively used in wounds and burns management.

Keywords: chitosan, chitin, wound dressing, natural polymer, biomaterials

INTRODUCTION

A major interest in modern medicine is represented by the biometerials with marine origins. Among these, chitin and chitosan received special attention in the medical fields due to their unique properties.

Chitin and its deacetylated derivative, chitosan are natural polymers composed of randomly distributed β-(1-4)-linked D-glucosamine (deacetylated unit) and N-acetyl-D-glucosamine (acetylated unit). Both chitin and chitosan can not be defined as a unique chemical structure, but as a family of polymers, due to their natural origin, and also present a high variability in their chemical and physical properties. This variability is related not only to the origin of the samples but also to their method of preparation. So, a complete characterization of the samples is necessary.[1]

For chitin, there are known three crystalline forms: α-, β-, andγ-chitins. Chitosan is also crystalline and presents polymorphism depending on its physical state. The residual crystalinity may vary considerably depending on the origin of the polymer and its treatment during extraction from raw resources.

In a recent study, the author, Rinaudo has reported that the origin of chitin influences not only its crystalinity and purity but also its polymer chain arrangement, and its properties. [2]. Chitin and chitosan are used in various field of medicine, such

as biomedicine, food industry, agriculture and cosmetics. The success of use of chitosan in all of these specific applications is directly linked to the detailed research of their physico-chemical properties.

Chitin is known to be the most abundant natural amino mucopolysaccharide, produced annually almost as much as cellulose, and it is found in the structure of a wide number of intervertebrates

(crustaceans' exoskeleton, insects' cuticles) functioning as a structural component that provides strenght and protection to the organisms, and the cell walls of fungi, among others. On the other hand, chitosan only occurs naturally in some fungi (*mucoraceae)*. The aim of this review is to highlight the physicochemical properties of chitin and chitosan used in the wound healing process.

RESEARCH METHODS

The composition of chitin is based on β(1→4)-linked 2-acetamido-2-deoxy-β-D-glucose (N-acetylglucosamine). Due to their natural origin, both chitin and chitosan are defined as a family of polymers which present a high variability in their chemical and biological properties such as biocompatibility, biodegradability, mucoadhesion, anticholesterolemic, antitumoral, hemostatic and antimicrobial effect.

The main parameters that affect the polymer properties are DD, Mw, polydispersity and crystalinity.

The purity (ash content), the moisture, the content of heavy metals,endotoxin and proteins must be determined for applications related to human consumption such as food and medical applications.

It has been demonstrated that the DD is one of the most important chemical characteristics,which could influence the performance of chitosan in many of its applications. The influence of average Mw on the viscosity development of aqueos solutions plays a significant role in the biochemical and biopharmacological significance of chitosan [3]. Due to its low solubility chitin Mw is not easily determined.

Table 1. shows the various methods for the determination of chitin and chitosan characteristics.[4]

Table.1 Physicochemical Characteristics of Chitin and Chitosan and the Determination Methods

Physicochemical Characteristics	Determination Method
DD	Infrared Spectroscopy
	UV- spectrophotometry
	Nuclear magnetic resonance spectroscopy
	Potentiometric titration
Average Mw and/or Mw distribution	Viscosimetry
	Gel Permeation cromatography
Moisture content	Gravimetric analysis
Ash content	Gravimetric analysis
Protein	Bradford method

As is shown in Table.1 different result are obtained when using methods based on different principles. In present, even the best characterized chitosans available on the market are usually described olny with regard to their average degree of

acetylation and their average degree of polymerization (DP), their ash content and the absence of contaminating bacteria [5].

Apart from the specific characteristics, which are specific fosr each application, there is a degree of consensus regarding general characteristics that must be present in chitosan samples to be used in the field of biomedical applications: moisture content %, ash content %, protein content %, insolubility%, turbidity NTU units, DD %.

For pharmaceutical applications, the chitosan requirements are: colour: white or slight yellow, particle size <0.3 mm, density 1.35-1.40 g/cm^3, pH 6.5-7.5.

RESULTS AND DISCUSSIONS

Chitin and chitosan are currently receiving a great deal of interest in the medical and pharmaceutical applications due to their interesting properties that make them suitable for use in the biomedical field, such as biocompatibility, biodegradability and non toxicity. Other properties such as analgesic, antitumor, hemostatic, hypocholesterolemic, antimicrobian and antioxidant properties have also been reported. A better understanding of the mechanism of these properties makes it necessary for chitosan to be well characterized and purified from accompanying compounds [6]. In addition chitin and chitosans derivatized in a variety of fashions can be used to prove molecular hypothesis for the biological activity. The parameter with a higher effect is the DD, because the majority of the biological properties are related to the cationic behaviour of the chitosan. In some cases, the Mw has a predominant role. Beside the DD and Mw, other properties such as chain conformation, solubility or degree of substitution have been studied. Chitosans produced by heterogenous deacetylation, with a block arrangement of acetylated units, have a tendency to form aggregates in aqueous solutions.

Table.2 shows the relationship between some chitin and chitosan biological properties and their physicochemical charateristics.[4]

Table.2. The relationship between some chitin and chitosan biological properties and their physicochemical charateristics

Property	Characteristic
Biodegradability	DD, distribution of acetyl groups Mw
Biocompatibility	DD
Mucoadhesion	DD, Mw (only chitosan)
Hemostatic effect	DD, Mw
Analgesic effect	DD
Adsorbtion enhancer	DD (only chitosan)
Antimicrobian effect	Mw
Anticolesterolemic effect	DD, Mw, viscozity
Antioxidant effect	DD,Mw

DD: deacetylation degree, Mw: molecular weight

1. BIODEGRADABILITY

Chitin and chitosan are absent from mammals but they can be degraded *in vivo* by several proteases (lysozyme, papain, pepsin). Their biodegradation leads to the release of non-toxic oligosaccharides of variable length which can be

subsenquently incorporated to glycosaminoglycans and glycoproteins, to metabolic pathways or be excreted. A degradation role on chitin and chitosan seems to play a non-specific protease present in all mammalian tissues- lysozyme. The lengths of the chains (Mw) affects the degradation rate [7]. The understanding and control of the degradation rate of chitin and chitosan-based devices is of great interest since degradation is essential in many small and large molecule release

applications and in functional tissue regeneration applications. Ideally, the rate of scaffold degradation should mirror the rate of new tissue formation or be adequate for the controlled release of bioactive molecules. Thus, it is important to understand and control both the mechanism and the rate

by which each material is degraded. The degradation rate also affects the biocompatibility since very fast rates of degradation will produce an accumulation of the amino sugars and produce an inflammatory response.

Chitosan samples with low DD induce an acute inflammatory response while chitosan samples with high DD induce a minimal response due to the low degradation rate.Degradation has been shown to increase as DD decreases. Kofuji *et al.* investigated the enzymatic behaviours of various chitosans by observing changes in the viscosity of chitosan solution in the presence of lysozyme [8]. They found that chitosan with a low DD tended to be degraded more rapidly. It can be concluded that it is impossible to estimate biodegradation rate from the DD alone.

2.   BIOCOMPATIBILITY

Both chitin and chitosan show very good compatibility but this property depends on the characteristics of the sample (natural source, method of preparation, Mw and DD). Due to its higher versatility and biological properties the majority of the assays have been carried out on chitosan samples. Although the gastrointestinal enzymes can partially degrade both chitin and chitosan, when both polymers are orally administered they are not absorbed. For this reason, they are considered as not bioavailable. Toxicity of chitosan is reported to depend on DD. It was reported that chitosans with DD higher than 35% showed low toxicity, while a DD under 35% caused dose dependant toxicity. On the other hand, Mw of chitosan did not influence toxicity. Residual proteins in chitin and chitosan could cause allergic reactions such as hypersensitivity. The protein content in a sample depends on the source of the sample and, especially, on the method of preparation.

3.   HEMOSTATIC EFFECT

Chitosan presents anticoagulant activity tested *invitro* [9]. The anticoagulant activity of chitosan seems to be related to its positive charge since red blood cells' membranes are negatively charged and chitin is less effective than chitosan. The hemostatic effect of chitosan is not related to the clasic coaulation pathways, but it can promote platelet agregation. The blood platelets play a very important role in the coagulation process and can lead to hemostatis and thrombosis. Besides platelets and erythrocytes, chitosan also accelerates thrombin generation.

4.   ANALGEZIC EFFECT

It was reported that both chitin and chitosan show analgesic effect. The analgesic effect of these biopolymers on inflammatory pain has been studied due to intraperitoneal administration of acetic acid. Chitosan showed a greater effect than chitin. This difference is due to the different action mechanism of the two polymers. It was demonstrated that themain analgesic effect of chitosan is the absorption of proton ions released in the inflammatory area.[4]

5. ANTITUMOR ACTIVITY

An antitumor activity of chitosan has been claimed by inhibition of the growth of tumor cells mainly due to an immunevstimulation effect. chitosan oligomers possess antitumor activities tested both *in vitro* and *in vivo* [10].

Studies carried out using mice that had ingested low-Mw chitosan revealed significant antimetastatic effects of chitosan against Lewis lung carcinoma. Partially deacetylated chitin as well as chitin with a carboxymethyl group have also been effective to demote tumor progression. The suggested mechanism involves immunostimulating effects of chitin and its carboxymethyl derivatives via stimulation of cytolytic T-lymphocytes. This activity increases with smaller molecular sizes and it is suggested that they have immunostimulating effects that activate peritoneal macrophages and stimulate non-specific host resistance. However, higher Mw oligomers have also exhibited antitumor activity. The effect of chitosan on tumor growth and metastasis was studied. The activation of macrophages by chitosan is suggested to mediate its antitumor effects *in vivo*, while its angiogenic inducing properties may be the harmful effects of chitosan, such as promotion of tumor growth and invasion [11].

6. ANTICHOLESTEROLEMIC EFFECT

There are several proposed mechanisms for cholesterol reduction by chitosan. The entrapment caused by a viscous polysaccharide solution is thought to reduce the absorption of fat and cholesterol in the diet. On the other hand,

the presence of the amino group in its structure determines the electrostatic force between chitosan and anion substances, such as fatty acids and bile acids. The interaction between chitosan and anionic surfaceactive materials (phospholipids, bile acids) depends on its three types of reactive functional groups: the amino group at the C2 position and primary and secondary hydroxyl groups at the C-3 and C-6 positions, respectively. Although great effort has been made to find a correlation between the physicochemical characteristics of chitosan and its fat-binding capacity, only some significant relationships have been demonstrated [4].

7. ANTIMICROBIAL ACTIVITY

The antimicrobial activity of chitin, chitosan, and their derivatives against different groups of microorganisms, such as bacteria, yeast, and fungi, has received considerable attention in recent years. Two main mechanisms have been suggested as the cause of the inhibition of microbial cells bychitosan. The first mechanism refers to the interaction with anionic groups on the cell surface. Due to its polycationic nature, it causes the formation of an impermeable layer around the cell, which prevents the transport of essential solutes. Electron microscopy demostratedthat the site of action is the outer membrane of gram negative bacteria. The permeabilizing effect has been observed at slightly acidic conditions in which chitosan is protonated, but this permeabilizing effect of chitosan is reversible [12]. The second mechanism involves the inhibition of the RNA and protein synthesis by permeation into the cell nucleus. In this case the Mw is the decisive property [13] Other mechanisms have also been proposed. Chitosan may inhibit microbial growth by acting as a chelating agent rendering metals, trace elements or essential nutrients unavailable for the organism to grow at the normal rate. Chitosan is also able to interact with flocculate proteins, but this action is highly pH-dependent.

8. ANTIOXIDATIVE ACTIVITY

Chitosan has shown a significant scavenging capacity against different radical species, the results being comparable to those obtained with commercial antioxidants. Samples prepared from crab shell chitin with DD of 90, 75 and 50% where evaluated on the basis of their abilities to scavenge 1,1-diphenyl-2-picrylhydrazyl (DPPH) radical, hydroxyl

radical, superoxide radical and alkyl radical. The results revealed

that chitosan with higher DD exhibited the highest scavenging activity [14]. Chitosans of different size as well as their sulphate derivatives were assayed against superoxide and hydroxyl radicals. A negative correlation was found between chitosan Mw and activity. The chitosan sulphated derivatives presented a stronger scavenging effect on peroxide radicals but the chitosan of lowest Mw showed more considerable ferrous ion-chelating potency than others [15].The chelation of metal ions is one of the reasons why chitosan may be considered as a potential natural antioxidant for stabilizing lipid containing foods to prolong shelf life. Chitosans may retard lipid oxidation by chelating ferrous ions present in the system, thus eliminating their prooxidant activity or their conversion to ferric ion.

CONCLUSION

- Chitin and chitosan present a great variety of properties, allowing them to have a large number of applications.
- Chitosan, a natural polysaccahridic cation, received a considerable attention as a functional, non-toxic, reneweable and biodegradable polymer in a wide field of applications, especially in the pharmaceutical, cosmetic fields and food industry.
- In the medical field, chitosan was not only used as artificial skin and wound healing accelerator, but also as physiological material, due to its antitumor, imunomodulator, antimicrobial and anticholesterolemic properties.
- It was revealed that these characteristics depend on the chemical structure and molecular weight. In conclusion, the applications of this natural polysaccharide are limited by its high molecular weight (Mw) and its low solubility in non-acidic aqueous media.

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The Challenges in Dealing with Organized Crime and its Consequences in Modern Societies in Albania, Kosovo and Macedonia – the Balkan Peninsula

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Abstract

The profound changes within the Albanian society, including Albania, Kosovo and Macedonia, before and after they proclaimed independence (in exception of Albania), with the establishment of the parliamentary system resulted in mass spread social negative consequences such as crime, drugs, prostitution, child beggars on the street etc. As a result of these occurred circumstances emerged a substantial need for changes within the legal system in order to meet and achieve the European standards or behaviors and the need for adoption of many laws imported from abroad, but without actually reading the factual situation of the psycho-economic position of the citizens and the consequences of the peoples' occupations without proper compensation, as a remedy for the victims of war or peace in these countries. The sad truth is that the perpetrators not only weren't sanctioned, but these regions remained an untouched haven for further development of criminal activities, be it from the public state officials through property privatization or in the private field. The organized crime groups, almost in all cases, are perceived by the human mind as "Mafia" and it is a fact that this cannot be denied easily. The widely spread term "Mafia" is mostly known around the world to define criminal organizations.The Balkan Peninsula is highly involved in these illegal groups of organized crime whose practice of criminal activities is largely extended through the Balkan countries such as Kosovo, Albania, Macedonia, Serbia, Bosnia, Croatia, Montenegro, etc. Many factors contributed to these strategic countries to be part of these types of activities. In general, some of the countries have been affected more specifically, but in all of the abovementioned countries organized crime has affected all areas of life, leaving a black mark in the history of these states.

Keywords: Organized crime, mafia, crimes, challenges, criminal activities, smuggling, terrorism.

1. Introduction

The main focus throughout this scientific paper will be put on the challenges of the modern societies in regard to the organized crime of all forms and types. In particular, we will try to address the problems and challenges of this international phenomenon. Viewed as a concept, the organized crime is rather new, but as a criminal practice we can freely describe it as an old form of influencing societies, through which individuals or groups, at times helped by the officials, undertake criminal activities for profiting in a non legal way, or by breaking the law and the regulations.Organized crime as a negative activity spreads out of the state borders regardless if the countries or states are big, small, strong or fake, involving different political systems. This phenomenon is so strong that has infected all the fields in a society, such as state institutions, private sector and more. Several Balkan countries such as Albania, Macedonia and Kosovo are also affected by the organized crime in a political, economical or social aspect.

As a challenging topic it is very important to learn more and become aware about all the forms and activities classified as organized crime, and about the measures that should be undertaken to avoid or stop its influence within the societies. Activities such as human trafficking, smuggling drugs and narcotics, threatening, financial and economic crime, and other forms of crime make the life of the majority of people unbearable. Another aspect that will be touched in this paper is the fight against the organized crime. All efforts taken under this agenda include many agreements between states, regional initiatives, different convents, protocols and resolution by international organizations and institutions and reforms within the

legal system. These make up just a piece of the struggle against the organized crime phenomenon. Among the common politicians and within the conscience of people of various backgrounds (ethnic and religious groups, different status and position into societies) this fight is lost[1].

Deep changes in the Albanian society and other Balkan countries before and after the fall of communism or socialism as a society system brought many challenges for the legal system such as corruption and other negative phenomena or criminal activities which we can define as organized crime. Maybe the early forms don't seem like real organized crime, for example those in western communities, but they had the same tendencies to become a similar social phenomenon – organized crime. The establishment of the democratic parliamentarian system and other reforms bring with their self also some negative issues. As a result of the circumstances during this period emerged the need for changes and reforms in many fields of life. These were so strong that forced the states to speed up the process of reforms through social pressure, or pressure from the international community through different organizations or institutions. All these issues needed time to be dealt with in order to avoid the difficulties for implementing them. The process of adoption and approval for quite some time didn't reach the required level. Sometimes these reforms or the implementation or adoption processes were judged from the beginning to failure because of the nature and the characteristics of the Balkan countries and societies. Still, this doesn't mean that just by implementing the reforms one can achieve success in preventing or fighting the organized crime.

2. Substantial knowledge about the organized crime

Crime and criminality are studied through the subject of Criminalistics and other disciplines of Penal Law, Procedural Penal Law, criminology, penology and others. The notion Criminology was for the first time used by the French anthropologist Paul Topinard in his book "Anthropology" in 1879.[2]

Firstly, crime as a social phenomenon was studied by philosophers who tried to explain it as a part of other problems in the societies.Later, this was done by anthropologist, psychologist, and sociologist, academics of Law and of other sciences who contributed for a better understanding of this phenomenon. Analyzing and comparing all the given knowledge about crime and its forms from a different perspective, we could say that there are a couple of issues and aspects which are similar on one hand and different on the other hand when we use scientific approaches. If we simply analyze a crime – an offense from the different perspectives (Penal or Procedural, Criminalistics or Criminology, Psychology or Sociology) we can define this phenomenon in many ways and in different forms. From this position we can view crime from different sciences as well as from the viewpoint of a personality as a subject with the influences to the definition or notion of the problem.[3] Criminology from the wider point of view is the science that covers crime. However, the study about crime was infiltrated into many other sciences and fields of researches and has directly influenced the creation of many other types, forms and parts of social sciences. Criminology studies and analyzes perpetrators of criminal acts, crime prevention, sociology of Law, social processes and the causes of crime. This is the reason why many academics dealing with this problem, prioritize in this way: crime as a single phenomenon, offender, victims, the relation of victims and offenders, criminality as a phenomena where the focus is the reaction of the individuals towards the society vs. crime and criminality.Looking forward, this issue has influenced the societies to make many criminalists deal with different perspectives, methods and actions of this phenomenon.

3. The notion "organized crime" and its impact to the society

As a notion, the organized crime has had huge influence and impact to societies around the world. This perception is especially current now because all the fields in the societies are touched by this phenomenon. So, looking at it from this perspective, the organized crime has its roots from earlier times, but in this form it is very current nowadays as well. In many different parts of the world organized crimes is defined by the academic and legal circles in various ways. Even in

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[1] Bashkim Selmani ,,Organized crime and international terrorism"- pp.27-32. First Private University – FON, Skopje, 2009.

[2] Bashkim Dr. Selmani ,,Criminology and Penology" pp.15-19.,FAMA College - Prishtina, 2014.

[3] The notion "Criminology" comes from two ancient words: Crimem = Crime (Latin language) and Logos = Science (antic Greek).

the Balkans the term organized crime derives from the new era, mainly it's impact and influence take over after the breakup of Yugoslavia where different groups through different activities, during and after the war, used the moment of high sensitivity through their activities mostly known as "black activities" (anti lawful activities) to gain material benefits through various victimization within the society. Different international organizations that raised the voice and the sensibility to fight or prevent organized crime as a phenomenon which "drains" the societies around the world organized many workshops, seminars and conferences in many countries in order to raise the awareness of people about the "evil" ready to grasp all the states, regardless of their size or power. Activities taken in this direction cover also advising on regular cooperation about the fight against crime, about reforms on the judicial system, Laws etc.

4. Organized crime during different historical timeframes in society

One of the wider definitions about organized crime is that "crime is carried out by more than one person during certain periods and used professional skills and knowledge of the law, businesses andother fields to practice itfor using threats, force, briberies, blackmail, extortion or influencing through political or economic means".[1] Often these groups, associations or organizations are presented as legally registered entities by specifying their field of alleged work. However in reality their activity is involved in criminal (out of law) activities and their line of work is used only as a veil before the authorities. Groups that deal with organized crime often do not hide the fact of being defined as criminal and terrorist groups. To further understand the concept of the activities of these groups that exercise an legal allegedly activity, while on the other hand using violence, murder, coercion, corruption, intimidation and terror for the realization of their goals. Such groups and associations justify their activities through their alleged activities of political nature, activities for the rights and freedoms of certain cultural groups, ethnic groups etc. However, the essence of their activity is criminal with the tendency to camouflage or hide the same.[2]

5. Traditional methods of detection and investigation of the criminal actsas criminal phenomena

During the development of human society means and traditional ways of detecting and investigating of homicides and murders have continuously evolved. The rapid industrial development of countries has brought sophisticated instruments and methods for detection and investigation of this criminal phenomenon that has already been reinforced with collective acts on one side and with terrorist motives of various groups on the other side. In this context the special role, of great and undisputable importance play the forensic sciences as a multidisciplinary science in combination with the other three constituent components as: tactics, techniques and methodic. All three components of forensic sciences helps the sciences of Law to explore, detect, investigate and determine the criminal acts from the simple to the complex forms such as terrorism.[3] Murder as a criminal act against the integrity of life of humanity with all its circumstances of behaviors, has historically had its roots in the first forms of societies. Ways of committing crimes - murders were most various and are committed to action or inaction, ending with the death of a person. Worst ways of homicides are described as: cruel and cunning killings with profitable purposes, feud, revenge, low labor, etc. Otherwise, murders are committed with instrument - tools such as rifles, pistols, guns, knives, ropes, metal and wooden rods, axes, chemical poison and psychological intimidation, etc.[4] With the act of murder we understand "the unlawful act or omission, depriving another person of his life, both intentionally or negligently. The object of the murder, in whatever form presented, may just be the life of another man. Murder in the broad sense of the word means extinction of human life, and from the perspective of criminal law means unlawful termination of human life through different action[5].The consequence of the offense of murder is the death of any person, while death is the termination of the overall body function, the structure and function of the body and soul. From the legal standpoint, death is cessation of functions of the whole human body. The right of life is guaranteed by major

[1] Bashkim Dr. Selmani, ,,Organized crime and Terrorism",Skopje, p.2, 2009.

[2] Ragip Dr. Halili, "Criminology", pp 142, Prishtina 2011.

[3]Crime investigation ruled by methods and techniques for securing, finding and fixing – intervening to the proves and elements of the homicides.

[4]Crime investigation tactics explore different forms of the ways to the homicide or other crime acts. Also deal with the motives, circumstances, behaviors and other issue to the victims and criminals. Crime investigation methodic deal with the each homicide ore crime acts separately or thought different methods used before (leassons learn).

[5] Ismet Dr. Salihu: Vepra e cituar, 2009, faq. 104.

international acts such as: "The Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe," "The Universal Declaration of Human Rights of the United Nations", ",International Covenant on Civil and Political Rights" etc.. This fundamental right is guaranteed and protected by the actual Constitution and the fundamental laws of all states.[1]

6. Criminal activities in different fields of the society

Organized crime since the first forms we know had different influence and indicated different occasion within the societies. The reasons for this phenomenon to occur are of political, social or economic nature, being a threat to the general security, and not only of national or state nature, but also internationally.Types and forms of such activities include drug trafficking and smuggling which is one of the most influential and powerful crime in Europe and around the world. The Balkan route is used as one of the primary routes for exercising this activity from all continents or world regions. States approach to this issue is that they must cooperate together in the spirit of fighting together or preventing the influence of narcotics and drug trafficking and smugglings. They cooperate through sharing information and data about the connections between national and internationals groups. The same policy is also used for illegal trafficking with the humans or migrants.[2]
The Albanian organized crime through its groups mostly deals with narcotics and drug trafficking, especially cannabis, with different groups mostly from the Western Europe countries, but also from the USA.They also are engaged in prostitution or trafficking with the humans, but not as much as with narcotics. In the following we will discuss more on these aspects.

7. Challenges of the organized crime and the Balkan societies

The Balkan region is hugely touched by many forms and types of criminal activities that we can characterize as organized crimes. Groups from all around the Balkan are engaged in criminal activities and organized crime from countries such as Albania, Macedonia, Kosovo, Serbia, Montenegro, Bosnia and Herzegovina, and Croatia etc.). They cooperate together, they deal or share common businesses or activities. Many factors had influenced all the states and regions in being touched and victimized by the activities of organized crime. To most of the leadership of these countries the fight against corruption and organized crime becomes not only the election motto, but a state strategy more or less influences by the condition or reforms in their path to Euro – Atlantic integration. Organized crime for the region was and continues to be one of the biggest issues for states authorities, but also for the international community and international organizations. For many years the Balkan was the arena of conflicts and wars. The problems of the past across states and nations were reflected to many open issues and rise of the antagonisms between them. All those activities directly or indirectly help the rise and expansion of the organized crime within the new independent states. Many local leaders, politicians, criminals used successfully the opportunities during the lack of states, lack of institutions, lack of rule of law and failed states to enhance their criminal activities in individual or organized forms.

8. The fight against organized crime

The end of the cold war resulted in many changes within the societies and the relations between them. The rise of the interstate conflicts, clashes, disputes, fake economies, absence of the security, challenges such as transnational terrorisms, WMD and small arms proliferations, opened the door for many individuals and criminal groups to spread their activities not only within the state borders, but also abroad. These situations were also present in Balkan states. The breakup of former Yugoslavia, conflicts, clashes, tensions such as in Albania in 1997 made all the states from the region to be victims of the activities of organized crimes. This situation was also helped by the economic problems faced by the majority of people in these regions. So this situation on the ground was a heaven, as I stated earlier, for individuals (criminals, authorities, even NGO's and so on), as well as groups with same interests (which became rich for a short period of time) to improve all their relations, knowledge and resources to the main intent – great social, political and economic

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[1] Ismet Elezi: Vepra e cituar, Tiranë, 1995.
[2] Annual Report about organized crime and organized economic crime in South-East Europe, crime activities – drugs and narcotic traffic, pp.22.

positions in the societies of the Balkan region. Processes of integration and enlargement of the states from Eastern, Central and Southeast Europe into NATO and EU was one of the ways to fight against organized crime. From 2004 ten new European states became members of the Frontex – European Agency for border management. Many existing treaties have been advanced and many new have been approved whose primary responsibility is to find ways for improving measures for the fight against organized crime. Establishment of many initiatives through declarations, resolutions, agreements and other ways opens and helps the domestic, regional and international authorities to achieve success in the path of freeing the societies from the organized crime.Many international organizations and institutions such as UN and European Commission have been involved in preparations of conventions and protocols for confrontation with this phenomenon. All these steps are more or less general, but what needs about to be done about the states in the Balkans is more and beyond cooperation in order to find best tools and ways from success stories of the fight against organized crime.

9. Conclusions

In this scientific topic titled: ,, challenges and consequences of organized crime in contemporary society" was found that organized crime remains one of the most problematic issues of the modern society and every state of Balkans. Challenges and consequences that have gripped modern society is such as computer crime, financial mismanagement, laundering of money, different trafficking and smuggling have roots in transnational and interstates.In this group of types of organized crime maybe for the moment one of the mostly influenced is a cyber crime, which even international organizations and institutions put in their highly agenda and priorities as a one of the permanent and undiscovered crime. So for many reasons we can share opinion that this kind of organized crime deserves more attention on the context of dealing and fighting that. Almost every day we faced with the issues of stolen data, identities, classified information, and deterioration of company or institutions software's, who's makes a lot of troubles according to the daily works with many consequences for peoples but also for societies and Role of Law.

At the other hand we had concluded that Balkan from the past was one of the strategic point or region not only for the interests of great powers and the states into region but also very important for the individuals with organized crime agenda or criminal groups. So for this perception is not guilty only the process of transformations of the societies (conflicts, war and so) from the past but also the geopolitics and geostrategic position of theBalkan Peninsula as a tie between East – West, North – South and crossroads for civilizations, religions and ideologies.

Organized crime in Balkan and their states becomes from many reasons an as a consequences of developments all around the world. Globalization as a process brings with themselves also many forms that in one way or other they and against law and society order. Many analyst share the opinion that organized crimes and criminals all around the world becomes from the Balkan region. Yes, in one hand they deals with the facts that many data, information's and new in western European countries and USA are covered by the crimes done by Balkan locals. But historically if we have into considerations that Italy remain to be cradle of the organized crimes and western societies the place where mostly of the sophisticated types and forms of organized crimes had established, we can see that Balkan use to be only corridor or waiting room for players but the big bosses are those individuals and groups from the west who are orders. So it's doesn't matter from witch Balkans countries criminals and organized groups becomes they are so homogeny on the way of easy benefits economically, financially, politically and so.

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Exploring Skills in Teaching Science during the Early Childhood Years

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Abstract

As children enter pre-school and kindergarten, exploration continues to be the first step in dealing with new situations.At this time, however, children also begin to apply basic concepts to collecting and organizing data to answer a question.Collecting data requiring the skills in observation, counting including 1 and organizing which can also be regarded as the basic scientific skills in teaching sciences during their early years.However, skills are recognized as crucial in scientific development, as it is the importance of practical experience in organizing affective as well as the psychomotor development.The curriculum for young children is designed to develop skills which are the foundation of future learning.In view of this, the paper describes fundamental skills adopted in teaching sciences, the importance of sciences, how children can explore the idea of science during their early years, integrating text with inquiry to promote the learning of science and also it offers the basic strategies for helping children to acquire the skills needed for inquiry-learning.It also provides an overview of teaching and learning sciences in the early years, emphasizing the importance of selecting science content that matches the cognitive capacities of the children.

Keywords: Early childhood years, teaching sciences, exploring skills, inquiry-learning and curriculum.

Introduction

The best of the curriculum and the most perfect syllabus remain dead unless it can be quickened into the rightful skills of teaching.In early childhood education, there are different types of activities applied by the teachers in the classroom.Some of them are Mathematics, science, visual art as well as music respectively.The aim of these activities is not only by providing good time for children, but also by supporting their developmental areas.However, science activity is one of the essential content areas in early childhood education that the paper (research) is going to discuss its teaching skills in early years.

More than ever before, educators agree that in pre-school level and primary school level, science is an active enterprise.Science can be understood to be a process of finding out and a system for organizing and reporting discoveries.Rather than being viewed as the memorization of facts, science is seen as a way of thinking and trying to understand the world (Eshach and Fried 2005).Skill is the means of reaching predetermined ends.Infact, skills form the

most important link in the total teaching and learning chain which has on one hand the goals and the purpose, on the other hand result into values (Benchi and Bell 2008).

Scientifically, young children actively engage with their environment to develop fundamental understanding of the phenomena they are observing and experiencing.They build essential sciences process skills such as observing, classifying, and sorting (Eshach and Fried, 2005; Platz, 2004).These basic scientific concepts and science process skills begin to develop as early as infancy, with the sophistication of children's competency developing with age (Eshach and Fried 2005; Piaget and Wheller 2000).

Young Children's Early Ideas about Science

In order to help children learn and understand science concepts, we must first understand the nature of their ideas about the world around them. A number of factors influence children's conceptions of natural phenomena.Norris et al (2008) suggested that children's conceptions stem from and are deeply rooted in daily experiences which are helpful and valuable in the child's early life context.However, children's conceptions often are not scientific and these non-scientific ideas are called "alternative conceptions".Duid and Treagurt proposed six possible sources for alternative conceptions:

  i.   Sensory experience
  ii. Language experience
  iii. Cultural background
  iv. Peer group
  v.   Mass media and
  vi. Science instruction.

The nature of children's ideas, the way they think about the natural world, also influences their understanding of scientific concepts.Children tend to view things from a self-centred or human-centred point of view.Thus, they often attribute human characteristics, such as feelings, will or purpose, to objects and phenomena (Mytie and Thompson 2003).For example, some children believe that the moon phases change because the moon gets tired.When the moon is not tired, we see a full moon. Then as the moon tires, we see less of the moon.

Children thinking seem to be perceptively dominated and limited in focus.For example, children usually focus on champs rather than steady state situation, which makes it difficult for them to recognize patterns on their own without the help of an adult or more knowledgeable peer (Harlen, 2000; Jones, Lake and Lin, 2008).For example, when children observe mealworms over period of time, they easily recognize how the mealworms bodies change from worm-like to alien-like, to bug-like (larva to pupa to adult beetle).However, they have difficulty noticing that the population count remains constant throughout the week of observation. Children concepts are grossly undifferentiated.That is, children sometimes use ladles for concepts in broader or narrower ways that have different meanings than those used by scientists (Harlen et al, 200; Jones 2008).

Children may slip from one meaning to another without being aware of the differences in meaning, i.e. children use the concepts labels of living and non-living differently than do adults or scientists.For example, pants are not living things to some young children because they do not move.However, the same children consider some non-living things, such as clouds to be living things because they appear to move in the sky.Children ideas and the application of their ideas may depend on the context in which they are used (Lee 2005).

Children ideas are mostly stable.Even after being formally taught in classrooms, children often do not change their ideas despite a teacher's attempts to challenge the ideas by offering counter-evidence.Children may ignore counter-evidence or interpret the evidence in terms of their prior ideas (Gunstone 2000; Schneys and Sailler, 2003).

The Importance of Science in Early Childhood Years

Research studies in developmental and cognitive psychology indicate that environmental effects are important during the early years of development and the lack of needed stimuli may result in a child's development not reaching its full potential

(Hailzigeorgious, 2002).Thus, science education in early childhood is of great importance to many aspects of child development and the paper suggest that science education should begin during the early years of schooling (Schach and Fried, 2005; Watters, Diezmann, Grieshaber and Davis 2000).

There are several reasons to start teaching science during the early childhood period:

    i.   First, children have a natural tendency to enjoy observing and thinking about nature (Eshach and Fried, 2005; Schnep et al 2003).Young children are motivated to explore the world around them and early science experiences can capitalize on this inclination (French, 2005).

    ii.   Developmentally appropriate engagement with quality science learning experiences is vital to help children understand the world, collect and organize information, apply and test ideas, and develop positive athletes towards science (Eshach and Fried, 2005).Quality science learning experiences provide a solid foundation for the subsequent development of scientific concepts that children will encounter throughout their academic (Eshach and Fried 2005; Hadzigeorgion 2002).This foundation helps students to construct understanding of key science concept and allow for future learning of more abstract ideas.

    iii.   Engaging science experiences allow for the development of scientific thinking (Eshach and Fried, 2005; Kutin and Pearsell 2000).Supporting children as they develop scientific thinking during the early childhood years can lead children to easily transfer their thinking skills to other academic domains which many support their academic achievement and their sense of self-efficiency.

    iv.   Early childhood science learning is also important in addressing achievement gaps in science performance.Although achievement gaps in science have slowly narrowed, they still persist across grade levels and time with respect to race/ethnicity, socio-economic status and gender (Campbell, Hombe and Mazzeo, 2000; Lee 2005; O 'Silvan, Lanko, Grigg, Qian and Zhang, 2002).

Also Lee (2005) described achievement gaps in science as "alarmingly congruent overtime and across studies", and these achievement gaps are evident at the very start of school.Gaps in enrollment for science courses, colleagues, majors and career choices also persist across racial/ethnic groups, and gender/National Science Foundation, 2001, 2002) scholars have linked early difficulties in school science with students' decisions to not pursue advanced degree and careers in science (Mbamalu, 2001).Science education reform efforts call for science for all students to bridge the science achievement gaps.Yet attainment of this goal has been impeded by a lack of systematic instruction frameworks in early childhood science, insufficient curriculum that are not linked to standards are inadequate teacher resources.

Poor science instruction in early childhood contributes to negative student attitude and performance, and these problems persist into the middle and high school years.Eshach and Fried (2005) suggest that positive early science experiences help children to develop scientific and a better foundation for scientific concepts to be studied later in their education.

Effective Skills to Develop in Teaching Science to Children

Contemporary instructional skills/approaches described in science education literature draw heavily on the constructivist philosophy.Although, there are many forms of constructivism, all of the instructions applications of constructivism view children as active agents in their personal construction of new knowledge (Gunstone, 2000).Further, these instruction skills aim to promote active learning through the use of hands on activities with small groups and with some material discussions.A common expectation is that learners are more likely to construct an understanding of science content in the inquiry based learning environment (Trimille, Atwood, Christopher and Sauces, 2012).

However, minimally guided instructional skill/approaches, which placed a heavy burden on learners' cognitive processing, tend to be effective with young children.As educators consider young children's limited cognitive processing capacities, inquiry based instructions, approaches, which are guided by the teacher seem to offer the most effective way for young children to engage with and learn science concepts.

A guided inquiry based skill allows for scaffolding of new scientific concepts with the learner's existing mental models (Trundel et al 2012).In a guided inquiry skill, children are expected to be active agents in the learning activities, which strengthens children sense of ownership in their work and enhances their motivation.With this skill, children usually work in small groups, which promote their collaboration skills and provides opportunities to scaffold their peers' understanding.

Mental science activities which are relevant to children's daily lives, allow children to make connections between what they already know and what they are learning.Sense making discussion promotes children's awareness of the learning and concept development and facilitates the restructuring of alternative ideas into scientific mental models.As teachers work with children to develop their inquiry skills, the instructional strategies should move towards more open inquiry where children are posing their own questioning and designing their own investigations (Bemli and Bell 2008).

Apart from inquiry and instructional skills/approaches develop in teaching science to early childhood children, there are other vital skills which can be necessary to be considered below:

- Demonstration skills: This skill involves the presentation of a pre-arranged series of events to a group for their observation.This is accompanied by explanatory remarks.This skill is most commonly used in science and arts, it can be used in giving information, training and knowledge.The demonstration should be selected both in terms of the needs of the observers as well as ideas, materials, procedure or techniques can be observed profitably.The physical environment should be carefully arranged to assume a smooth demonstration, clear vision and hearing by observers.
- Observation skills: The literal meaning of observation is the act of watching somebody or something for a period of time to learn something or collect information.Scientific observation means the using of all the senses, such as seeing, hearing, tasting, touching and smelling respectively.This can also be used in identifying with the help , the shape, tie-time, hardness etc of an object, relate what they have learned to other areas of learning and to know what body part is used to gather a specific sensory information.
- Collecting skill: This is the process of presenting the fact by collecting an information by counting objects, taking part in surveys, measuring and doing simple experiments.Also it can be by using the words never, sometimes, and always to describe the chance of things happening, asking questions about the information they have gathered, comparing data using measurement terms e.g. bigger and smaller, and also drawing a picture of their using one-to-one correspondence.
- Classification skill: Classification means sorting out of objects into a group according to their characteristics/properties.For example, the objects/components of our environment can be classified/sorted or grouped into living and non-living things.These groups can further be classified based on colour, size, set, shape or as plants and animals.
- Communication skills: Communication is the art of letting people to know what you are doing.For example, they can talk about their observations, taught by the teachers using new vocabulary; work with others by sharing, listening and encouraging, show them information in different ways, like pictures, graphs, with some mathematics and writing; and ask "wonder how" or "I wonder why" questions.
- Using numbering skills: Using numbers involve the application of numbers to quantify what is to be observed.It also involves the application of numbers by addition, subtraction, divition and multiplication for example, if a scientist conducts an experiment, he could use numbers to calculate and analyze the data, or if he classifies an object, he could count the number of the objects classified.
- Raising question: Raising question simply means asking to understand what happens in one enviornment.Children just as scientists like to ask questions about their enviornment.Children often question such as why do rain fall?Where does the rain come from?Why does the sun rise and set?While scientists could ask why?How?When? Etc.These questions lead the scientist to investigate the reasons why those things happen or why they do not happen.
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Integrating Text with Inquiry to Promote Learning Science

Traditional science instruction has unsuccessfully remain heavily on didactic textbooks based approaches.A growing body of literature suggests that traditional text-based instruciton is not effective for teaching science because children are usually involved in limited ways as passive receipients of knowledge.However, non-fiction expository text can be integrated effectively into inquiry based instruction. Researchers suggest that the use of expository text should be accompanied with the appropriate instructional strategies (Narris et al 2008).

i. Teachers should ask questions that activate students' prior knowledge, focus their attention and invite them to make predictions, before, during and after reading the expository text.These types of questions promote children's comprehension of the text and improve science learning (Kimibrigh and Shaw, 2009).

ii.   The structure of the text can affect science learning.The main ideas in the text should be supported with several examples and these examples serve as cognitive support for the children.Examples should be highly relevant to the main idea so that the children can establish connections between the text content and their own personal experiences (Beishizen et al 2003).

iii. Diagrams also support science learning.Effective, clear diagrams that represent casual relationships in the text support children's comprehension of causal mechanisms (McCrudden, Schaw and Lechman 2009).

iv.   Illustration and images in textbooks can be effectively integrated into inquiry based instruction.Learning by inquiry involves among other skills, observation in nature overtime.However, teachers are presented with several challenges when they try to teach science concepts through actual observations in nature.For example, some phenomena are not observable during school hours.

Weather conditions and fall buildings or trees can make the observations of the sky difficult and frustrating, especially for young children.Also, observations in nature can be time-consuming for classroom teachers who want to teach science more effectively through an inquiry approach.Images can be used to allow children to make observation and inferences.Teachers can also have children compare observations in nature to illustrate images in books.

How Children Learn Science Through Their Teachers Guide

As a teacher, you should always take into congnizance of the following on how the children prefer to learn science during their early age:

i.   First, children learn concepts they taught in different ways.Some understand the concepts quite easily while some require explanations and some require illustrations.

ii.   A teacher makes their learners active participants in the class work through hands-on-activities.He provides and supervises various activities and experiments during the classwork.

iii. He understands the idea of individual pupils on each concept by asking questions on what they know and when discussing, but their opinion interfere with the basic knowledge and learning, also makes sure you point out their misconceptions as you teach them.

iv.   A teacher creates a small group of children to do certain activities together while he coordinates them and provide guidance.This makes them to develop and sustain the spirit of social participation, cooperation and social collaboration.

v.   A teacher makes teaching strategies to accommodate various learning styles of his pupils.He modifies his strategies/skills from time to time to show concern for learners.

vi.   A teacher makes his learners to show persistence and determination in learning science.A teacher needs to adopt appropriate set instruction, stimulus variation and reinforcement strategies for his purpose.Endeavour to encourage them often treat them to have confidence in themselves and assist them on time and always to accomplish their tasks.

vii. Also a teacher provides his children with the opportunities to use materials, objects and events; guide them to manipulate and use simple materials like sand, rubber, insects, papers, leaf etc provide them with various hands on activities that will make them design, draw, label, construct, manipulate and use materials to solve their real-life problems.

viii. He relates concepts together for learners to appreciate the link between the see concept mappings.

ix.   If necessary, he shows learners various programmes, through charts, TV, VCD or DVD on how to do/make things accordingly.

x.

Recommendations

In line with the crucial discussion above, below are the suggesitons required by the paper presenters:

i.   Teachers should develop portfolio for each pupils so as to appreciate this trend of performance on practical skills along with time.

ii.   Young children must be encouraged to use all of their senses to develop the skills of observing, labelling, comparing, describing and sorting and to wonder about the differences and changes they observe in tehir

everyday world.For example, they might observe and describe changes in bread as it becomes moukly, an ice blow as it melts, tadpoles as they change into frogs, or clouds as they become big and dark can bring rain.

iii.   Children should be provided with opportunities to practise and develop their investigative skills using everyday materials and organism.For example they might explore the behaviour of substances such as sand, clay and gravel and try different ways of separating them.They might device ways of testing the reaction of a plant or animal to a change in its enviornment by varying the temperature or the amount of light or moisture.

iv.   Children should be allowed to explore their interests freely.They need an opportunity to ask their own questions and search for the answers, often in a game playing situation. Typically, children ask questions to seek information and gain immediate satisfaction usually, the questions involve only one or two categorical variables like; Do insects drink water?Are all rocks hard?But the questions are not always simple.

v.   Teachers should try to understand the idea of individual pupils on each concept by asking question on what they know and when discussing, let their opinions interfere with the basic knowledge of learning.

vi.   Assessment procedures for early childhood should involve the three domains of education viz: cognitive, affective and psychomotor.For cognitive, short answer text items drawings, true/false, voice response exercises etc are suitable while for the other two observations/interview and practical activities are suitable.

vii.   A simple science journal can be produced per term at about 8th weeks to showcase pupils distinguished activities.Such can be presented for exhibition on open day, PTA meetings, at Resource centres, public fair, science fair and so on.

viii.   Children should be involved in a range of activities from each of the conceptual outcomes.Often the same activity will cover content from several different outcomes.For example, in making biscuits, a child will experience the properties of the uncooked dough, which has been changed by the heat energy.

ix.   Also, children should be encouraged to communicate their findings in a variety of ways, including labeled channels, pictorial graphs, oral and written forms and acting out of stories.

x.   However, standard items for the science area include hand-held magnifying glasses, prisms, bug gars, plastic insects, binoculars, kalerioscopes and bubble solution and wands.Others include, rocks, plants, dried flowers, birds' nests, feathers, grounds, seashells, fossils, prime comes, nuts and seals.These must be provided before children during science classes and it must be used accordingly.

xi.   A teacher should create a small group of children to do certain activities together while he coordinates them and provide guidance.This will make them to develop and sustain the spirit of social participation, cooperation and social collaboration.

xii.   Finally, teachers should also create a science corner in the classroom and let pupils to know the significance of the corner in their learning activities.

Conclusion

Children need quality science experiences during their early childhood years. The basic science and literacy skills provide a systematic instructional framework, a standard-based curriculum which emphasizes on the skills in teaching science during early years and a high quality teacher resources.This programme also effectively integrates text illustrations, and inquiry-based instruction whereby it teaches children on how to explore the world to expand their thinking, observing, classifying, predicting and communicating and so they can be able to discover other viewpoints.

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Teacher's Proficiency, and the Communicative Approach in Enhancing Students' Performance in English Language Learning

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Abstract

Even though we live in the century of constructivism, where teaching is based on student-centered model of constructivist approach, again the teacher plays a key role in teaching and learning. Therefore, our research has to do with the literature review, regarding teacher's qualities, skills and knowledge to fit with the new experiences, needs and challenges. In our research, we used the qualitative method by observing the English language teachers and their uses of the English teaching methods, to continue with the implementation of Communicative Language Teaching Syllabus in some urban and rural schools of Republic of Kosovo. Furthermore, there was also conducted an empirical research regarding 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 Methodand those who are taught with other methods.

Keywords: English teacher; teaching and learning; teaching methods; Communication Language Teaching; Kosovo curriculum.

1. Introduction

When speaking about the Students' Performance we might have in our mind a lot of variables ranging from the methods used by the teachers, students' motivation, the class size and the states curriculum. However, one of the key role or variable on the students' outcomes must be the teacher and the teaching. This is the reason why we decided to do this research in some schools of the Republic of Kosova in urban and rural area in order to see the situation on the field regarding the students outcomes in English language as well as the way the teachers work, what kind of the method they use, as well as if they have the adequate qualification to work as English Language teachers.

2. Teacher's proficiency in English Language Teaching

Learning involves understanding, interpretation, reflection, and strengthening of current knowledge, experience, skills, values, concepts, and preferences. It is calculated through synthesize and following a pattern of growth and development of humans, animals, or other non-living objects. This should be taken as a process and not as a combination of facts and theories(Khalid, 2015, p. 313)*.*

Behaviorism was a very popular school of thought in the first half of the twentieth century in America. However, many psychologists strongly criticized behaviorist theories. Such as Noam Chomsky (1959) argues that language is a phenomenon which cannot solve by the behaviorist. (Joseph G.Johnson and Ann L. Weber, 2006).

Our conception of teaching and learning is based on a constructivist epistemology. According to constructivism, knowledge does not exist as external to the learner. Better to say, individual students construct their own meanings based on their previous experiences. Learning is a result of the construction, collaboration, reflection and negotiation in a rich context in which education is set (Charalambos Vrasidas and Marina S McIsaac, 2001, p. 129).

(Alan Pritchard and John Woollard, 2010, pp. 26-28), when speaking about constructivism they stop at cooperative and collaborative classes, adding that this makes students to support and help each other. These aiding activities include doing skills, appearing skills, showing (knowledge) and explanation (meaning).

As in other areas of Economics and Law, as well as in education (teaching) is almost a longstanding debate whether teaching is the art or science. If it is an art then not all students can learn because it requires talent, skills, intuition, and creativity, as for a painter or a poet. On the other hand, if it is science, teaching requires the implementation of plans, policies, objectives and goals, instruments and methods which should be made in class (Musai, "Psikologji Edukimi Zhvillimi, të nxënit, mësimdhënia", 1999, pp. 13-30).

In a professional teacher with the artistic elements, Flanders cited by (Musai, "Psikologji Edukimi Zhvillimi, të nxënit, mësimdhënia", 1999, p. 19) will say that communication goes beyond speech or writing in which are included: body language, gestures, intonation of voice and eye contact.

:*"The teacher is defined as a person, whose personal activity involves the transmission of knowledge, views and skills which are designated for students enrolled in an educational program"*.(OECD, " Teaching Matters (attracting, developing and Retaining effective teachers)", 2005)

Today's teacher should be demanding of his students to perseve in order to achieve its objectives, to have success and eventually a good performance of his students at the end of a semester or school year. (Matrosov, 2011) also emphasizes that socialization, education, and development of student harmony are among the most important tasks of teachers.

On the basis of appropriate assessment information, the teacher selects materials and teaching strategies, including activities in the field of visual arts, to develop students' abilities to understand and produce English. English teacher uses English language which lies at the appropriate level of development and understanding by his students. He knows how to analyze errors of students in speaking and writing skills in order to understand how to plan differentiated instruction. Teacher allows students to express their thoughts in different ways, even including their mother tongue where possible. The teacher makes clear teaching strategies, taking into account various factors in planning and developing the English language teaching (Credentialing, 2013, pp. 7-13).

3. Constructive theory and CLT (Communicative Language Teaching) in English Language Learning

Most authors, stated that learning a foreign language in the past considered asmechanical. They also put emphasis on precision and accuracy of a language. My opinion is that this method makes student highly dependent from the teacher, not givingmuch opportunities to students to communicate in a relaxed way, among teachers and students, as well as students themselves. The consructive theory with the method of communication has a different point of viewcompared 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 as follows:

- Interactivitybetween 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.

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. 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)

Speaking about CLT characteristics (Richards, 2006), emphesis that people learn one language when they use it to do things, rether than by studying its functions. According to this, we can say that the students' motivation to learn a specific language was because of the need.

According to scholars of CLT, it is important to speak a language but not to tell me how language works. 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, (Richards, 2006).

4. Research Methodology

In our research, we used the qualitative method by observing the English language teachers and their uses of the English teaching methods.

We conducted experiments in public schools across urban and rural regions in Kosovo. By employing the CLT method, which we developed in a teaching syllabus, we were able to observe changes in student performance that related to the CLT methods used and which contrasted with other methods such as ESA.

A sample of 150 students participated in the experiment. The study was conducted in the school "Hivzi Sylejmani" localized in an urbanized locale of Fushë Kosovo, "Luarasi' school localized in Prishtina and "Ulpijana" school in the rural periphery of Gadime-Lypjan.

At the beginning of the school year, tenth-year students are commonly tested with KET (Key English Test). Tenth grade can be considered as a transitory class where Kosovo students progress lower middle school proficiency to upper middle school qualities. The test measures student performance of students prior to the application of CLT. This testing measures whether tenth-graders possess the necessary knowledge required from this age group according to Kosovo curriculum. At the end of the school year, student knowledge is re-assessed by means of PET (Preliminary English Test). In contrast to

KET, this test evaluates student performance once CLT has been applied. It is additionally an ideal means to compare the performances vis-a-vis experimental and control groups.

5. Results

Regarding the low performance of students of the control groups, was that teachers in rural areas even urban locations were unqualified as teachers of English language. Throught the observation of the tenth grade we came to the conclusion that three out of four teachers of the English language course were unqualified for the English language. To prove this fact we referred the statistics by (Makolli, English Language Teachers according to Kosovo Municipalities, 2014) which states that out of 2892 teachers 39 did not declared about their qualification, 1587 were unqualified and only 1266 were qualified as Eglish language teachers.

Figure I. Statistics about English language teachers in Republic of Kosovo.

English Language Teachers
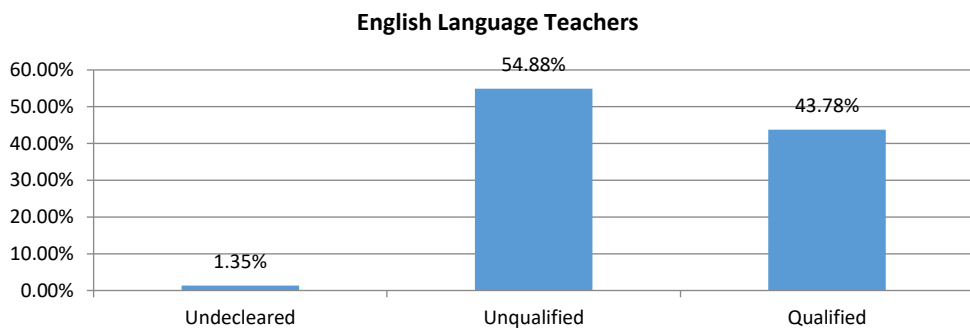
Some characteristics of English teachers through the observation method

Grammatical instructions: Instructions and presented grammatical patterns relatively good. Correction of grammatical errors is in an immediate way.

Syllabus: Content standards defined in the educational syllabus poor, defined content standards for each activity relatively good and related to the content presented. However, there were no clear objectives where students can demonstrate their achievements as indicators of performance. Also there was no documentation notes collected for presentation of learning and student achievement.

The methods applied in the preparation of lesson/teaching: Language presentation methods are not identifiable in the syllabus and in the presentation. However, it is obvious the use of the ESA method (Engage - Study - Activate) as a method of use being applicable method in the syllabus of the course books 'Headway Pre-intermediate', which are used by all teachers of the tenth grade as MEST directive .

Basic techniques used in the classroom: The teacher starts the class in time, gets absences of students, and begins giving instructions, there is not an eased / comfort prepared material except course books. The teacher does not listen students' responses with attention; there is not a satisfactory teacher – student relationship. However, it has a satisfactory performance throughout the lesson. There is not a boom in the classroom and also neither a summary at the beginning of class. There is a lack of colorful / variety of classroom activities. Lack of the overhead projectors and CD player to develop audio-visual exercises, so students can not develop listening and speakingskills. The only developed skill is reading and subsequent exercises dealing with this skill and a grammar exercises as well. Furthermore, there is a lack of writing, creativity, speaking and negotiation. The use of the table / black boards is done in an appropriate / proper way.

English language teachers and professionalism: The level of English satisfactory for the Pre-intermediate level of students, with some shortcomings in terms of grammar accuracy during teaching. Pronunciation and intonation of the teacher satisfying and appropriate for the English teaching level of students. The teacher speaks clearly and audibly for the

entire class. He is also a well organized with time at the beginning as well as at the end of the class. Teacher's appearance, ways of teacher's behavior, confidence, authority and professional distance is excellent with the exception for the respect of students which is not at the right level.

Teacher-student interaction and student-student: The teacher does not encourage student- student and teacher-student interaction and between students there is no use of the target language, in our case English language. Also there are no student-centered activities, but there is a frontal lecturing where the teacher talks and the students listen, which more resembles to direct method of teaching and the behavior theory. Contextualization and personification of the material is not possible and the teacher does not have a strategy to improve the students' errors. Appropriate student-teacher and student-student relationship is not at the required level and there is not an encouragement of students to participate actively. On the other hand the teacher's enthusiasm, eye contact, humor, body language and the competence to students'respond is not missing. However, the teacher fails to understand the lack of understanding of learners/students and does not help them with student-student interaction.

The performance of students using KET and PET testing

In Graph 1 and 2 we can see the statistics by using the KET (Key English Test) and as seen the performance of students in English language was better in urban location than rural one. This is due to the teachers experience and education as the teachers in urban locations are statistically more educated that in rural area.

Graph. 1. Values of basic statistical parameters for variables under investigationKET Urban Testing
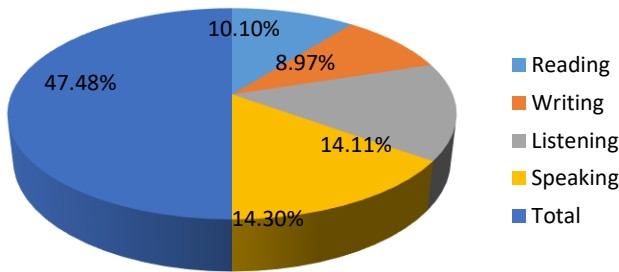
Graph. 2.Values of basic statistical parameters for variables underinvestigation KET Rural Testing
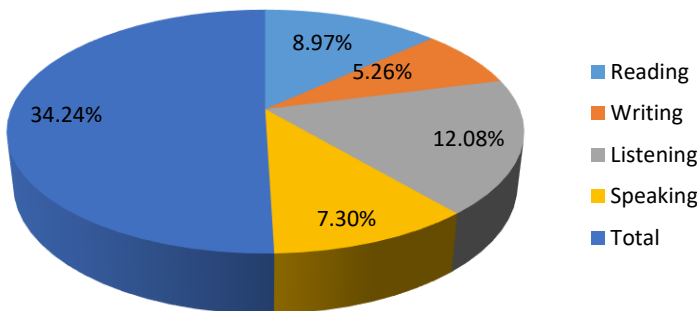
According to the Statistics of Graph.3.and 4. We can see that after the implementation of CLT Syllabus we gained a much better result with the experimental groups. This is due to the training of the teachers that we did of how to implement the CLT Method. So, even in rural area we gained a highly satisfying result as teachers knew how to implement the CLT Syllabus.

Graph. 3. - PET Controller Groups
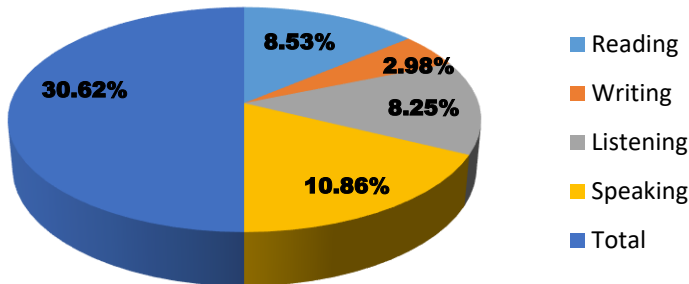
Graph..4.PETExperimental Groups
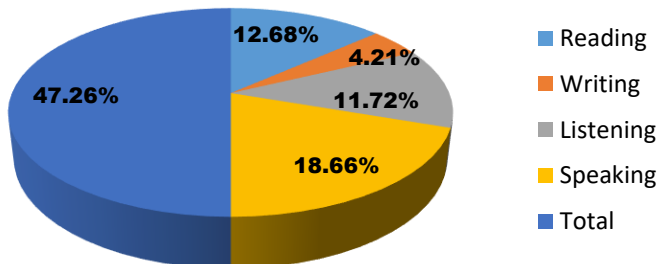
6. Discussions and Conclusions

We can conclude that students' performance in English Language was highly successful in urban area due to the teachers performance and teachers education and on the other hand, in rural area we concluded that teachers where we did the research did not have adequate education as English teachers. As a result we came to the conclusion that the students' performance in rural area was not satisfying.

Another fact is that after the implementation of CLT Syllabus and training of the teachers with the CLT Syllabus we had a totally different situation with the rural area. So, the experimental groups have a highly better result compared to the control groups.

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Inovative Surgical Treatment for Intratubal Administration of Methotrexate

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Abstract

In patients where conservative medical treatment with methotrexate failed, surgical intervention was necessary. The personal surgical method was performed on a number of 9 patients; the surgical intervention was a conservative method – salpingorraphy. In order to prevent persistent gestational trophoblastic disease and tubal clogging, a polyethylene catheter is introduced in the oviduct until it reaches the ostium of the Fallopian tube, without exceeding it. In order to ensure a rigorous haemostasis, the Fallopian tube and the polyethylene catheter are sutured together. The level of HCG is measured in the fourth and seventh day postoperative: if the levels of HCG are higher than 1000 mUI/ml, if they plateau or if they have increased, methotrexate is administered intraluminally through the polyethylene tube, according to the following scheme: 50 mg of methotrexate are dissolved in 10 ml of physiological saline solution and injected through the polyethylene catheter, for 5 days. 10 mg per day in 2 doses (5 mg in the morning and 5 mg in the evening).If the values of HCG decrease to an adequate level and there is no risk of persistent throphoblastic disease, the polyethylene catheter is kept for 8-12 days, afterwards it is extracted by traction. If the values do not decrease accordingly, the intraluminal administration of methotrexate is resumed after a 3-day break. This method was used on a number of 9 patients; 4 of them had been treated with methotrexate before the surgical intervention and pertain to the study, and 5 of them had been operated on for complications of ectopic pregnancy and were suitable for this kind of surgical intervention. No postoperative complications or deaths were recorded.

Keywords: ectopic pregnancies, methotrexate, Human Chorionic Gonadotrophin Hormone.

Introduction

Regardless of the approach used, the patient must be followed by measuring the values of HCG, because of the persistent trophoblastic disease which continues to secrete placentary chorionic hormone and also continues to increase the rate of failure for methotrexate treatment.

Methotrexate can be used in the treatment of ectopic pregnancy in the following ways: systemic, in single dose of $50mg/m^2$ of body surface area or multiple dose: 50mg/day in 4 doses, 1mg/kg body/day; it can be injected directly in the amniotic sac, using ultrasound or laparoscopy. All of these methods stop the evolution of extrauterine pregnancy.

Persistent gestational trophoblastic disease is not associated only with systemic treatment with methotrexate, but also with conservative surgical interventions performed through classic or laparoscopic methods. The patient must be followed by measuring HCG 7 days postoperative; if values of HCG are greater than 1000 mUI/ml or stay at a constant level, it is necessary to administer systemic methotrexate according to the known protocol schemes and to measure the level of HCG weekly until it lowers to under 10mUI/ml.

In certain situations (haemodynamic instability and/or haemoperitoneum due to tubal rupture), surgical intervention is necessary. If a conservative surgical procedure is elected – tubal milking, salpingectomy, salpingostomy – there is the risk of secondary bleeding due to the weak muscles of the oviduct or because of the remaining trophoblastic tissues (persistent trophoblastic disease) [1,2]. The surgical technique (conservative or radical) concerning the affected oviduct will be decided intraoperatively, according to the lesions found and to the patient's wish to have children or not [3]. Under these circumstances, we have conceived an intraoperative surgical technique meant to solve the persistent trophoblastic disease through the intratubal administration of methotrexate using a polyethylene catheter. The polyethylene catheter, which is inserted in the oviduct, is used to inject methotrexate, guided by the values of HCG.

Late results are monitored by performing hysterosalpingography or contrast ultrasound at least 3 months after the surgical procedure, when the permeability of the ipsi- and contralateral tube is checked.

Tubal surgery and conservative surgery in general require a lot of patience and tenderness in gestures, a specialized surgeon, fine instruments and suture wires, atraumatic needles, a catheter of polyethylene. The best method in tubal plastic surgery is the one which least damages the mucosal lining [4].

RESEARCH METHODS

Selecting the Cases

The patients were treated with methotrexate for ectopic pregnancy. Methotrexate therapy failed and surgery was required because of haemodynamic instability and complications.

The procedure can be used in patients not previously treated with methotrexate, in which disease became complicated, making the surgical intervention necessary.

Preoperative Preparation

Usually, surgery is a medical-surgical emergency, so there is no time for adequate preparation 2-4 before operation.

It is necessary and mandatory to get patient approval and a signed informed consent. The surgeon should warn the patient about the surgical intervention and about the therapeutic possibilities, according to the situation of the intraoperative lesions. The patient must know that the doctor will try to choose a conservative surgical procedure that will protect the pregnant tube, but the final decision will be made strictly intraoperatively, based on the lesions found in the internal genitelia. The situation becomes even more dramatic when the patient already has an ectopic pregnancy operated by radical procedure (salpingectomy).

Her obstetrical future depends on this new surgery and the risk of losing the only remaining tube is huge.

The patient must be aware and informed of the possibility of losing her only Fallopian tube, which will lead to her enrolment on a waiting list for in vitro fertilization.

In the fortunate event when the oviduct can be preserved, she must understand that conservative surgical procedures are based on strict anatomical principles, but there still remain unresolved physiological factors: muscular, epithelial, ciliary, hormonal, sperm migration, fertilization, migration of the zygote. The fact that the patient already has an ectopic pregnancy is the result of tubal morphophysiological disorders of the local and general aetiopathogenic factors, which surgery cannot solve.

The patient must know clearly before surgery all the aspects mentioned above and agree by signing an informed consent.

Anaesthesia

The type of anaesthesia, as well as the anaesthetic risk is determined by the anaesthetist. If the patient develops haemodynamic instability, the anaesthesia will be performed via orotracheal intubation. If the patient haemodynamically

balanced, with normal blood pressure and pulse, without signs of haematological decompensation, a spinal anaesthesia or a peridural anaesthesia can be performed.

- Operative technique – surgical steps:
- Opening the abdominal wall;
- Inventory of lesions;
- Choice of surgical procedure

Opening the abdominal wall

Laparatomy using the Pfannenstiel incision is recommended for is aesthetic character and also because it provides an accessible way to the pelvic organs and abdominal wall closure has a low risk of eventration.

An autostatic retractor is positioned on the abdominal wall, the intestinal loops are isolated with soft sterile fields, the patient is placed in Trendelenburg position and, afterwards, the inventory of lesions is begun.

Inventory of the lesions

The condition of the uterus, the contralateral tube, the ovaries and the presence or absence of haemoperitoneum is checked, after which, the pregnant tube is investigated. In order to reveal the oviduct, a resorbable thread is applied on the bottom of the uterus, on the median line, which is tractioned using a Pean clamp. A second resorbable wire, handled with a traction clamp, is passed at the inferior pole of the ovary. If both wires are pulled, the tube's entire trajectory is revealed. The tube is checked from the fimbria to its insertion on the uterus. The following situations can be encountered, and these also represent the indications for the personal procedure:

- Tube is pregnant but intact;
- Tube is intact but the embryo is free in the peritoneal cavity (tubal abortion);
- Tube with tubal abortion but with little continuity solution without major bleeding;
- Tube pregnant in the ampullar/fimbrial region and/or isthmic region, unruptured;
- Tube pregnant in the ampullar/fimbrial region and/or isthmic region, ruptured, but with minor parietal damage and without heavy bleeding.
-

Contraindications of the personal procedure

- Tube pregnant in the ampullar/fimbrial region and/or isthmic region, ruptured, but with important mural destruction and heavy bleeding with haemodynamic instability – radical procedure is used – salpingectomy.
-

RESULTS AND DISCUSSIONS

Electing the procedure

Description: A polyethylene catheter is introduced into the lumen of the tube, up to the level of the uterine ostium, without exceeding it. If the tube has minor lesions or if a linear salpingectomy was performed on the antimesometrial border of the oviduct, with the purpose of evacuating the pregnancy, a salpingorraphy with nonresorbable fine 4.0 wire is performed. In order to ensure a rigorous haemostasis, the Fallopian tube and the polyethylene catheter are sutured together. The exterior diameter of the polyethylene catheter must be between 1.2-1.7 mm, because thicker catheters lead to the atrophy of the tubal mucosa through compression [4].

After ensuring haemostasis through salpingorraphy, the polyethylene catheter is kept in the oviduct; towards the uterine ostium, it is put in place with a thin, resorbable, 4.0 wire, towards the abdominal ostium, the plastic tube is attached to the serosa of the fimbria with the same kind of wire.

The permeability of the polyethylene catheter is checked by introducing either a stylet or sterile substances (physiological saline solution, sterile methylene blue). The abdominal end of the tube is exteriorized to the abdominal wall in the right or left iliac fossa, through a contraincision. An abdominal lavage with warm physiological saline solution is performed. In order to avoid the forming of tubal adhesions, a solution of dissolved dexamethazone in 10 ml of physiological saline solution can be introduced in the polyethylene catheter. After cleaning the abdominal cavity and ensuring haemostasis, the abdominal wall is closed, layer by layer.

Postoperative care:

-        Antibiotherapy 5 days;
-        Prophylaxis of thromboembolic disease by administration of heparins with low molecular weight (Clexane 40-60 mg/day depending on patient weight) and early mobilization;
-        Monitoring of urine output;
-        Stimulation and the resumption of intestinal transit;
-        Determination of HCG on the fourth and seventh day after surgery – if HCG levels are higher than 1000 mIU/ml, have remained in plateau or have increased, intraluminal methotrexate is administered in the polyethylene catheter, according to the treatment scheme:
-        Methotrexate is administered daily through the polyethylene catheter for 5 days, in 2 doses (5 mg in the morning and 5 mg in the evening).
-        The polyethylene catheter is kept 8-12 days after which it is extracted by simple traction, if the HCG levels drop there is no risk of persistent trophoblastic disease.
-        If the values of HCG decrease to an adequate level and there is no risk of persistent trophoblastic disease, the polyethylene catheter is kept for 8-12 days, afterwards it is extracted by traction.

If the values do not decrease adequately, the intraluminal administration of methotrexate is resumed after a 3-day break. We administer methotrexate through the polyethylene catheter inserted in the oviduct, in order to avoid the adverse effects of its systemic administration. The methotrexate administered intraluminally is diluted and it is given in very small doses in order not to damage the tubal mucosa.

Table 1 – Late results after the surgical intervention through personal procedure.

Total number of operated patients	Lost from the study	Pregnancies			
		Intrauterine pregnancies			Extrauterine
		Full term	Premature	Abortion	
9	2	2	1	1	2

The general adverse reactions, decreased haemoglobin, platelets, leucocytes, the increase of transaminase, urea, creatinine, uric acid were insignificant.

If methotrexate is not required because the HCG levels drop satisfactory after surgical intervention (under 1000 mUI/ml), a solution containing antibiotics and cortisone can be given through the polyethylene catheter, 6 days after surgery, in order to avoid the forming of adhesions. 1 g of ceftriaxone (cephalosporin) and 8 mg of dexamethasone are dissolved in 10 ml of saline solution, after we have made sure the patient is not allergic. The solution is injected through the polyethylene

catheter, after which we clamp the catheter to ensure that the instilled substances come into contact with the wall of the oviduct. Consequently, the polyethylene catheter is unclogged.

The procedure can be repeated every 3 days because the cortisone may impede tubal scarring.

The procedure was used on a number of 9 patients, 4 of them had been treated with methotrexate before the surgical intervention and they pertain to the study, and 5 of them were operated for complications of ectopic pregnancy and were suitable for this type of surgical intervention.

No postoperative complications or death were recorded.

It is premature to draw conclusion after so few interventions of this kind, but the results have been encouraging. Of the 9 patients 2 were lost from the study. Tubal patency was tested on the remaining 7 patients by performing hysterosalpingography 3 to 6 months after surgery. Tubal patency was positive in 4 patients for tubes operated through the surgical procedure. The results of the operations are estimated by tubal pregnancy and not by obtaining tubal patency [4]. Out of the 7 patients, 5 remained pregnant with intrauterine pregnancies, of which: 2 delivered full term healthy babies, one had a premature delivery (34 weeks – foetus 2100 g) and 2 patients had a spontaneous abortion in the first trimester.

Two patients had a recurrent extrauterine pregnancy.

After intraluminal administrations of methotrexate, the values of HCG dropped under 1000mUI/ml after 12 days from the operation, and the values came back to normal in 23 to 31 days after the surgery. The decrease of the HCG level after conservative treatment takes more time than after the surgical intervention [5,6]. The procedure is similar to plastic tubal operations which ensure tubotubal anastomosis and/or tubo-uterine reimplantation surgeries.

Technical results proved in time will probably be higher than those offered by plastic tubing operations. According to Palmer, quoted by Sarbu, the results of tubal plastic surgery are:

-     More than 40% success recorded in salpingolysis (55-75%) and tubal reanastomosis (40-66%);
-     Around 30% successful in:
-     Tubal reimplantation (27-38%);
-     Lysis of adhesion (29-35%);
-     Terminal neosapingostomy (26-32%).

Failures, even when the operation has managed to obtain patent tubes, shows that the mere restoration of permeability only partially resolves the functional disorders of the oviduct.

We have to compare this surgical procedure which uses a classic laparatomy to surgical laparoscopy which has taken a great momentum after 1980.The success rate for laparoscopic treatment varies with different studies: the success rate of treatment 88.1%, the conceiving rate post laparoscopic intervention 77.3%, and the rate for recurrent pregnancy 10.6% [1]. Out of the surgical procedures used in laparoscopy, we mention: salpingectomy, salpingotomy, salpingostomy, fimbrial aspiration, peritoneal fluid aspiration and lavage, lysis of ovarian and peritubal adhesions, partial ovary resection, hysterotomy, surgery of the contralateral oviduct [1].

The complications for conservative laparoscopic surgery are significantly higher than those of radical laparoscopic surgery. The rate of complications for laparoscopic surgery is higher than that for classic laparotomy [7].

After laparoscopic salpingotomy, persistent trophoblastic disease has a higher incidence, comparatively with classic salpingotomy [8].

CONCLUSION

- The rate for complications after laparoscopic salpingotomy is higher than the failure rate after salpingotomy performed via a laparotomy (15.5% as opposed to 1.8%) [7].
- In emergency cases, laparotomy remains the surgical procedure available to all obstetrical-gynaecology doctors.
- The attitude and mentality of experienced doctors has to be changed in the direction of conservative tubal surgery.

- This personal method of administration of methotrexate may protect a fragile and sometimes unique tube; it avoids the adverse effects of systemi administration and increases hopes for the patient's obstetrical future.
- If the HCG values do not require intratubal administration of methotrexate, this device can be used to prevent the forming of tubal adhesions by intraluminal administration of antibiotics and cortisone substances.
- The number of cases in which the personal procedure was used is relatively small, but the results obtained are encouraging and close to those of laparoscopic surgery.

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The Function of Parents Council and the Represantation of Parents Interests by this Council

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Abstract

This paper discusses the function of the parents council in high schools and the representation of the interests of parents by this council based on prejudices of students parents and members of the Council. The research question of this study was: "How functional is the parent council in high schools of the town of Gjilan?" For this research survey techniques are used, which were realized in the form of the questionnaire, a questionnaire for parents council members and a questionnaire for parents of the classes . Analysis of data obtained from this research indicates that parents' councils do not function at all that, they only exist formally. Parents thought that their interests are not represented enough by their representatives, and that no representative of them in the parents council has not ever contacted them to discuss the role, duties of the council, and get thoughts, suggestions or proposals on important issues dealing with work and school life of their children. Even members of the school council of parents emphasize that parents council in the school does not function properly because only once per year they have had meeting at the beginning of the school year, where the selection of their representatives for the school council is made. However, they say that all issues of particular interest to parents and students are treated by these representatives.

Keywords: *scools, parents council, attitudes, parents ,members of parents council*

Introduction

The function of School Parent Council is an important issue for the school, parents, students, teachers when we consider the area of school-family partnerships. It is known that the Parents' Council is an internal authority of the school through which interests of participants in school life are represented and protected, helping progress and intellectual development of students and increase of the learning quality. Therefore the functioning of this council independently will be important for all participants of school life, especially for progress of cooperation and resolution of issues that are vital to students. With the operation of this council the interests of parents, students and teachers will be represented in the particular way, also will increase confidence, parents interest to actively participate in the school work and life."Parental involvement initiated by the school means the active role of the school in general pursuit of parents information about school policies, procedures and progress of their children, as well the incentive of parents to get involved in school councils and parents organizations" (Milosevic &Malinic,2007, pg.150). Therefore, the Council of parents must be active in order for parents to be closer to the problems of school life of their children."The closer child's education the parent stands, the greater will be the impact on development and educational achievements of the child."(Fullan,2001, pg.294). This paper explicates the functioning of the Council of Parents in secondary schools based on the views of members of this council and parents of students who represent these members. The data gained offer us a real insight on the functioning of the council, possibly would even in the incentive and motivation of the school leaders and leadership of this council to make the council function.

1. Methodological Organization of the research

1.1 Purpose of the research

The purpose of this research was to present the real situation of parents' council function in high schools, from the prejudices of students' parents and members of this council.

1.2. Research questions of the survey

Research question of this survey was: How functional is the Parent Council in high schools of the city Gjilan?

1.3 Methodology of the research

1.3. 1. Participant of the research

This study is applied in three high schools of Gjilan, where the attitude of students' parents and members of the council of researched schools are reflected. In the research participated in total 90 parents, among them 45 members of the parent council of schools and 45 parents of the students, whose class are represented by these members.

1.3.2. Used techniques

Used technique of the research was the survey realized by the questionnaires for students' parents and for members of the council of parents. In the questionnaires are included total 24 questions, of closed and opened questions. The questionnaire questions have been compiled based on the manual for work of parents' council of primary and secondary schools.[1]

2. Analysis and data of the research

We're not presenting the analysis of all the data from questionnaires due to insufficient space, but only analysis of the data obtained from some questions of the questionnaire to members of the School Parent Council, and some questions for parents. Analysis of the data obtained from this research indicates that parents' councils do not work at all, they exist only on paper. Represented in the followings:

2.1 Analysis of the data obtained from the questionnaire for members of Schools Parent Council.

In the question: How much are you informed, as a member of the Council, about your role, duties and responsibilities in this council?
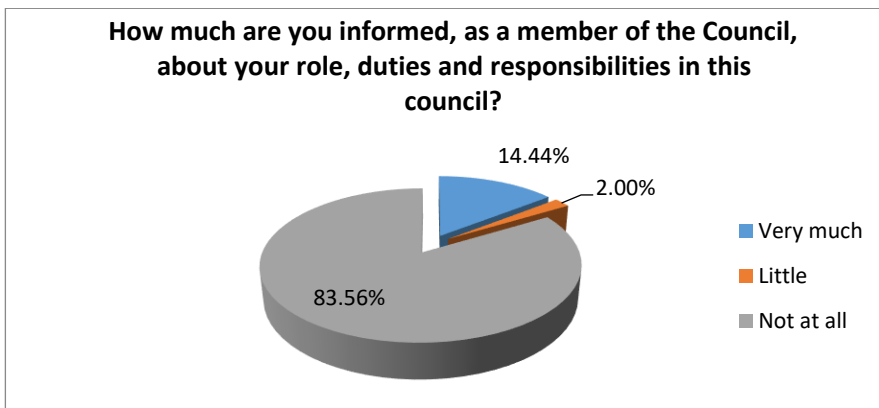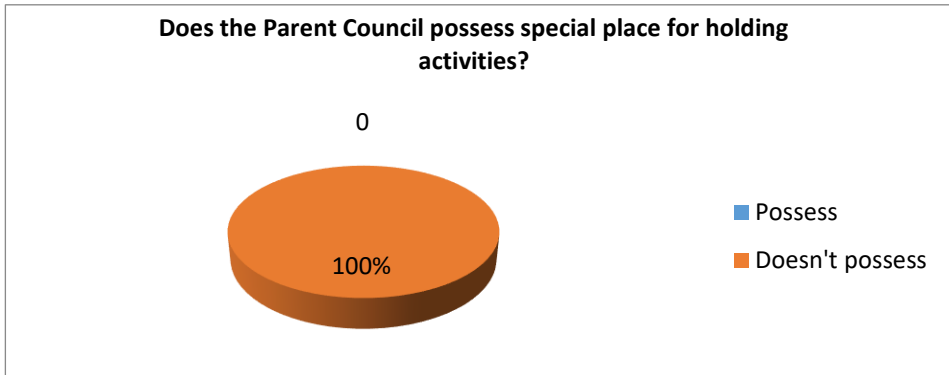

Graphic 2.1.1

From the chart 2.1.1 we note that the majority of the Parent Council members participating in the survey 83.56% of them were for the alternative not at all, which means that have not been informed as members of the Council on the role, duties and responsibilities they have in this council. For alternative''little''2%, while for the alternative ''very much'' were 14.14% of them.

In the question: Does the Parent Council possess special place for holding activities?

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[1]https://www.google.com/#q=VODI%5E+ZA+RAD+VIJE%5DA+RODITELJA+OSNOVNIH+I+SREDNJIH+%5BKOLA

Graphic 2.1.2

By analysing data from the graphic 2.1.2 we note that100% of the members of the school's Parent Council state that the parent council does not possess space for holding activities. The establishment of a special space for holding activities of Parents Council would enable a greater commitment for leadership and its members, especially the involvement of parents in school life of their children and as an equal partner of the school.

In the question: Did you attend regularly meetings of School Parent Council?
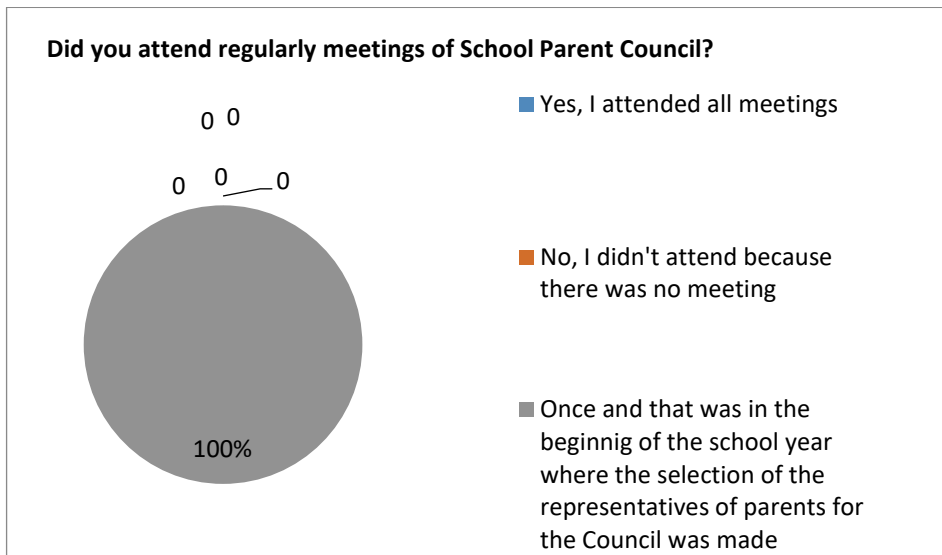
Graphic 2.1.3

Based on the data in graphic 2.1.3 we note that 100% of them stated that they attended once during the year in the meeting of the Parents Council of the school, which means that the school Parent Council does not function properly.

In the other question: Do you consider the concerns, opinions and proposals of parents and do you present these in the Parent Council, we received the following answers:

Do you consider the concerns, opinions and proposals of parents and do you present these in the Parent Council?
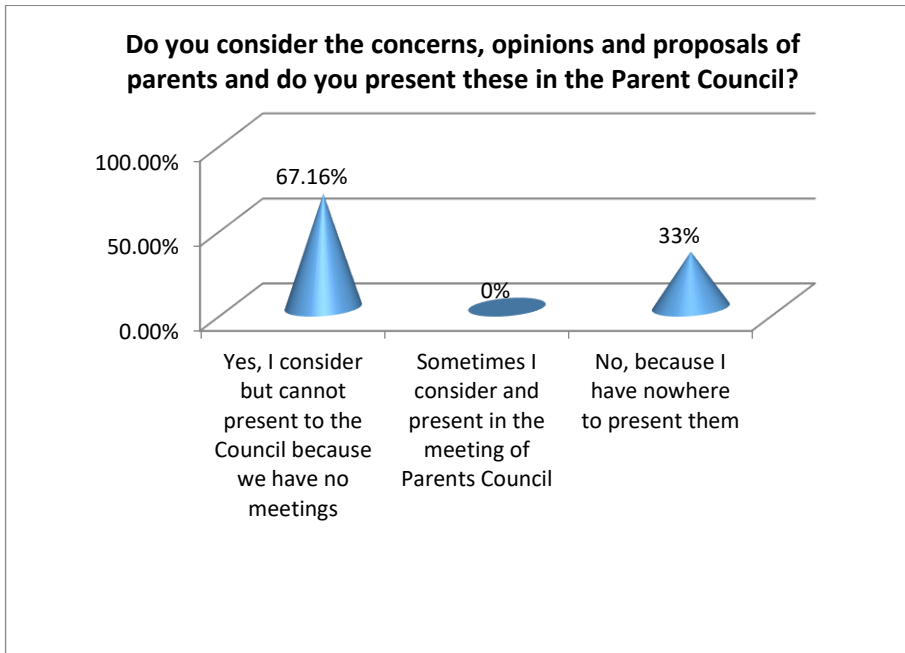
Graphic 2.1.4

67.16% of members of Parent Council participated in the survey of said that they consider the opinions, concerns and suggestions of parents, but do not present them in School Parent Council because of no meetings, while 33% were for the alternative ''not'', because they don't have where to present them.

In the question: Do you ever talk during meetings with parents about problems that concern them?

Do you ever talk during meetings with parents about problems that concern them?
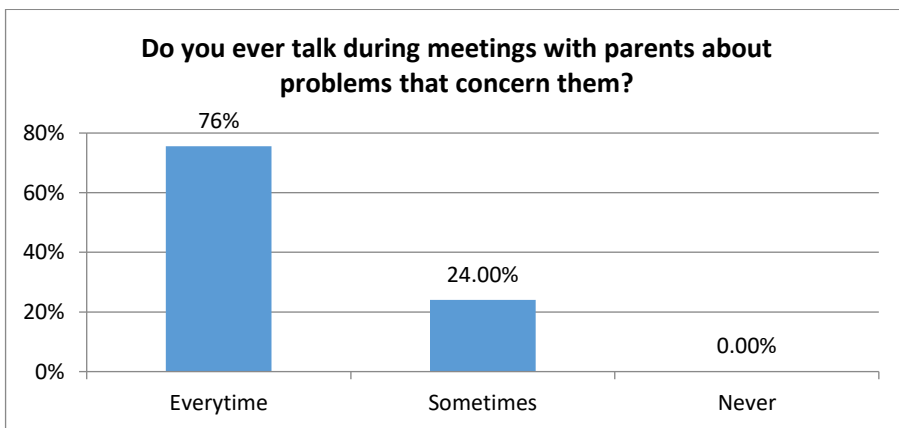
Graphic 2.1.5

Analysing the data in graph 2.1.5 we conclude that the majority of them, 76% said they always talk with parents about problems they have, while 24% of them said that sometimes.

In the question: Do the representatives to the School Council inform the Council about the content of the meetings and decisions of this council?

Do the representatives to the School Council inform the Council about the content of the meetings and decisions of this council?

Everytime	0
Sometimes	0.00%
Never	100.00%
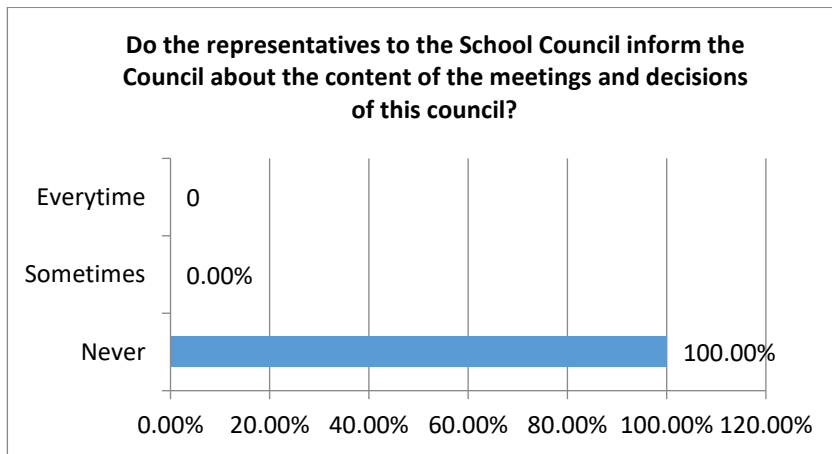
Graphic 2.1.6

The data from Graph 2.1.6 shows that all members,100% of them said that their representatives in the School Council did not inform them about the School Council meetings, which shows that these representatives are not required by the Council of parents to report about the meetings and decisions taken in the School Council.
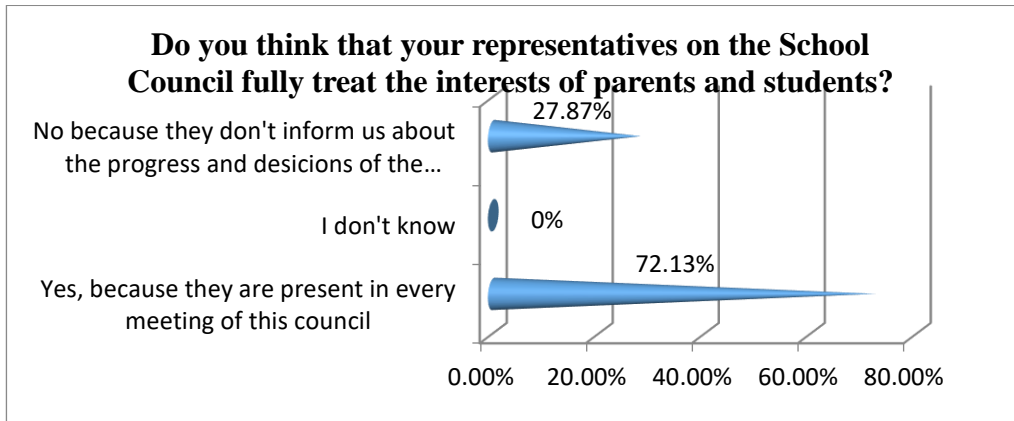
In the following question: Have you ever discussed with other members of the Parent Council to organize any activity where other parents will be included?

Have you ever talked with other members of the Parent Council to organize any activity where other parents will be included?

33. %
67%

■ Yes
■ Jo
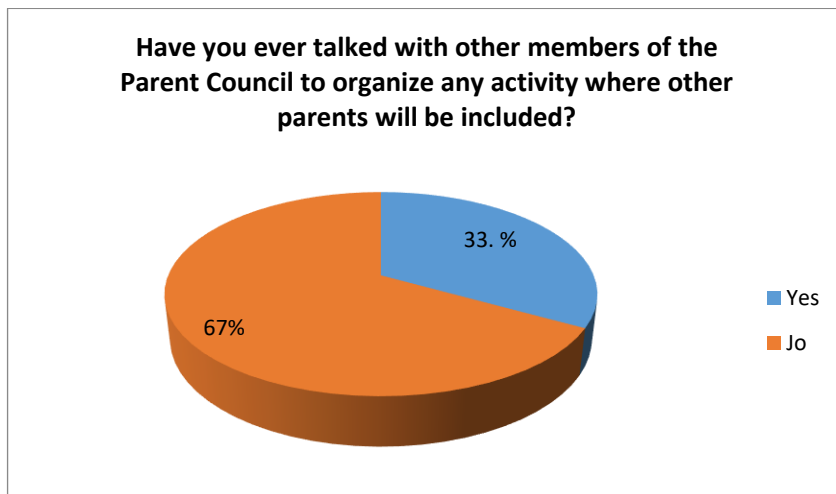
Graphic 2.1.7

From the graphic 2.1.7 results show that 67% of them have not discussed with other members of this council for organizing any activity, justifying that as a member they cannot organize without the support of governing authority of the school. While 33% of them said that they have discussed with other members of this council to organize activities where other parents would be included.

In the question: Do you think that your representatives on the School Council fully treat the interests of parents and students?
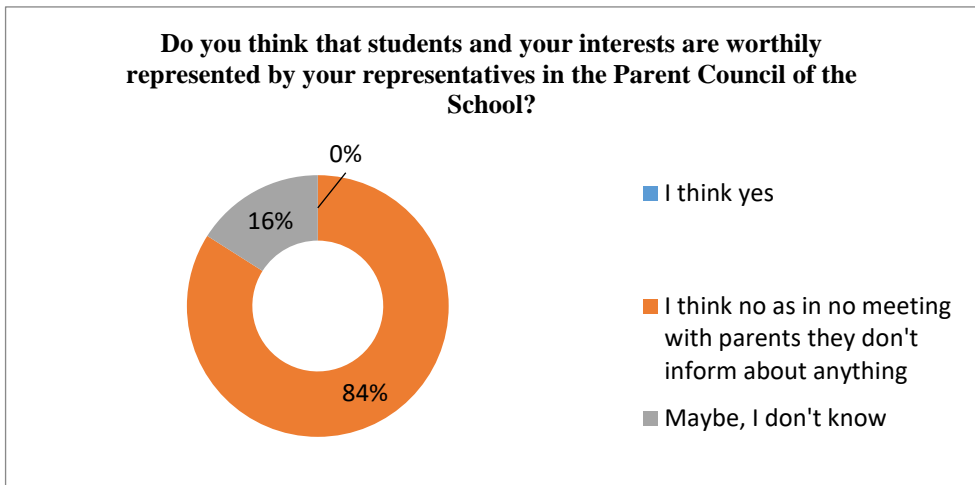

Do you think that your representatives on the School Council fully treat the interests of parents and students?

- No because they don't inform us about the progress and desicions of the… — 27.87%
- I don't know — 0%
- Yes, because they are present in every meeting of this council — 72.13%

(Axis: 0.00%, 20.00%, 40.00%, 60.00%, 80.00%)

Graphic. 2.1.8

The data of analysis of the graph 2.1.8 shows that 72.13% of the members participating in the survey think that their representatives in the School Council fully treat the interests of parents and students, while 27.87% state that they do not inform them about the progress and decisions of the meeting.

2.2 Analysis of the data obtained from the questionnaire for parents who are not members of the School Parent Council.

In the question for parents: Do you think that students and your interests are worthily represented by your representatives in the Parent Council of the School?

Do you think that students and your interests are worthily represented by your representatives in the Parent Council of the School?

- 0%
- 16%
- 84%

Legend:
- I think yes
- I think no as in no meeting with parents they don't inform about anything
- Maybe, I don't know

Graphic 2.2.1

From the graphic 3.2.1 of parental responses we notice that 84% of parents said that their interests are not worthy represented by their representatives, since in any meeting with the parents they do not inform them about anything, while 16% of parents were for alternative ''maybe, I don't know''.

Do your representatives in the Council of Parents ever discuss during meetings with parents for problems that have to do with work and school life of your children?

Do your representatives in the Council of Parents ever talk during meetings with parents for problems that have to do with work and school life of your children?
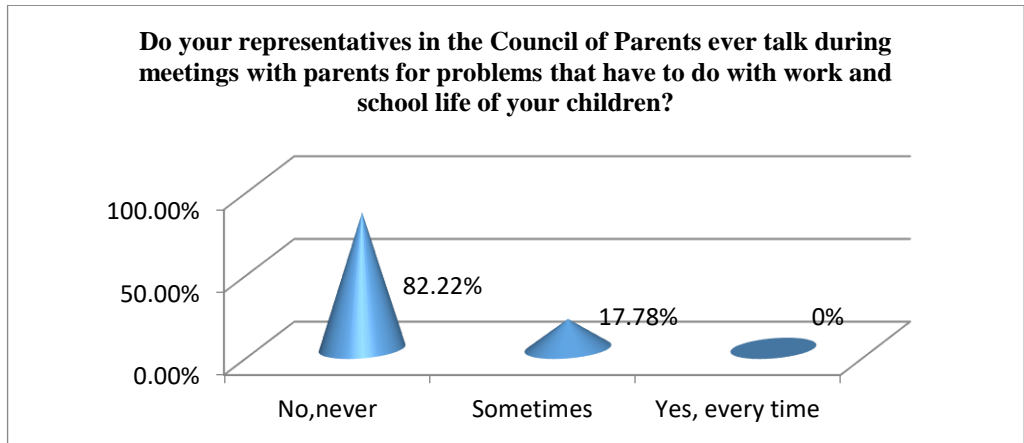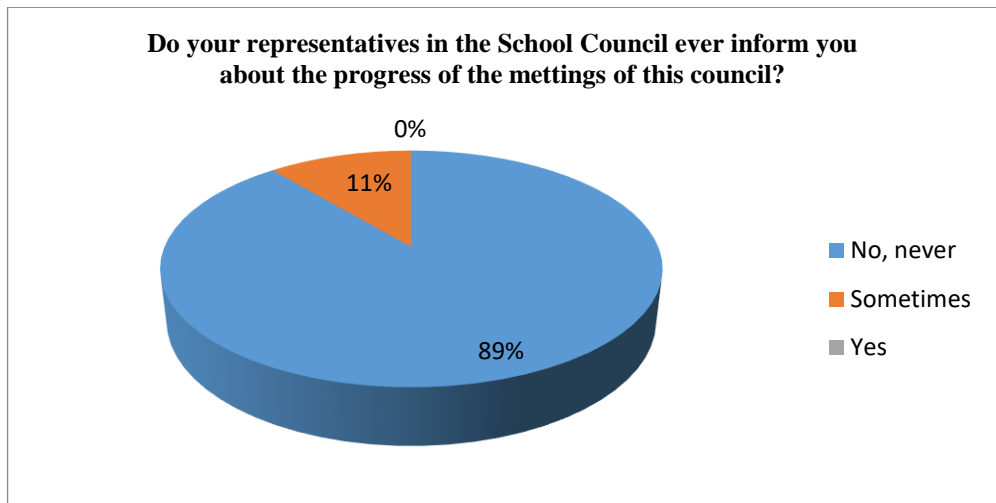

Graphic. 2.2.2

From the data of graphic 3.2.2 we can say that the majority of surveyed parents, 82.22% of them said that their representatives never talk with them, while 17.78% think that they sometimes talk with them.

Question: Do you agree with the opinion of the Parent Council members that all issues of your and students interest are fully handled by the parent representatives on the School Council?

Do you agree with the opinion of the Parent Council members that all issues of your and students interest are fully handled by the parent representatives on the School Council?
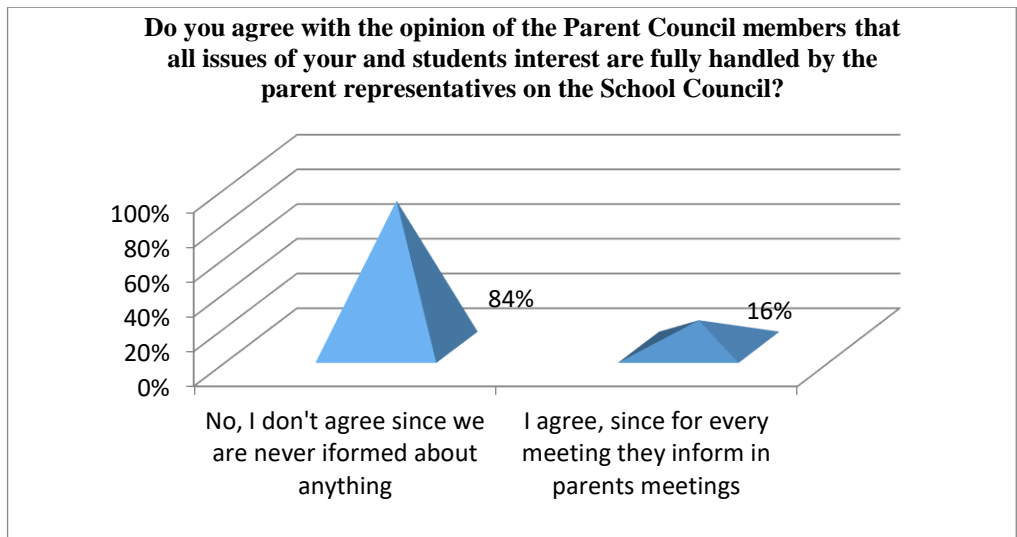
Graphic 2.2.3

From the results presented in graphic 3.2.3 we see that 84% of parents do not agree with opinions of the members that they representatives in the School Council treat fully they interests, since parents are never informed by them about the progress and decisions of this council, while 16% of parents agree, since for every meeting they inform in the parents meetings.

Following question: Do your representatives in the School Council ever inform you about the progress of the meetings of this council?

Do your representatives in the School Council ever inform you about the progress of the mettings of this council?

- 0%
- 11%
- 89%

Legend:
- No, never
- Sometimes
- Yes

Graphic 2.2.4

From the data of the graphic 3.2.4 we see that we have an approximation of the results with the previous question. Majority of parents, 89% of them said that their representatives never inform them about the progress of meetings of this council. While 11% said that they sometimes get informed.

In the question: Have your representatives ever invited you to take part in any activity organized by them?

Have your representatives ever invited you to take part in any activity organized by them?

- 0%
- 100%

Legend:
- Yes
- No
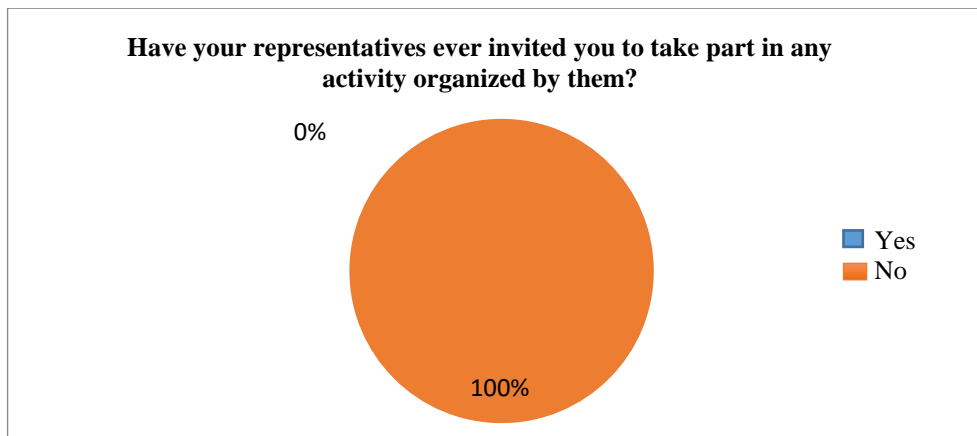
Graphic 2.2. 5

From the data of this graphic we note that 100% of parents say that they have never been invited to take part in any activity organized by them. From this we notice that their representatives have not organized any activity that would include parents.

3. Data, conclusion and recommendations

When talking about the functioning of this council, I think we have stagnation in this direction, because we are not inclined to work together, lacks of culture of cooperation and educational institutions are not paying much attention to the functioning of this council, knowing that the functioning of this council will increase parental involvement toward resolving problems students face. The data show dysfunction of the Parent Council and a not worthy representation of their interests. Parents thought that their interests are not represented enough by their representatives, and that no representative in parents'

council has ever contacted them to discuss the role, duties of the council, and get thoughts, suggestions or proposals on important issues dealing with the work and school life of their children. Even members of the school parents' council emphasize that parents council in the school does not function properly because only once per year they have met, and that was at the beginning of the school year, when also was the selection of their representatives to the school council. However, they say that all issues of particular interest to parents and students are treated by these representatives.

On the other hand analysing the responses of parents, they say that their representatives in school councils do not ever contact with them and do not inform them about the progress and decisions of the council meetings. Therefore, it is needed:

- To engage high school leaders to make the Parent Council function.
- Parent representatives to be informed on time in the Parents Council and School Council about the role, duties and responsibilities that they will have as representatives in these authorities.

- -Cooperation of all Parent Councils together across schools and make visits to schools of other countries to share experiences and different ideas so that these experiences can be applied in our schools.

- Representatives of parents in the School Council and in the Parent Council should hold regular meetings with other parents in order to inform parents in the best way about the progress of meetings and taken decisions. -To organize various activities by parents' council that would motivate parents to be active in the school life of their children and closer to the problems that concern them.

- To compile a guide for the work of the Parents Council.

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The Challenges in Building a Legal State in the Republic of Macedonia

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Abstract

The Establishment and the consolidation of the legal state in the Republic of Macedonia still remains the main challenge and a primary issue which comes into view continuously during the functioning and the governance of this country, although we are facing the third decade of democratic transition since the fall of communism in these regions. By a legal state in Macedonia we understand the system in which the state authorities in this country, and in particular the executive and administrative authorities, though restricted to its legal norms (the constitution and the law) which guarantee the inviolability of fundamental human rights and freedoms of its citizens and the democratic functioning of political power, their implementation in practice nevertheless continues to represents a major difficulty that the country faces.The need of a functional legal state in Macedonia is still far from its implementation and in consistency with the theory of Hans Kelsen about the legal state. According to him, in the territorial region of a state there should be a single lawful, legitimate and sovereign order: that of the state: all the legal norms, directly or indirectly, derive from the state and those are valid only when incorporated in its lawful order, by thoroughly respecting their intentions. "The state represents the overall legal order, its law, being the highest, is the single true law".[1]We shall stop and focus on some of the main criteria, principles and pillars on which it relies, respectively on those which condition and enable the functioning of a legal state in Macedonia. These are the criteria and principles which are also accepted by the judicial-constitutional concept in general. Firstly, we will examine the respect of the principle of constitutionality and legality, the respect of the basic human rights and freedoms in this country: the free and democratic elections, independent courts etc.

Keywords: law, judiciary, courts, rule of law, government, human rights and freedoms, free media, elections, constitution, corruption.

Introduction

The respect of the principle of constitutionality and legality is an important element that characterizes Macedonia as a legal state and its functioning according to the laws. We will view the respect of the principle of constitutionality from the angle of all the legal acts issued by Macedonia, and whether these are in accordance with the constitution of this country. In addition, the principle of legality will be analyzed from the aspect of whether all the state government institutions are in accordance with the laws of this country, namely the state administration institutions.

The constitutional restriction of power denotes the power within the limits of the law, respectively the power that is limited by the constitution in its formal or material aspect: "The law which doesn't restrict the actions of the government does not deserve even a minute of commitment towards it".[2]

The violation of the principle of legality represents a frequent practice of the functioning of the state governmental institutions and democracy in Macedonia.Illegality of the work of state institutions often causes incompatibility among legal acts (by-laws) and its implementation in practice in accordance to the law, as a higher legal act.The violation of the principle of legality occurs often in Macedonia, both in a material and a formal sense.

Cases of lawlessness in its material sense, first of all emerge in the work of the administrative institutions of this country. It often occurs that the institutions of the state administration, during their line of work when issuing the by-laws decisive about the rights and obligations of the citizens, issue by-laws which are not in compliance with the law and the pragmatic way of their implementation.

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[1]Hans Kelzen, Theorie pure du droit, Dalloz, 1964
[2] Leon Digi, Traite de droit constitutionnel, tome I, 3 ed, Paris, 1927, pp. 98-99

This method of functioning of the state administration in Macedonia appears mostly as a result of the lack of de-politicization. The political influence continues to be present and this is the main factor which influences the decision-making of administration bodies, as well as its personnel policy. Only a de-politicized administration may exercise its duties properly and consistent to the implementation of the laws in Macedonia and rightful implementation of the rights and obligations of the citizens of this country.

Republic of Macedonia needs to focus more on the quality and respect of the laws than on the quantity. There may be many laws in a country, but no legality. This was nicely emphasized by the theorist Tacit at the beginning of our era "The more corrupt the state, the more numerous the laws" (Corruptissima res publica, plurimae leges).

Another important concern in Macedonia that leads to challenging the legal state is the control on the constitutionality of the laws as one of the issues on which depends the implementation of the constitutional principle in practice. The control on the constitutionality of the laws in this country needs to include more control on the compliance of the laws with the Constitution of Macedonia, both in the material and formal aspect. In other words, the Constitution of Macedonia can be implemented in practice only under conditions where it is fully protected by unconstitutional acts and in particular by unconstitutional laws in this country. Unfortunately, we have often faced cases where laws heavily infringe the basic principles and provisions of this state.

Freedoms and rights represent the basic criteria on the citizen's position and role in the Republic of Macedonia. They are an integral part of the political history of this country, because they are the best indicator on the nature of the rapport between the state and the citizens, on one hand, and the state and other entities on the other hand. Precisely for this, human rights and freedoms of the citizens are an object of examination in this paper. Then again, the challenge of freedoms and rights has been a continuous demand of democratic forces, throughout the history of the existence of this country of over seventy years, including this day.

The present government yet continues to violate some of the freedoms and human rights in this country, and in this occasion we will focus on some of these violations which are most present in the country, like the right to anti-discrimination, presumption of innocence and the freedom of media.

Although the Republic of Macedonia within its 1991 Constitution has accepted the anti-discrimination clause foreseen under the Universal Declaration of Human Rights of 1948, it still fails to do much in respecting it entirely.

The anti-discrimination law in Macedonia is mostly expressed in the interethnic relations between Macedonians and Albanians, or specifically between the Macedonian Government and the Albanian people, as well as towards other ethnicities not belonging to the majority of people who live in the country. Often, the Albanians in this country have been subjected to discrimination in their fundamental rights by state authorities of this country. Therefore, the Republic of Macedonia, in order to build mutual multiethnic country needs to take measures towards the mitigation of differences in terms of the implementation of human freedom and rights.The presumption (assumption) of innocence of the citizen is an expression of respect towards the citizen, which often is brutally violated in this country. Many persons suspected and accused of various criminal offenses in Macedonia, during their deprivation of freedom, have been treated as guilty, whereas their guilt has not been established with a final court decision. The presumption of innocence in this country has been violated even in cases when persons who were illegally deprived of their freedom, arrested or tried not according to law, have not used their right to compensation for damage or other rights established by law.

Freedom of media and other forms of information represent another form of freedoms and rights which is also seriously violated in the Republic of Macedonia. We face violation of the right to expression and display of different opinions, views and stances, as well as violation to the right to democratic communication of the citizens with the authorities and vice versa.

The information media in Macedonia often misuse the freedom of information. The most usual cases of infringement to this freedom include: filtering of news in accordance with the needs of the existing government; commercialization of the information means and violation of the truth and the sound political judgment; silence the truth and manipulating public opinion; establishing a monopoly in the field of information, and finally, inducing hostility between the nations in Macedonia and planting hatred among them.

Despite the constitutional restrictions, even today there exists censorship in Macedonia, especially in the pro-government media or in the "independent" media, who adjust their editorial policy to the government's policy goals.

Today in Macedonia in both local and national level, the media financed by the government and many other private media, through political marketing and the financial aids that they receive which aiming at their control, have been fully subjected to the present policy of the government. This absolute dependence has led to the lack of trust in the media by the majority of the citizens.

The bad rates of the media position in Macedonia from the legal practice perspective was also confirmed by a group of French and local experts during a debate organized in Skopje. In this occasion the French experts from *Reporters without Borders* presented their most recent index about the freedom of press for the year 2014. According to these results, Macedonia was ranked 123rd, thus marking a major drop of 84 places compared to their ranking from 4 years ago. During this debate it was concluded that the journalists in Macedonia are being faced with arrests, higher punishments against them, self-censorship, political pressures, etc. According to the French experts, Macedonia is in any case quite far from a kind of freedom of expression which would be acceptable in a European society.[1]

The European Court of Human Rights considers that the freedom of information is a basic element of democracy. Through its judgments, the European Court largely upheld the belief of Thomas Jefferson, a renowned former US President, in relation to the newspapers and the state government at the time in the United States of America, who emphasized that, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.[2]

In the Republic of Macedonia occurs the very opposite because the courts in this country have held a rather restrictive stand towards the journalists. This was seen during the trials against journalists accused of treason in 2005 and 2006, in which cases they all lost their court disputes against the President of the country, President of the Parliament of Republic of Macedonia, Prime Minister of Republic of Macedonia and against certain ministers. Despite the fact the trials in the Republic Macedonia are in general being processed very slowly, in these case the same were done in no time and with considerable penalties in cash to be paid by the journalists.[3]

LLLIn regard to theviolation of human rights in Macedonia, also spoke the Ombudsman through the presentation of his report in front of the members of parliament in June, 2015. Through this report he revealed many violations of human freedoms and rights in many of the segments of the country.[4]

In order to ensure full independence of the courts for Macedonia to function as a democratic state, it needs to fulfill some conditions:

- Firstly, emphasize the independence of the courts and the legislation, independence of the judiciary and legislation form the executive branch. This principle consists of independence of the courts from the parliament and the Government of Macedonia in particular, as well as eliminating the practice of political control over their work;

- Secondly, further depolarization of the courts in the country, hence forbidding any kind of political activity within the judicial organization, be it on party bases or other forms of political organization;

Thirdly, respecting the independent financing of the courts, meaning that the courts in the country, though financed through their independent budget, they keep being under permanent control of the government;

-Fourthly,thehigher respect for the judicial procedures is another condition in building independent judiciary and the legal state, in general;

- Fifth, the impartiality of judges, meaning that the judges need to be very impartial when bringing their decisions and this can be achieved only when they get elected based on merits which will make them dignified judges.

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[1] Debate organized in Skopje February 26th. 2014, joint organization between the French Embassy in Macedonia, the International Institute for Human Rights and Peace in Cahn, and the Faculty of Law, "Justiniani I"

[2] Thomas Jefferson, Writings, The Library of America, New York, 1984, p.117

[3]Svetomir Shkaric, Gordana Siljanovska-davkova, Ustavno pravo, Skopje, 2007, p.420

[4] See: The Report of the ombudsman presented in the Parliament of R. Macedonia, June 25th, 2015.

The "Sopot Case," as well as many other court cases in Macedonia, gives a lot of room to doubts about staged political trials, through the public disclosure of the wire taps called the "bombs" revealed by the leader of the opposition Zoran Zaev, during the past few months of 2015.

Another even bigger problem about the functioning of our courts is corruption. Half of the citizens of Macedonia consider that the judiciary is the most corrupted institution in the state. This was indicated in the recent reports of "Transparency International" which carried out surveys in many countries covering thousands of citizens. According to a report titled *The 2009 Global Corruption Barometer*, which was carried out from October 2008 until February 2009 in 69 states and territories, including 73 thousand surveyed people, over 50% of the citizens of Macedonia have picked out the judiciary as the most corrupted institution or field, responding to a question which included the political parties, the parliament, businesses and the public administration employees. For the most corrupted sector, 23% of the surveyed have chosen the public sector, 11% the political parties, 7 % the business, 6% the Parliament and 3% chose the media.[1]

Another more controversial issue in the country which is directly related to the functioning of democracy and the constitutional state, are free and democratic elections.

Elections represent the foundation of the legitimacy of the state government, though often in Republic of Macedonia the same represent a process which is associated with questionable results of the participants in the elections and with major irregularities in the process of holding elections. The importance of elections, lays in the fact of how much indeed through them they express a higher articulation of the will of the citizens, of the political pluralism and of the democracy in Macedonia.

The organization of the several cycles of past elections in Republic of Macedonia has not been quite free and democratic. Through the wire taps known as "bombs" made public by the opposition leader Zoran Zaev, many suspicions have were raised about major manipulations during the election processes in the country. As a result of undemocratic processes of holding elections in the country we could notice the many frailties in the democratic character of the representing institutions in regard to the non-participation of the opposition in the parliament, the democratic way of exercising power, political rights of the citizens and the politics in general in Republic of Macedonia.

Also, as a result of such not very democratic elections in Macedonia, there is a failure in succeeding to exercise the controlling means for the work of the government in power. The importance of this issue is that by failing to have continuous control by the citizens over the people who govern, Macedonia has moved a lot towards an undemocratic system of governing in the last decade. Only through free and democratic elections in Macedonia we can speak of a legitimate government. Otherwise, as stressed by Altius, legitimacy aims at reducing the difficulties of both, those who govern and those being governed, "If consensus and the will of the leaders and the citizens is the same, in such cases the life of the people is rich and fortunate.[2]

Elections are important for Macedonia and every country because they link both the legitimacy and the legality of the state government.

Legality represents a judicial category, whereas legitimacy a politico-logical and sociological category. These two categories have their common and separate grounds among them. They come together when the legal state power is also legitimate. Simply put, the principal of legality or legitimacy means that the behavior of the state institutions during their exercise of power is in accordance with the positive rights, respectively with the law. Because of this, legitimacy is identified with legality.[3]

In these moments, Macedonia is in a very deep crisis of political institutions as a result of failure implementation of the laws, due to the lack of participation by the opposition within the works of the Parliament of Macedonia. In order for Macedonia

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[1] *The 2009 Transparency InternationalReporton global corruption*

[2] Johanes Althusius, Politica metodicae digesta, London, 1964, p. 9

[3] Karl Joakim Fridrih, Konstitucionalizam (Ogranicavanje i kontrola vlasti), CIID Podgorica, 1996, str. 173

to move out of this political institutional stalemate, the European Union has undertaken the initiative to resolve this problem through mediating between the parties, both the ruling and the opposition party.

The absence of rule of law is also one of the main remarks in the part of the report about Macedonia in regard to the current political situation published by the US State Department related to the freedoms and human rights in the world in June 2015. This stressed that, "The most emphasised problems dealing with human rights come as a result of the high level of corruption within the government and the lack to fully respect the rule of law, including here the continuous attempts to limit the freedom of media, interference in the judiciary and the selective punishment", claims the report. In addition, the Department of State notes that the judiciary in Macedonia is characterized by political influence, inefficiency and favouritism of persons already established in society, protracted processes and others. The State Department also notes that the police has used excessive physical violence against detainees and prisoners, as well as the poor conditions in prisons. The Department of State claims that there exists a government pressure over the media, where a number of persons close to the government are the owners of these media.[1]

Another proof about the lack of functionality of the legal state in Macedonia is also based on the reaction of the European Commission through the report presented by Mr. Pribe, over the political crisis in Macedonia during the beginning of 2015, which continues to escalate after the information made public by the opposition leader Zoran Zaev, according to whom the government in Macedonia has wire tapped over twenty thousand citizens, including important political dignitaries. The report reflects the legal violations, abuse of power and bad governance in Macedonia, including the prosecutor, courts, state security, electoral process, public service broadcaster, all the way to identifying the parties with state, reflecting all forms of destruction of fundamental principles of democracy and fundamental freedoms of human rights.Pribe's Report of the European Commission also gives guides on how to move out of the political institutional crisis with the wire tapping which has engrossed Macedonia.[2]

The lack of complete functioning of the legal state in Macedonia entails the lack of implementing the law in all the governmental institutions, both in terms of limiting their power and in terms of the procedures of their functionality. This also includes their responsibility for action or lack of action and illegal behaviors, like abuses, excess of powers etc.

The aim of the rule of law in Macedonia should consist more in the promotion and provision of legal protection of the citizens, their equality in front of the law, effective protection of all their freedoms and rights through independent and impartial courts.Macedonia needs to consider these important goals in its functioning as a legal state, in order to do more to ensure the same in a near future. This is a condition for the existence of political stability and security in this country.

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[1]http://botasot.info/maqedonia/420903/departamenti-amerikan-ne-maqedoni-ka-korrupsion-dhe-nuk-sundon-ligji
[2]http://botasot.info/maqedonia/418334/komisioni-evropian-jep-direktivat-si-te-dilet-nga-kriza

ABA Based Intervention Implemented by a Mother of a Child with ASD

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Abstract

Over the past 15 years there has been a dramatic increase in the incidence of autism. In 2014 the American Autism and Developmental Disabilities Monitoring Network reported estimated prevalence rates for Autism Spectrum Disorder (ASD) to be 1 in 68. At the same time, the number of professionals qualified to coordinate effective behavioral interventions has been limited and often prohibitively expensive. Several recent studies that include randomized trials have shown very promising results for involving parents of very young children with autism to integrate evidence-based strategies into daily routines with positive effects on core symptoms of the disorder. The present article shows that additional to staff treatment outcomes, positive treatment outcomes provided by parent involved in therapy are possible. The purpose of this case study article is to promote parent involvement in early intervention programs for children with autism. The objective is to open a new discussion on potential ways for better treatment outcomes hoping to propose a more economic model for a poor country like Albania.

Keywords: Autism Spectrum Disorders, mother intervention, outcomes

1. Introduction

The cause of the increasing number of children with autism is not yet known (Keenan, Dillenburger, 2014). Children with autism are considered disabled under the WHO definition for People with Disabilities. In Albania, according to the National Strategy for People with Disability, the number of people with mental, physical and senses disability is: Total 35547, Urban Areas15166 and Rural Areas 20381. There is no evidence published about the number or prevalence of children with ASD in Albania. The small numbers the few autism centers existing in Albania might offer are not representative to all population. A national survey to estimate the prevalence of ASD hasn't been developed yet. We can assume however that the rate of children with autism in Albania is the same with that of other countries.

Although autism is a life span condition, since the 1960's many approaches and methods of intervention have been proven to be successful in treatment of autism (Deisinger, 2011). Much information about various intervention methods focusing on behavior modification for individuals with autism currently exists, however, professionals agree that parent involvement is crucial for the success of those interventions (Lai, Lombardo, & Baron-Cohen, 2014; Beurkens, Hobson &Hobson, 2013; Solomon & Chung, 2012; Benson & Carlof, 2008). Though the cause, the prevalence, and intervention methods of autism are widely researched, this author believes that more focus should be drawn to parental involvement, and how to support parents in their involvement.

In addition to trained therapists, this article basically proposes the parent involvement in early intervention programs for children with autism. Parent involvement is a complex process that requires consideration of the basic issue of parenting a child with autism. In recent years, a number of studies have begun to document the experiences of families caring for a child with autism. For example, Cashin (2004) conducted a phenomenology study involving nine parents of ASD children. This study identified several other themes in the data, indicating that parents experience less spontaneity, decreased social contact, fewer material things, and less time to pursue their own individual interests. However, positive experiences were also reported. For example, parents described rare moments when they truly connected with their child, and they noted tremendous personal growth in patience. Parent coping and stress levels experienced by parents of children with autism has been addressed by a number of quantitative studies. Much of the literature suggests that mothers and fathers of children with autism report significantly more stress than do parents of children without disabilities or parents of children with other disabilities, including chronic illnesses (Hastings, Kovshoff, Ward, Espinosa, Brown, & Remington, 2005; Gray, 2002; Hastings & Beck, 2004).Hastings and Beck (2004) also noted that when interventions result in children's language acquisition and in the reduction of problem behaviors, parents experience a greater sense of well-being and a reduction in

reported stress levels. Interestingly, on the side of coping, Singh and colleagues (2006) suggested that stress levels can be reduced by teaching parents how to handle problem behaviors, including aggression. Some researchers have suggested that children perform best when their families acquire skills and knowledge along with the confidence to apply that knowledge (Dunlap & Fox, 1999; Kuhn & Carter, 2006).

2. Method

The article summarizes the results of a case study on the staff and parent involvement in autism treatment of one child female aged 4 years 2 months at the time of this study. The child had been diagnosed with ASD. She was attending the kindergarten but the outcome was just the girl being present in the setting. She was not benefiting neither educational nor other kind of service. The girl started to receive behavioral intervention in clinic setting. The system employs the technologies of Applied Behavior Analysis and Verbal Behavior to teach small, measure units of behavior and language systematically. After a period of 6 months of behavioral intervention in clinic setting, the clinic staff proposed to the mother of the child to be involved in the treatment. The mother would be involved in Early Intensive Behavior Treatment and in Problem Behaviors.Additionally parent involvement (mother) in clinic (45 min) and in home setting (45 min) was introduced than, targeting the replication and generalization of the above.

The girl had been integrated into mainstream school (kindergarten) for duration of time that is 16 months. The Albanian schools have on average 30:1 pupil: teacher ratio and implement the conventional Albanian mainstream curriculum. The girl receives full – time assistance from the aide who replicates the therapy program of the center and integrates it with school program. She continues to get clinical treatment of 7, 5 h per week and additional parent intervention both in clinic and home setting.

2.1 Data collection

Data was collected during interventions performed by both clinic staff and the mother of the child. Target goals were the same for the staff and parent involved in the treatment. The goals were seen divided in two domains: first domain was acquisition of language and academic skills, self –help skills, social and play skills, class instruction and group instruction and first/then rule. These domain targets were tracked on monthly basis over 6 trials per goal per one hour session. The trials results were marked on every day basis as independent or prompted with type of prompt used being designated. The final data collection was plotted using a graph tracking multiple data points utilizing the discrete trial data training.

Language acquisition starting from vocal imitation, receptive and expressive level, requesting and intraverbals, following the commands, academic skills like writing and math, social rules and play skills , class and group instruction, yes/no and first/then rule – all were then plotted on two graphs as to percentage of successful trials per data tracking session. Graph 1 and 2 represent the staff and mother's intervention results in the first domain.

The second domain was Functional Behavior. ABC data collection form was used to track functional behaviors on monthly basis over the number of nonfunctional behaviors demonstrated per one session. Graph 3 and 4 on this other domain will be presenting the results of intervention implemented by the staff and the mother of the child.

3. Presenting problems

The case is represented by a child (girl) with autism and her mother who came in clinic to help her child. The child received ABA at 1 year and 10 months. At the time of first assessment the girl was not attending any crèches or any state institution. She was not verbal, no imitation skills were present, she wouldn't turn when calling her name, she had no interest for toys of her age, no pointing, and no presence of receptive level. Stereotypes like moving around, emitting wired voices, movements of hands and goofy walking were present. She had no self-help skills, the play was immature and little imaginative play was present. Challenging and non functional behaviors at apparently no reason were present as well. The mother of the child was very interested to learn as much as possible on how to acquire the necessity skills to better help her child with the intervention. During the first sixth months of the clinic based intervention, the mother was present in every

therapy hour. A common decision taken by the clinic staff and the mother of the child on initiating additional therapy hours carried by the mother under close supervision of the clinic was very natural at this stage. Therapeutic goal, data recording and results tracking were the same for both staff and parent.

Therapeutic Goal was to increase skills in imitation, language, play and socialization, academic skills while decreasing challenging behaviors.

The graphs below presents the results of interventions implemented by the staff and by the mother. Graph 3 and 4 on nonfunctional behaviors presents the reduction of these behaviors on monthly basis due to staff and parent implementation. The data was tracked on daily basis and then graphed for the 8 months of duration.

1. Results of Staff Treatment ABA Goal 1

2. Results of Mother Treatment ABA Goal 1
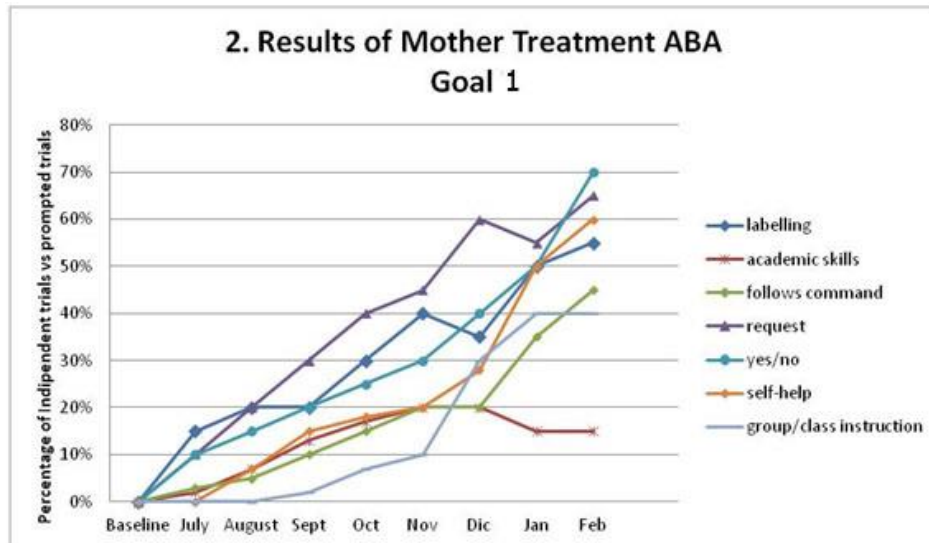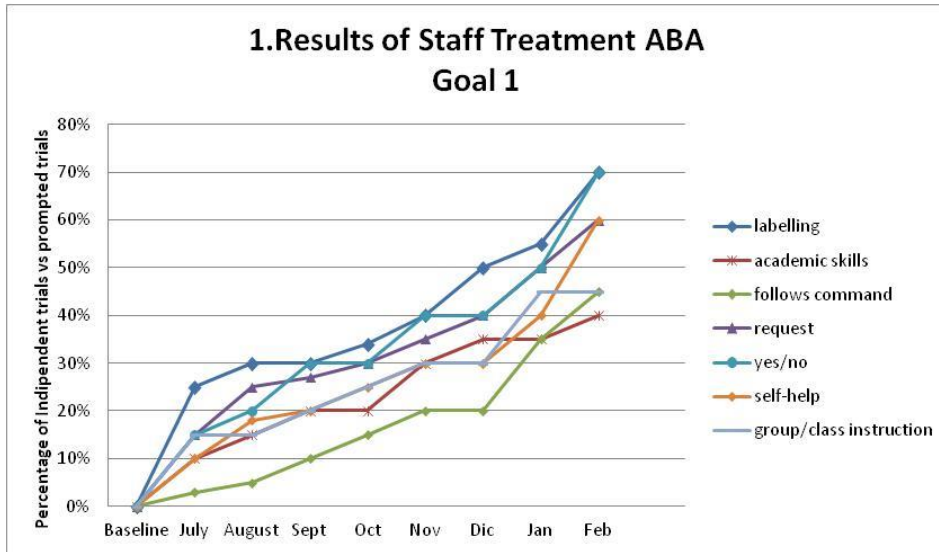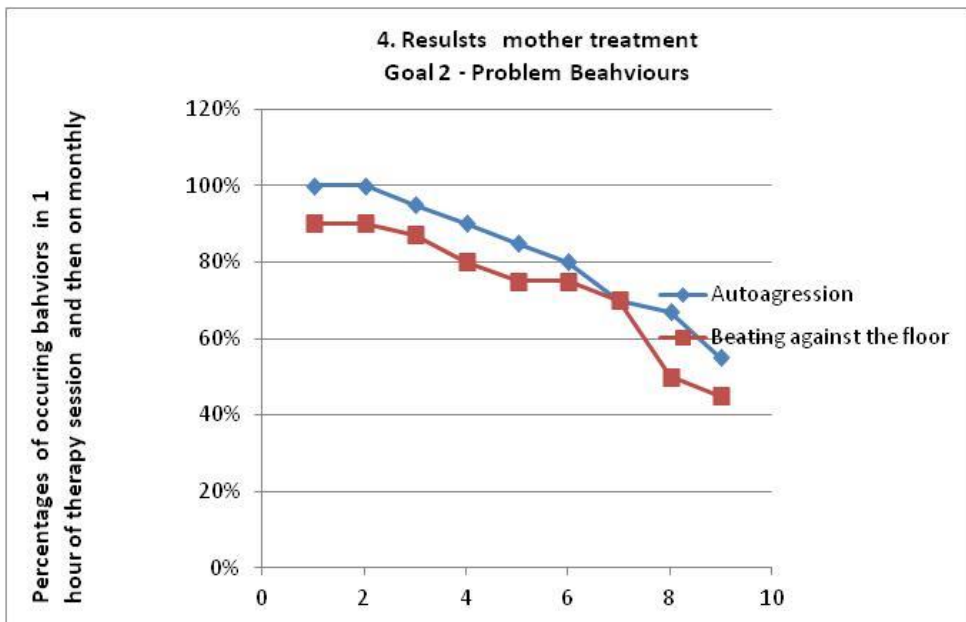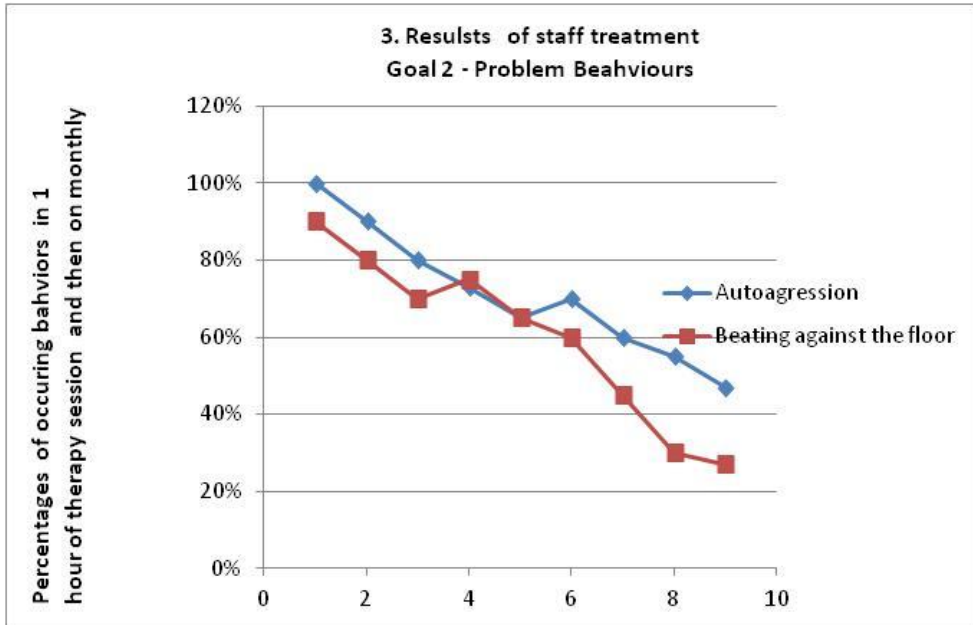
4. Summary of changes

The child acquisition of new skills and reduction of problem behaviors will be seen as a result of treatment implemented by clinic staff and the mother of the child as well. The child progress was assessed 8 months after attending kindergarten. The data collected on monthly basis using the Catalyst Data Collection Platform was utilized to determine the amount of progress toward goals 1 and 2.There was one aide who assisted the girl in the kindergarten setting. The teachers were very surprised. They stated that the little girl was much more compliant towards group and class instruction, she was showing less aggression or problem behaviors, her language level was impressive if compared with 7 months ago and that she would demonstrate academic abilities like reading, writing and math skills.

Parents noticed a decrease in problem behaviors, a decrease in self-harming behaviors, an increase of language acquisition and toileting skills achieved.

Therapists noticed improvement in imitation skills, language acquisition increased at level of three words statements and simple intraverbals, increased requests, almost no signs of self-injury, increased academic skills toilet training achieved at 100%.

Graphs show that the progress scored during the mother intervention is somewhat lower than the progress scored by the therapists; however, the difference between the two actors is encouraging.

5. Proposal of parent involvement in Early Intensive Behavior Treatment and Problem Behaviors in children with ASD

Research on parent training in the field of ASD has indicated promising outcomes. There is a long tradition of parent training in the ASD literature, but it has not reached the sophistication level of treatment packages seen for typically developing children with compliance problems. Determining the best package methods for given ASD, and ASD severity, as well as modifications to programs based on age, is in order. Early intensive behavioral intervention packages often include a parenting component. This approach is significant and important since getting parents involved in these treatments as early as possible is advisable.

The bottom line of this article is to improve the lives of children and families living with autism through promoting additional treatment produced by the parents. In this case study, no specific training was designed nor implemented by the mother of the child except for learning through hands-on techniques. The tracked changes suggest that positive outcomes related to acquisition of new skills are possible even though intervention is offered by the mother of the child. Additionally, helping the mother of the child to learn behavioral techniques for teaching positive skills (such as language) and for reducing problem behaviors (such as aggression) is likely to have the most direct positive influence on the quality of life for families living with autism.The mother of the child confirms more serenity and hope perceived and felt in the family of the child.

Dillenburger, Keenan, Gallager, and McElhinney (2002) suggest that empowering parents is central to ABA treatment success. They note that parents can and should be trained to become their own child's therapist. By learning both content and hands-on techniques, parents are often able to take back some control over their family life. This case study is a small scale confirmation of the above suggestion.

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Environment and Women Entrepreneurs in Albania

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Abstract

Albania has become a much attractive environment for the development of women's entrepreneurship. If women are provided with the necessary resources, skills and opportunities to create strong businesses, and if they are willing to pursue the growth potential of these companies due to a more favorable environment, will benefit from economic growth. Promoting women entrepreneurs will create employment, empowerment and gender equality. But in fact the woman in the enterprise faces many challenges caused by various factors. In this study sought to analyze women entrepreneurs and their work environment in Albania and the challenges they face. It will identify policies for the development of enterprises managed by women in Albania. The data for this study were provided by various sources of literature. Secondary data are the result of the review of a wide and contemporary literature about women entrepreneurs, the environment and challenges. Primary data collection were carried out a series of in-depth personal interviews with some powerful women entrepreneurs in Albania. The results of this study show that woman has won respect in society and plays an important role in governance, political and private sector. It is clearly evidenced that women are becoming increasingly involved in social and economic life of the country and that an enabling environment for women's entrepreneurship, consolidates and supports their role.

Keywords: *enterprising woman, empowering, environment, economic growth.*

Introduction

When it comes to gender equality in Albania, mainly it is meant to advance the position of women in society. Looking at the situation of women's performance in the labor market, indicators are quite worrisome. Women are subject to a higher rate and longer term unemployment and reduced participation in the labor market (60% of women) (LFS, 2011), whilst their involvement in private self-employment activities is lower (Miluka, 2011) as compared to men in Albania. Another feature is women concentration in sectors with low productivity and a high rate of informality, such as agriculture and manufacturing. Seemingly, they are less involved in industry and service sectors as compared to men (ISB, 2013). Such concentration is partly a result of the educational system and of women's overwhelming responsibility to tend to domestic chores. As a result of occupational segregation and higher discontinuity of experience in the labor market (due to weak child care provisions) there are evident wage differentials for women as compared to men (MSWY, 2014). Women's time allocation to unpaid work and domestic care services and duties is much higher than men. Thus, according to Albania Time Use Survey 2010-2011, women carry out 86% of unpaid work and 96% of domestic chores, which is found to be an opportunity cost for paid work. This allocation is more time consuming for rural women and women with small children (INSTAT, 2012). LSMS (2008) indicates that a lower percentage of women are involved in full-time work and entitled to social security, whilst a larger number of women are situated at the bottom part of the wage pyramid in Albania. Same data indicate that access to education, work experience, availability of social support, and male labor complementarities in various activities where women are involved do positively influence labor force participation (ISB, 2013).

On the Education and Training front major concerns remain with respect to young girls and women education, especially in rural areas. The transfer rate from compulsory education to secondary education is lower for females compared to males (MES, 2013). High school girls from remote areas of Albania experience higher drop-out rates compared to the boys of the same age (ISB, 2013). There exists an under-presence of women in professional education (approximately 1/3 of the total enrolments) mainly due to schools distance and locations (MES, 2012). Moreover the VET system is claimed to be prone to gender segregation where girls are mainly enrolled in agro-business, tourism, administration, hair-dressing and tailoring courses. Participation to Training Center is much better (more than half of the participants were females in 2012) however the offered courses are poor in diversity and target low wage categories.

Action Plan Rationale

Entrepreneurial women give a contribution substantially to the economy, especially in times of limited growth, where job creation and private sector survival is challenging. By such contribution they offer significant opportunities to generate income, increase employment and reduce gender inequalities. Gender is a powerful role, which not only is important in our daily lives, but also in the organization were people work. Women constitute a large underrepresented group in Albania in terms of business start-up and ownership. Encouraging more women to become involved in enterprise and grow existing businesses will have a potentially positive impact on Albania's economic performance.

The National Strategy for Gender Equality, Gender-based Violence and Domestic Violence 2010-2015 was a serious step of the GA involvement gender equality and women's empowerment matters. The strategy laid the grounds for further actions to roll out government support for women's economic empowerment particularly in the areas of women's employment, skills, and female entrepreneurship. By the end of 2013, the Ministry of Social Welfare and Youth endorsed the Employment and Skills Strategy 2014-2020 (ESS), which aims to enable access to decent job opportunities, access to vocational education and training for youth and adults, promote social inclusion and territorial cohesion and achieve effective governance of the labor market and qualification systems in Albania (MSWY, 2014). During the same period, the Government of Albania drafted the new Business and Investment Development Strategy 2013-2020, as the main document for the identification and implementation of the national policies for the promotion of business investments for the period 2013-2020.

Although both strategies delve into women access to vocational education and labor market, creative economy and women entrepreneurship they lack a strong focus and clear agenda in support of woman entrepreneurship. To fill in this gap the Ministry of Economic Development, Trade and Entrepreneurship has approached UNWOMEN Albania with a request for technical support in developing an Action Plan on Women Entrepreneurship in Albania.

This Action Plan has been developed in response to a pressing need to encourage more Albanian women to start and grow their own businesses and to address positively the need for coordinated support for women's enterprise. The Plan aims to provide a collaborative long-term approach on the development of women entrepreneurship in Albania.

The Action Plan aims to:

- Promote an effective multi-governance approach to female entrepreneurship in the Albanian context

- Encourage development of government policies in support of the needs of women entrepreneurs
- Identify the key issues to be addressed through the development of strategic partnerships between the state and non-state actors at the local, national and regional levels
- Provide practical guidelines and examples of good practice from other countries in the region and around the world
- Highlight the change in culture and attitude needed to ensure that future SME development encourages women participation in business in both urban and rural areas.

For purposes of practical implementation of its goal and outcome, the plan is primarily aimed at GA, Local Government Units, Women NGOs, Banks, Donor Agencies and their specific programs, VET Institutions, Institutions of Higher Education, etc.

Action Plan Development Methodology

For purposes of this action plan the following definition of "female entrepreneur" shall be used:

"Female entrepreneurs are those who use their knowledge and resources to create new business opportunities either formally or informally who are actively involved in managing their businesses, are responsible in some way for the day-to-day running of the business, and have been in operation for longer than a year."

The team in charge of the development of the Action Plan selected e methodology that was participatory in nature and flexible enough to allow for necessary adjustments as more information and data became available. It followed a 4-step process as described below:

Assessment of the situation: The assessment of the women entrepreneurship situation in Albania was mainly based on the use of secondary data. A thorough review of the relevant literature was carried out in order to create a complete picture of the current state of play of women entrepreneurship in Albania covering a number of available policy documents, reports and project publications. Further, a comprehensive analysis of the legal and policy framework with focus on EU legislation requirements was conducted by the consultants. An extensive consultation of documented best practices on women entrepreneurship was carried out and selected examples from other countries in the region and beyond were identified and incorporated in the Action Plan.

Stakeholder engagement process: The engagement process was based on interviewing an initial set of participants representing different stakeholder groups, such as Ministry of Economic Development, Trade and Entrepreneurship, Ministry of Social Welfare and Youth, Ministry of Agriculture, Rural Development and Water Administration, representatives from the NGOs and business community, donors and academia. Consultants followed a "snowball sampling" approach, whereby a small pool of initial subjects nominate other participants who meet the eligibility criteria for a study. The initial set of stakeholders suggested a list of other key stakeholders that were contacted during the process. During this step in the process consultants collected information about the interests of the various stakeholders in the action plan, the resources they could provide and the role they could play in the implementation of the plan.

Step 3. Selection of action categories: Selection of the action categories was based on the literature review and the information collected during the stakeholder engagement process. The initial set of action categories which was developed based on the literature review was revised after the consultation with relevant stakeholders. The action categories are described under the Framework for the Action Plan.

Step 4. Peer review process and validation: The peer reviewing process and validation was based on the utilization of a forum of stakeholders which were continuously informed during the action plan drafting. The forum meeting took place during January 2014 and served to fine-tune the action plan draft based on the reflection of the participants' comments. Finalization of the document took place during the end of January 2014 and the final draft was sent to MEDTE for approval.

Conclusions and Recommendations

The development of this Action Plan is an important step ahead to boost the entrepreneurship spirit among Albanian women. The document, a strategic tool, provides a synthesis of the contributions, analysis and vision of the key stakeholders and a follow-up of the overall attempts made in Albania in the last decade, with focus on women entrepreneurship. As such, it is in line with the GoA strategic plan on entrepreneurship and the UN vision on Women Economic Empowerment. Built on solid grounds, the plan is robust and includes ambitious goals and outcomes that will be impossible to attain, unless strong commitment by multiple stakeholders representing the government, NGOs, business sector, academia and the donor community is ensured.

The successful implementation of this plan calls for:

- Establishment of a multi-stakeholder policy advisory group, with METDE as the hosting institution, to provide a focal point for women entrepreneurship-related issues and to support the successful implementation of the action plan.

- Designation of a coordination unit within METDE to oversee the implementation of the action plan.
- Setting up of Women's Business Center to assist female entrepreneurs with education, training, coaching, and mentoring services and access to finance.
- Development of a detailed Monitoring and Evaluation Plan and Baseline Data, and Indicators Report.
- A fund-raising strategy that outlines current funding available and strategies for securing additional funds from different sources.
- An increasingly adjusting process with the changes occurring in the enabling environment, so that the plan stays relevant and responsive
- Increased attention on the cultural and attitudinal changes related to female entrepreneurship in Albania, especially in rural areas.

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Distinct Matters between the Phenomenon of Smuggling of Migrants and Trafficking in Human Beings as Types of Organized Crime in Kosovo

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Abstract

Generally speaking, the organized crime is a very complex phenomenon and quite heterogenic that adapts to the various requirements of economy and political and social institutions of the countries where it emerges and operates. Subject to the criteria that are taken as basis for its classification, the criminal phenomena emerge and operate in various types of organized crime. Hence, the Republic of Kosovo has introduced punishments against the organized criminal groups and major types of crime that emerge and expand in the shape of organized crime, including smuggling of migrants and trafficking in human beings. The criminal phenomena in the form of organized crime in the modern world which appears to be very concerning and quite threatening for the whole society, is trafficking in human beings and smuggling of migrants. Therefore, it is very important to study and identify all matters which bring together and separate these two criminal phenomena, which have emerged and continue to be present in various places and countries throughout continents and that have caused fundamental political, social, economic, cultural changes, etc. The key matters to be treated are as follows: Legal Framework of Republic of Kosovo which treats and punishes the organized crime, smuggling of migrants and trafficking in human beings, including the distinct points between these two criminal offences.

Keywords: distinct matters, smuggling, migrants, trafficking, human beings, organized crime, Kosovo

Introduction

In general, the organized crime is a very complex phenomenon and quite heterogenic that adapts to the various requirements of economy and political and social institutions of the countries where it emerges and operates. Subject to the criteria that are taken as basis for classification, the criminal phenomena emerge and operate in various types of organized crime.

The criminal legal literature by majority of authors has treated the following criminal phenomena as a type of organized crime: trafficking in human beings, smuggling of migrants, narcotics, weapons, nuclear materials, terrorism, thefts and vehicle smuggling, gambling, etc.

The Criminal Code of Kosovo of 2012[1], under chapter XXIV, punishes the organized crime, respectively its article 283 introduces the criminal offense "**Participation in or organization of an organized criminal group**" which provides as follows:

1. Whoever, with the intent and with knowledge of either the aim and general activity of the organized criminal group or its intention to commit one or more criminal offenses which are punishable by imprisonment of at least four (4) years, actively takes part in the group's criminal activities knowing that such participation will contribute to the achievement of the group's criminal activities, shall be punished by a fine of up to hundred fifty thousand (250,000) EUR and imprisonment of at least seven (7) years.

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[1] Criminal Code of Kosovo, Kosovo Assembly, Prishtinë, 2011, **Code No. 04/L-082** which took effect on 20th April 2012. http://www.kuvendikosoves.org/?cid=1,122

2. Whoever organizes, establishes, supervises, manages or directs the activities of an organized criminal group shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years.

3. When the activities of the organized criminal group provided for in paragraph 1 or 2 of this Article result in death, the perpetrator shall be punished by a fine of up to five 149 hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years or life long imprisonment.

4. The court may reduce the punishment of a member of an organized criminal group who, before the organized criminal group has committed a criminal offense reports to the police or prosecutor the existence, formation and information of the organized criminal group in sufficient detail to allow the arrest or the prosecution of such group.

5. For the purposes of Article, "actively takes part" includes, but is not limited to, the provision of information or material means, the recruitment of new members and all forms of financing of the group's activities.

The criminal phenomena in the form of organized crime in the modern world which appears to be very concerning and quite threatening for the whole society, is trafficking in human beings and smuggling of migrants. These criminal phenomena have emerged and continue to be present in various places and countries throughout continents and these have caused fundamental political, social, economic, cultural changes, etc.

The present study reveals that with reference to certain cases, one cannot make a distinction between the criminal offence of smuggling of migrants and the criminal offence of trafficking in human beings, or one finds it difficult to make such a distinction. Thus, it is important to point out their constituent elements which make it possible to easily identify the distinction between these two criminal offenses. Kosovo and its population, during the period 1989 – 1999 have experienced the biggest flux of migration in its history[1], where almost each family in Kosovo had either one member or more abroad due to the difficult political and economic situation ruling in the country. In order to observe the distinct points between these two criminal offenses, it is important to provide the definition of criminal offense of Smuggling of migrants and Trafficking in human beings.

The paragraph 8, article 170 of the Criminal Code of Kosovo, respectively paragraph 8.1 stipulates as follows:

8.1. The definition "Smuggling of migrants" – means any action with the intent to obtain, directly or indirectly, a financial or other material benefit, from the illegal entry of a person into the Republic of Kosovo, where such person is not a Republic of Kosovo National, or a person who is a Republic of Kosovo National or a foreign national into a State in which such person is not a permanent resident or a citizen of such State.

8.2. The definition "Illegal entry" – means crossing a border or a boundary of the Republic of Kosovo without complying with the necessary requirements for legal entry into the Republic of Kosovo or crossing the borders of a State without complying with the necessary requirements for legal entry into such State.

8.3. The definition "Fraudulent travel or identity document" means any travel or identity document:

8.3.1. that has been falsely made or altered in some material way by any person other than a person or agency lawfully authorized to make or issue the travel or identity document;

8.3.2. that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or

8.3.3. that is being used by a person other than the rightful holder. [2]

This definition is similar with the definition set forth under article 3 [3]of the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

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[1] Baton Haxhiu. *Lufta ndryshe (War Differently)*(.Prishtinë , 2004, p. 69.)

[2] Criminal Code of Kosovo, 2011, article 170.

[3] According to article 3 of the Protocol: (a)"Smuggling of migrants" shall mean the procurement, in order
to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident

Although these two criminal offenses are similar between each other, again, they contain elements, on the grounds of which a distinction can be made. The Article 171 of the Criminal Code of Kosovo, respectively paragraph 6.1 provides: *the definition "trafficking in persons" means the recruitment, transportation, transfer, harboring or receipt of persons, by threat or the use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or the abuse of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

6.2. the definition "exploitation" as used in sub-paragraph 6.1 of this paragraph shall include, but not be limited to, prostitution of others, pornography or other forms of sexual exploitation, begging, forced or compulsory labour or services, slavery or practices similar to slavery, servitude or the removal of organs or tissue.

6.3. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means set forth in sub-paragraph 6.1. of this paragraph have been used against such victim.

6.4. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph 6.1. of this paragraph.

This term is similar with definition set forth under article 3[1] of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, that was adopted in November 2000 and that served as the main source to draw up national laws against trafficking.

By performing an analysis to the aforementioned articles, in specific, to the provided definitions, we can identify the distinct points between the criminal offense of smuggling of migrants and the criminal offense of trafficking in human beings, as follows:

1. Establishment of relations between the trafficker and the victim. In the case of trafficking, this relation is established and exists only until such person is transferred to the place of destination, i.e. to emigrate, and afterwards it ceases to exist. Whereas, in the case of trafficking, this relation continues further through exploitation for the purposes of benefit.

2. The object of a criminal offense in trafficking is called victim, while in smuggling it is called a migrant, so it is not called a victim;

3. In the case of criminal offense of trafficking, the victim's consent is voluntary in most of the cases (in certain cases due to failure in rehabilitation and reintegration of the victim in the society, the ex-victim willingly becomes a victim of the criminal offense of trafficking, but in the majority of cases such willingness is obtained through

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(b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
(c) "Fraudulent travel or identity document" shall mean any travel or identity document:
(i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or
(ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
(iii) That is being used by a person other than the rightful holder;
[1] Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, UN, 2000.
 a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
d) "Child" shall mean any person under eighteen years of age.

various methods such as for instance fraud, force, etc. Whereas, in the case of smuggling, the migrant consents willingly to such offense;

4. For the criminal offense of smuggling of migrants to exist, it is necessary to cross a state border. On the other hand, the offense of trafficking in human beings may take place within the state boundaries.

5. Smuggling is a criminal offense against the judicial system which enforces the public order of management and control of state boundaries, whereas trafficking is a criminal offense against freedom, dignity and personality of an individual.

6. In the case of smuggling, the initiative/request to commit a criminal offense of smuggling arises from the migrant, so it is the migrant who seeks certain services from the smuggler to cross the border, whereas in the case of trafficking, it is the trafficker who through use of coercion, misinterpretation or otherwise, commits migration, respectively trafficking, and this does not depend on the victim's choice.

7. The purpose of movement of a migrant in the case of smuggling is to cross a border, whereas in the case of trafficking, its purpose is to take a victim in a foreign environment without protection and exploration as rational as possible.

The smuggling of migrants can easily be converted into trafficking in human beings. In fact, the smuggling of migrants who are women and children should be treated as trafficking in human beings, due to possibility of their abuse and exploitation. The importance of distinction of concepts between these two criminal phenomena is connected with the manner of treatment of incorporated persons in them, respectively of the migrant or the victim of trafficking for rehabilitation measures that have to do with: their protection, reintegration program, non-infiltration, social treatment, health care, etc.

Volume and dynamics of expansion of criminal phenomena relating to smuggling of migrants and trafficking in human beings

The adoption of 1244 Resolution by United Nations Security Council provided grounds for Kosovo to be liberated and to place it under civilian international administration that was accompanied with deployment of military structures of KFOR and civilian structure of UNMIK. The establishment of a new reality was accompanied with creation of a legal and institutional vacuum that was filled on 27th Jul 1999 when the first Regulation 1999/1 was adopted by the United Nations Interim Administration Mission in Kosovo which defined the Authority of Interim Administration in Kosovo. Supplementation of the legal vacuum continued further when on 12th Dec 1999, UNMIK adopted the Regulation 1999/24 in respect of determination of applicable legislation in Kosovo.

The criminal phenomenon relating to the smuggling of migrants and trafficking in human beings as some of the most threatening types of criminality that cause multiple consequences to the society, are quite present in the modern society, including Kosovo. In order to fight, prevent and punish these criminal phenomena, it is necessary to perform a treatment and analysis of fundamental phenomenological and victimological features of criminal offenses relating to smuggling of migrants and trafficking in human beings in Kosovo in the post-war period, respectively after the declaration of Independence of Kosovo[1], by performing a treatment and analysis through presentation of volume of these criminal offenses, dynamics of commitment, its regional expansion, etc.

The statistics data provided by the Kosovo Agency of Statistics covering the period 2008-2013, indicate that the number of convicted persons for criminal offenses of smuggling of migrants and trafficking in human beings is substantially lower than the number of arrested and charged persons as suspects for the for criminal offenses of smuggling of migrants and trafficking in human beings, where this number has had the following developments during the above-noted time frame[2]:

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[1] The Kosovo Assembly in its extraordinary meeting of 17th February 2008, in the capital city of Kosovo in Prishtina, adopted the Declaration of Independence of Kosovo.

[2] Jurisprudence statistics for adults and minor for the period 2008, 2009, 2010, 2011, 2012 and 2013, Kosovo Agency of Statistics, Prishtina. https://ask.rks-gov.net/publikimet/cat_view/41-drejtesia

Number of convicted persons for the criminal offenses of smuggling of migrants and trafficking in human beings 2008-2013
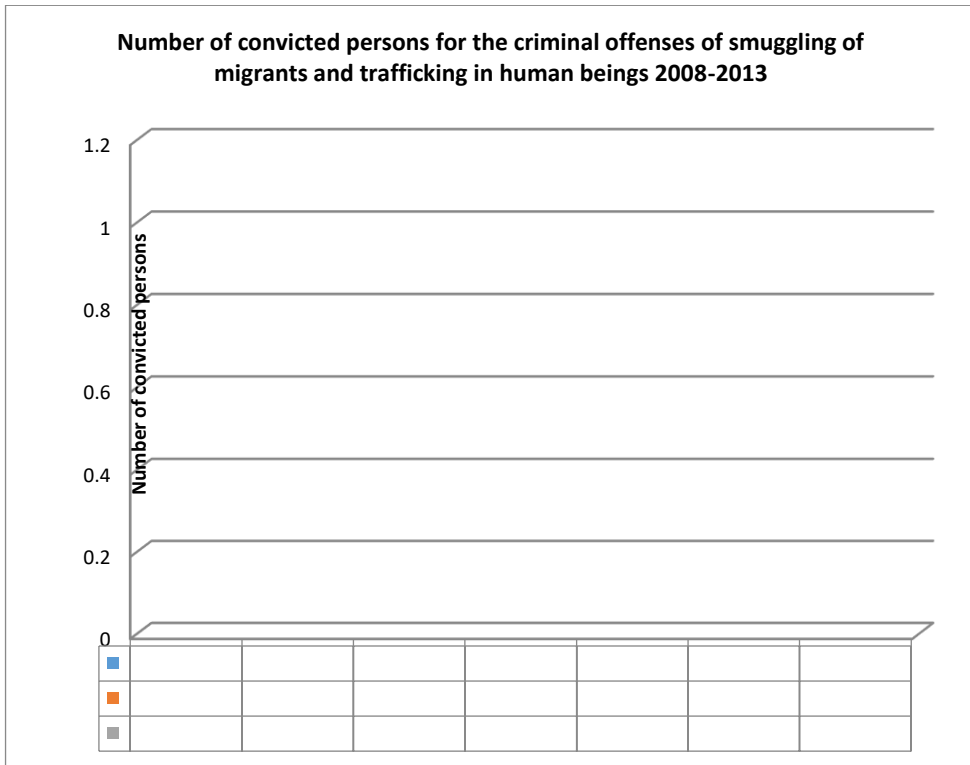
The illustrated data in the above-noted able indicate that the number of convicted persons for committing the criminal offense of trafficking in human beings as set forth in article 139 of the Provisional Criminal Code of Kosovo and article 171 of the Criminal Code of Republic of Kosovo for the period of 2008-2013, was 167 persons or 54 persons more than the number of convicted persons for committing the criminal offense of smuggling of migrants as set forth in article 138 of the Provisional Criminal Code of Kosovo and article 170 of the Criminal Code of Republic of Kosovo for the same period.

Conclusion

Smuggling of migrants and Trafficking in human beings still continues to be a very concerning criminal phenomenon today in the whole modern society, including the country of Kosovo. According to the above-noted data, we can come to conclusion that the overall self-awareness and professionalism has been on the rise in respect of identification of distinct points between these two criminal offenses, in the institutional and social reaction in fighting, preventing and sanctioning the doers of the criminal offenses of smuggling of migrants and trafficking in human beings, in compliance with the reformation process of organization and expansion of this criminal phenomenon by certain criminal groups. Fortunately, owing to this self-awareness and professionalism of institutions in respect of taking anti-smuggling and anti-trafficking measures, there has been a decrease in the number of victims every year. The necessity to provide a legal ground in response to these modifications came from conventions and other international acts, for instance, the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime and the United Nation's Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, etc. As far as the consequences of these criminal phenomena are concerned, it is normal that they are vast and include such consequences as: psychological, social, ethical, economic and many other ones.

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Legal Frame for the Children Rights under Refugees Situation, as in Albanian Case

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Abstract

During the last years became evident a tendency of increasing the number of refugee children,considering their age and maturity, they need special care under the refugee situation.The position of refugee children in the convention is very clear, it obligates the countries to insure the necessary measurements needed to the refugee children, to enjoy the basic rights of the convention as well as the rights of other international instruments. Although this phenomena is a relatively new case for Albanian society, including special categories such as children. Albania is charged to guarantee children rights observance and application under the refugee situation in conformity to the convention.Description of the rights in Albanian context is performed in order to identify the legal deficiency. Via analyses is aimed the Albanian legislation improvement from the responsible institutions, in order to protect the children's right under the refugee situation. The effective defense will be possible only if the state will insure certified rights under children's rights convention and government will assist in sharing encumbrance for options ratification in refugee's children assimilation. In the last years the legislation improvement in relation to the human rights and children's rights can not be denied.However it can not be denied the fact that most of laws remained just declarative and inapplicable, and did not had the right impact.New legal initiatives should be undertaken.

Keywords: The Convention of Children Rights , National law, Administrative and Judicial practices.

Introduction

Refugee children face very dangerous risks as much as it relates to their defense and welfare in comparison to common children.The Convention of Children Rights (CRC) is the most ratified treaty all over the world.It constitute the nucleolus of the international law for children rights,and is especially important for refugee children as it determines full standards for them.With the system change Albanian was approaching to reach and apply standards in many fields, including even the ones offering refugees protection conform to international standards.The convention of children rights was ratified even from Albania it has a special importance whose dispositions are find embodied in the most important national acts such as constitution, codes, laws,etc.Via analyses of various levels used in a plan compared to the international standards, with the ones set by the international convention for children's rights and their execution in national level, is aimed the comparison of each relevant legal act with the convention standard.This by referring to the appropriate articles of the standard part which finds lawful regulation by noticing either correspondence or failure. Is charge of the Albanian state that via analyzing and frequent review of the legislation, to make possible the fulfill of lawful deficiency.The effective defense of refugee children will be possible only if the state will suggest the rights and the guaranteed defense under the convention of Children Rights The initiative of Albanian govern especially in the frame of integrative processes to the UE,the rigorous application of legislation in relation to the refugee, including special categories such as children.

1. Incorporation of Convention for children rights in the domestic right.

Convention is the basis for the rights of refugee children in the international law, fulfilled with two of its protocols.It is a comprehensive treaty which contain dispositions for many aspects of children life.The general principles described are such as: a)non discrimination, b)the highest interest of the child c)survival and development, d)and participation principle.The position of refugee children in the convention is very clear,it obligates the countries to ensure the necessary measures,to be engaged with the refugee children to enjoy the four basic rights of the convention, as well as the right of other international instruments in which they are part.This convention is important because determines full standards for refugee children(CRC,1989).After the system change in Albania,this was the first international act that Albania ratified on

27 February 1992.It became part of the domestic legislation and had supremacy on the laws of the country(Constitution of the Republic of Albania,1998).

Although it was not applied immediately in practice due to the conditions in which Albanian was,as a country which just came out from totalitarian regime, even in this period there was no law for asylum.Later in the constitution of the year 1998 is guarantee the right of foreigners to get sheltered in the Republic of Albania without determining to whom it refers,so not referring especially to children.Constitution through its dispositions guarantees the right of shelter without determining neither procedures,nor the levels of application of this right without referring especially to children.

2.Adhering to the principle of non-discrimination in national law.

The general principles of non- discriminig in the convention are the various treatments of stooping which are arbitrar and objectively unjustified.Although there is not a clear definition of the word discrimination, differential treatment in similar cases without objectively justifiable reasons,constitute,discrimination (WoutlerVandenhole,2005).After the approval for the first time of the law on asylum in Albania,children have been involved in refugee general term.without stating any direct definition of refugee children excluding a reference for children where is provided "Asylum granting based on the principle of family settlement"and stated that the one who benefits from the right of asylum are the spouse and children under the age of eighteen (Law"For Asylum in the Republic of Albania",1998).So it is set a condition to benefit asylum on family settlement being dependent child of a parent, and children who are dependents of a guardian or married are unable to benefit the status because of family reunion.

Nothingless in the same conditions and elements that form the basis for the determination of refugee status may result in providing different levels of protection of minors of the same family.This exception of being dependent child is not found at the Convention of Children Rights, or child being married under eighteen are not provided as exempted conditions from(CRC).Another discrimination case in the national aspect is minors entry where is provided that for persons under sixteen years old can apply for a visa, permit or seek to enter Albania with the permission of legal guardians or accompanied by adults.From this rule are excluded those who enter as asylum seekers,and in this case is a clear differentiation between the minor just as alien and minors as asylum seekers which is outside the scope of regulation of this law (Law for the Foreigners,2008).Even are not provided even procedures for joining the minor with the family of origin which would correspond to the principles of the Convention of Children Rights(CRC).Neither here is not respect the principle of non-discrimination obligation flowing from Convention of Children Rights .

3.The best interest of the child.

The best interest of the child is the first thing in which is focused the convention of the children rights.In article 3(1) of the Convention on children's rights is embodied what is known as the best interest of the child. In all actions focus on children whether undertaken by public or private social welfare institutions,courts, administrative authorities with the highest interest of the child shall be a primary consideration (Kristi Kurki –Suonio,2000).At national level, this principle is often not respected as such in the following cases.During the interviewing procedure of the minor refugees in Albania is not mentioned the best interest of the child as a guiding principle. So he may be associated by the advocate, although the procedure guarantees participation and hearing the opinion of minor is not mentioned the best interest of the child as a guiding principle.Also there no adjustments provided regarding the definition of the role of guardian of the minor asylum seekers.Given that one of its legal functions is representation,considered in relation to the obligation of asylum seekers to cooperate,for clarification the facts, to provide information, to perform the official orders for presentation and reporting in front of the Authorities.To submit documents in possession, all these tasks are very unsuitable to be met by a minor asylum seeker.There is not mentioned even in cases where the minor who benefits asylum with the parents as well as when it is not benefiting economic aid from refugee's centres.In cases of unaccompanied children who have been granted asylum in Albania is possible their accommodation in social care centres applying equally to Albanian citizens,refugee offices provides all the necessary documentation at the central commission of State Social Service, when required placement in public residential centres.On the other hand the refugee offices may contact non-public residential centres licensed which offer various services(Law"For Asylum in the Republic of Albania",2009).In both these cases there is found no reference for the minor and as a consequence procedures for them should be such mentioning at least the best interest if the child,choosing the best

alternative of guardian in cases of unaccompanied children, as guardian families, registration in institutions as the last option etc.

4.Survival and development

Article 6 of (CRC)provides that every child has the has the inherent right of life and this right should be protected by law.Article 6(2) fulfils the recognition of this right as an obligation of the state to ensure the maximum extent necessary protection and child development(CRC,1989).The right of life and survival are essential prerequisites to enjoy the many rights protected by the Convention of Children Rights.The right and survival protection serves to the reinforcement of rights embodied in the Convention.Realization of such rights as health,the right of education etc.Therefore temporary protection on humanitarian grounds, according to the Albanian law provides for the granting of temporary protection status to a person based on forecasts of international instruments ratified by the Republic of Albania.Explicitly stated in article five as one of them (Law"For Asylum in the Republic of Albania",2009). This prediction is very important and in conformity with Article 22 (1) of the (CRC) where protection for humanitarian reasons is one of the situations where minors must be guaranteed protection.This forecast goes further in accordance with Article 2 of the (CRC) to the minors is guaranteed protection for as long as is under the jurisdiction of Convention States parties(CRC,1989).So people who were given temporary protection for humanitarian reasons are guaranteed the right of non-refoulement,without which all other rights guaranteed because of status and would be unenforceable,that right applies fully in national law

5. Legal gaps for the realization of children's rights under the refugees situation.

Although we have a law on asylum, were found several deficiencies in the implementation in practice.So on the arrival of refugee children in Albania at the police authorities, they receive a written request of the asylum seekers who notify the competent authorities, and are kept for 10 hours at the police to escort them in the refugees' centre.This procedure is not accelerated for minors who because of age may not be able to write or to formulate a request for asylum. As well as keeping them in the police environments is an inadequate measure(Decision of the Council of Ministers on entry,stay and treatment of foreigners in the Republic of Albania,2000).Then is the National Commissioner for Refugees,which has the duty to ensure every unaccompanied asylum seeker under eighteen a guardian, appointed in accordance with Albanian law, to represent and protect the interests of asylum seekers.This right comes more as an obligation for national commissioner for refugees than as a refugee child's right.There is no article which determine the rights of asylum seekers (Law"For Asylum in the Republic of Albania",2009)**.**Unaccompanied minors granted asylum has the right of family settlement with brothers and sisters,stepfather stepmother and other family members to live together legally or who are minors, the unmarried. As a condition for family settlement with minors except parents, brothers and sisters,who must be unmarried minor. The right for family settlement is recognized to the minor even with the guardian or with any another relative,not in a direct line from the country of origin which is consistent with Article 22 and Articles 5, 9,10 of the(CRC).Here is emphasized the principle of best interests of the child which must be considered in the European convention for the rights of children during the review of the application of a minor at the refugee office.

This provision here is not in the right place because it is located where it is spoken for family settlements procedures, as the person has been granted asylum while reference provision is made to the application reviewing procedure. As long as a right does is not contrary to the restrictions defined by law the alien who has been granted asylum is treated equally with the Albanian citizen.It is recognized the right of education to the citizens who have obtained asylum just like the Albanian citizens.Albanian language teaching is considered as an obligation of the office for refugees by organizing courses for Albanian language, not as a right for the minor (Law,"For Integration and family settlement of persons who had granted asylum in the Republic of Albania",2003)**.**Although these articles tend to detail the rights in relation to the observance of the right of education no reference for minors is found as subject and the fact that he is assisted in these proceedings by the representative or guardian or a representative office for refugees in conditions when the alien is unaccompanied minor.

6. Improvement of Albanian legislation.

Finally,the new law for asylum in the Republic of Albania determination of minors is performed through the special provision Article 3 point (e) the minor "unaccompanied" is the stateless person under eighteen unaccompanied by an adult responsible for him, or was left unaccompanied at the time of entry into the territory of the Albanian Republic, and as long as he is not effectively under his care (Law''For asylum in the Republic of Albania,2014).To the Minors must be appointed a guardian, such a right is also effective for the unaccompanied minors in temporary or complementary protection.The procedure for determining the guardian is attended with priority and assisted by the responsible authority for asylum and refugees. Also the application for asylum of minor is treated promptly so are omitted the waiting hours provided by the previous law, for as much as possible children of a family should be kept together.Also the best interest of the child shall be a the primary consideration.It is provided to equip the minor with travel document, such a request for this document is presented by one of the parents,by the guardian or by the representative of attorney.The minor is provided with identity cards, travel document valid for five years.Refugee over sixteen years old is provided with identity cards, travel document valid for ten years.The procedure for their provision is defined by the directive of the responsible minister.Asylum seekers have the right of accommodation together with their parents or adult family members or responsible for them.

Minor asylum seekers profit full health services as for minor Albanian citizens.During the examination of the application procedure for asylum the unaccompanied asylum seekers minor is heard and interrogated in the presence of a psychologist or adult who is familiar with his character or enjoys his confidence. The application review for family settlement with the new law is provided in case when the application for family settlement is related to an unaccompanied minor the decision is taken within twenty days from the date of submission for the application, during the review of this application the decision-making body should take in consideration the best interests of the child. So the unaccompanied minor refugee has the right to apply for family settlement with parents,sisters, brothers, other family member who cohabiting legally or who are minor and unmarried.When these people in close relation in straight lines can not be found the unaccompanied minor has the right to request family settlement with the legal guardian or with another relative, not in straight lines.In terms of temporary protection the minor has the right for family settlement has not yet created his own family and spouse of the alien who has been granted temporary protection.

7. Administrative and judicial practice.

Based on the law for asylum in the Republic of Albania the refugees office is the administrative body who examines the asylum petitition. The decrees of this office may be appealed in administrative ways at the National Refugee Committee.After this administrative review in two levels the decisions taken are judicially appealable.In the actual prtactice all applications for asylum were made by adults. There have been no cases of application for asylum by minors which means there were no cases of unaccompanied children. In cases when together with adults were also minors from refugees offices was applied Article 6 of the Law on Asylum granting of asylum on the grounds of family settlement,which means they benefit asylum through their parents (Law''For asylum in the Republic of Albania",2009).Status who also preserve in the case of death, divorce or dissolution of marriage that parent who had received asylum.They hold this status that even in the case of death,divorce or marriage dissolution of the parent who had been granted asylum.Judicial practice in the decisions given up to now   by the judiciary has not been any case where the minor was presented as asylum seekers.Applicants for asylum are considered and have received refugee status or humanitarian protection person on the basis of Articles 4 and 5 of the law on asylum in the Republic of Albania.

Conclusions

Albania has made progressive steps towards the ratification of a number of international acts in order to protect human rights, including providing protection to refugees in accordance with international standards.Improvement of legislation in recent years for the protection of human rights including children's rights can not be denied.The position of children refugee in the convention is very clear, he obliges states to provide the necessary measures for refugee children to enjoy the basic rights of the convention as well as the rights of other international instruments in which it is party.Description of rights in the Albanian context is done in order to identify the legal gaps initially observed that many of the rights arising as liabilities, through an analysis of the Albanian legislation aims to improve the responsible institutions, in order to protect the rights of

children under the situation of refugees.Effective protection of refugee children will be possible only if the state will provide the rights and protection guaranteed under the Convention on the Rights of the Child.It is the duty of the Albanian government to review time to time the legislation, to enable the completion of legal gaps.

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Challenges and Opportunities in Using E-Baniking in Albania

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Abstract

The Banking sector in Albania is experiencing a rapid transformation. E-banking is a new trend and it provides enormous benefits to customers in terms the ease and cost of transactions. At the same time, it poses new challenges for authorities in regulating and supervising the financial system and in designing and implementing the macroeconomic policy. The aim of this paper is to discuss the challenges faced by banks in Albania in using e-banking. This study is descriptive and was done in two phases. For each of the phase were developed a questionnaires. During the first phase was collected information about e-banking, facilitates or services under e-banking, problems in providing such facilities, from 5 banks that offer e-banking services in Albania. The information was obtained using self-designed questionnaires to the local managers or marketing directors at local level. During the second phase, data were collected from the bank customers through self designed structured questionnaires. Out of 100 questionnaires distributed, only 62% were returned / responded back. In both phases were used a non-probability sampling, due to the limitation of resources and time. Data management and analyses were done using SPSS program and Microsoft excel. A number of challenges and opportunities are listed and are discussed. Based on the research results, are given some suggestion for policy implication to make e-banking more effective.

Keywords: e-banking, challenges, opportunities, commercial banks.

1. Introduction

The rapid technological and financial market development has resulted in an transformation of the way monetary transactions are done, from the exchange of banknotes and coins for goods and services to the data transaction, which are transmitted using ICT. This transfer process makes banknotes and coins to be carried in information storage medium such as cheques, credit cards, and electronic means than its pure cash form. E–banking has thus become important channel to sell Products and Services; leading to a paradigm shift in marketing practices, resulting in high performance in the banking industry. E-banking is the banking of new era. The term Internet Banking or E-Banking Internet both are used as supplement. Making banking products and other services available to wholesale and retail customers, through an electronic distribution channel is

called e-banking.

2. Literature review

Banks have been using electronic and telecommunication networks for delivering a wide range of value added products and services. The devices have been telephone, personal computers including Automated Teller Machines (ATM). The delivery channels have been direct dial up connections, private and public networks. To this newer edition of e-banking are being added e.g. Internet banking and mobile banking.

Online banking services provided by banks are as follows[20]:

Core Banking Solution(CBS)

Automated Teller Machine (ATM)

Electronic Fund Transfer (EFT)

Real Time Gross Settlement System (RTGS)

National Electronic Fund Transfer(NEFT)

Mobile Banking (M-Banking)

Magnetic Ink Character Recognition (MICR)

Electronic Clearing Services (ECS)

Plastic Cards (Credit and Debit Card)

Core Banking – Core Banking is a general term used to describe services provided by a group of networked bank branches.

ATM (Automated Teller Machine) – ATM is a computerized machine that permits bank customers to gain access to their Accounts with Magnetically encoded plastic card & a Code number. It enables the customer to perform several banking operations without the help of Teller such as to Withdraw Cash, Make Deposits, Pay Bills, Obtain Bank Statements & Effective Cash Transfer.

Plastic Cards (Debit & Credit Cards) – Plastic Cards have gained greater acceptance & Momentum as a Medium Financial Transaction. Credit Card provides Cash Free & anywhere and anytime Shopping to the Customers but with fixed limit prescribed by Banks. Debit Card, unlike Postpaid Credit Card, is a Pre-paid Card with some Stored value.

Electronic Fund Transfer (EFT) – EFT is another E-Banking Product facilitating Transfer of Funds from any Branch of a Bank to any other Branch of any Bank in Shorter Time. Before

EFT's, intercity transfer of Money for the Customer was made through Demand Drafts, Mail Transfers & Telegraphic Transfers.

Mobile Banking – Mobile Banking is an extension of application such as Phone Banking & Online Banking. It can be defined as a channel where by Customers interact with a Bank through a Mobile Device, e.g. Cell Phone.

Real Time Gross Settlement System (RTGS) – It provides for an electronic based Settlement of inter Bank & Customer based transactions, with Intraday Collateralized liquidity

support from RBI to the participants of the system.

2.1. The advantages of e-banking[10]

E-banking has recently come to be considered as one of the most effective banking transaction methods because it possesses many advantages which offline banking channels cannot offer. E-banking managers aim to utilize these advantages to increase the online banking adoption rate.

Based to a certain extent on reasons offered by Lee, there are two main types of perceived benefits, which can be categorized as direct and indirect advantages. Direct advantages refer to immediate and tangible benefits that customers would enjoy by using online banking. For example, customers can benefit from series of services, as a wider range of financial benefits, faster transaction speed, and increased information transparency.

First, this wider range of financial benefits includes the lower transaction handling fees, higher deposit rates, opportunities to win prizes and extra credit card bonus points.

Second, the faster transaction speed obviously means that time can be saved since online banking does not need paper documents, the processing of which can give rise to errors and delays, and which also requires more personnel. Online banking automates this process by mediating transactions through websites and electronic data interchange, and can also reduce the need for customers to communicate with bank staff regarding transaction details because these can be obtained from a website.

Third, during the transaction, online banking allows customers to monitor contractual performance at any time, or to confirm delivery automatically. In other words, more relevant information is immediately available and transparent to customers.

Indirect advantages are those benefits that are more intangible and difficult to measure. For example, online banking allows customer to perform banking transactions anywhere in the world and enjoy 24-hour service, as well as offering customers more investment opportunities and services, such as stock quotations and news updates.

Another classification for the benefits of e-banking is that based on from the viewpoint of customers, banking organizations and economy in general. IT as an enabler has broken all bounds of cost, distance and time[18].

2.1.1. Opportunities for Customers[18]:

General banking customers have been significantly affected by the advent of e-banking revolution.

- A banking customer's account is extremely accessible with an online account.

- Through internet banking customer can operate his account remotely from his office or home. The need for going to bank in person for every single banking activity is dispensed with.

- Internet banking lends an added advantage towards payment of utility bills. It eliminates the need to stand in long queues for the purpose of bill payment.

- All services that are usually available from the local bank can be found on a single website.

- Sharp growth in credit card/debit card usage can be majorly attributed to e-banking. A customer can shop globally without any need for carrying paper currency with him.

- By the medium of e-banking (including internet banking), banks are available 24x7 and are just a mouse click away.

2.1.2. Opportunities for Banking Sector[18]:

In addition to banking customers, growth of e-banking infrastructure in general and online banking in particular has proved to be extremely beneficial to banks and overall bank organizations on account of following:

- The concept of online banking has immensely helped the banks in putting a tab over their specific overheads and operating cost.

- The rise of internet banking has made the banks more competitive. It resulted in opening of better prospects and avenues for banking operations.

- The online banking has ensured transparency of transactions and facilitated towards removing the documentation requirements to a major extent, since majority of records under an e-banking set up are maintained electronically.

- The reach and delivery capabilities of internet-enabled banks, proves to be significantly better than the network of physical bank branches.

2.2. Challenges towards e-banking

E-banking, except the advantages brings with it new challenges for bank management and regulatory and supervisory authorities.

Cost of technology **-** In connection with Startup cost e-banking is huge at initial level for acquiring personal computer and other equipments; oneself to do online banking is still not with reach of the middle class & upper middle class customers. The cost of maintenance of all equipments like, modem, routers, bridges and network management systems. The cost of sophisticated hardware and software and skill level of employees needed[19].

In e-banking there is need of skilled employees or knowledgeable professionals to route the banking transactions through the internet. Banks can employ software application developers, database administrators and training to existing bank staff on the changing systems and procedures who can handle e-banking applications under proper supervision[19].

Security **-** In a paper less transactions, many problems of security are involved. A secrecy threat as circumstensive decision to cause the economic hardship to data, destruction of network resources disclosure, modification of data or fraud, denial in services and distortion of information. Providing appropriate security of using encryption techniques, implementation of firewalls and virus protection software etc[19].

Legal Issues **-** In today's bank world, legal frame work for recognizing the validity of banking transactions. Conducted through the NET is still being put in place? Information technology act provides security & legal frame work for e-commerce transactions. Information technology act or RBI suggested that criterion of Digital Signature Certification Board for authentication of electric records and communication with digital signatures[19].

Restricted Business - Not all transactions can be carried electronically; many deposits and some withdrawals require the use of physical services. Some banks have automated to their customers (front end) but still largely depend upon manual process (back end). It result, most of clientele or customers were restricted by lack and awareness and due to technical problems[19].

Transparency In Offering Services - Banks will strive to adopt best practices in corporate governance and Corporate Social Responsibility (CSR) this will enhance image and can help them to enhance their confidence of international investors. Banks much towards better corporate governance standards and adoption of uniform accounting standards and disclosure requirements[19].

Adopt Proper Organization Structure **-** Banks may required to adopt flatter organization structure for judicious blending of needs foe greater delegation of power, decentralization, customer centric business models, quickly reaction of customer needs, learn continuously from customers, provide customer access, whatever and however they want to transact and interact especially for catering younger IT survey population[19].

3. E-banking in Albania[15]

In Albania, electronic services became part of the banking system much later compared to developed countries. Security of transactions has been one of the main problem that has accompanied the performance of electronic services in developed countries. Over time banks gained experience while minimizing some of the problems previously encountered. In Albania, the range of products that commercial banks have added as electronic products and services has increased over the years. As in the world, even in Albania they were initially foreign banks who first introduced electronic services. Later, even local banks agreed to offer their products electronically. The facts show that electronic services are in their infancy. The main reason lies in the cost-benefit ratio. If there is a significant number of clients that will use e-banking as a service then the high costs associated with providing this service would cause losses for banks. Electronic banking is actually associated with both the traditional channels (like counters and affiliates) and also automatic channels (ATM and POS). Multi-channel tracking strategy is aimed to strengthen client-bank relationship day after day. Supervision Report of 2006 showed that electronic products and services used by commercial banks in customer service were adopted as the provision of ATM services, electronic cards of almost all banks by increasing the speed and quality of service (Surveillanc Report , 2006).

The first bank that has provided e-banking is the American Bank of Albania in 2002, with the introduction of ABAflex. It remains the only bank that offers a package of services inherent in the Internet. Efforts by other banks to offer e-banking service were made by other banks such as for example the Raiffeisen Bank, National Bank, Credins etc. (BoA, 2007: 28). Today, among 16 banks that contain banking system in our country, only nine of them offer electronic services.

4. Research methodology and objectives of the research
4.1. Research methodology

This study is descriptive and was done in two phases. For each of the phase were developed a questionnaires. During the first phase was collected information about e-banking, facilitates or services under e-banking, problems in providing such facilities, from 5 banks that offer e-banking services in Albania. The information was obtained using self-designed questionnaires to the local managers or marketing directors at local level.

During the second phase, data were collected from the bank customers through self designed structured questionnaires. Out of 100 questionnaires distributed, only 62% were returned/ responded back.

In both phases were used a non-probability sampling, due to the limitation of resources and time. Data management and analyses were done using SPSS program and Microsoft excel.

4.2. Objectives of the research

The objectives of the research were:

- o   To understand current status and trends of use of e-banking in Albania.
- o   To analyze facilities provided by the bank under e-banking service facility.
- o   To identify the challenges faced by banks in offering e-banking services.
- o   To find out the awareness about e-banking services among customers in Albania.

5. Research results

The research results during the first phase was as follow:

Challenging factors that the banks have identified for the adaption and development of e-banking was customer education level, their knowledge about computer and internet were the prime challenges faced by the bank for the adaptation of e-banking. Internet security was the second factor. Customer concerned about their private information, theft or loss of password. Trust on internet banking, training about internet banking to customers were also other concerns for the adaptation and development of internet banking in the area. It has been found that e-banking services in Albania is still in its primary stage. Although the sample size chosen in the above study is small but still, this study helps to know about the stage of e-banking and its usage levels and behavior about the customers and the banks itself. All the respondents confirmed that many of the account holders at their banks (and this was confirmed by the researches that the banks by their self do time after time, and for this study serves as secondary data) are using the internet, have some knowledge about the e-banking provided by their bank, but have not developed the habit of utilizing this facility. There are two reasons behind it: first the concern about the security and second the awareness about this facility and its benefits. The most part of the them who use e-banking hold bachelors, higher university degrees or were representatives of private businesses that operate in the area or employ of public agencies. For the two last categories this was not a new practice since they use internet services for other reasons at their businesses or agencies.

The research results during the second phase was as follow:

Out of 62 questionnaires collected, about 71% were female and 29% were male. Besides, 92% of samples hold bachelors or higher university degree. In terms of occupation about 87% of them were found engaged in the private sector 13% of the respondents were engaged in the public sector. Around 93% of the respondents in our sample have heard about the e-banking, out of which around 87% were the female respondents. Among those who have not heard about the e-banking most of them were the housewives (62.3%). About the source of respondents' knowledge about e-banking, 93% who have heard about the e-banking, 32% have heard from the media (television, radio, or newspaper), and 41% have got the information from the bank itself. Similarly, 27% of the respondents have got the information from other users of e-banking. Approximately 98% of the respondent, which is in fact a big number of users, uses internet either in their work place or at home. This shows the great scope for increasing the use of e-banking, specially internet banking. Knowledge about the e-banking service provided by their bank - majority of the respondents (71%) know that their bank provide the e-banking facilities but around 29% of the respondents do not know or have no knowledge whether their bank provide the internet banking service or not. Knowledge about their bank's website - 27% of total respondents have visited their bank website and 73% have stated that they haven't visited their bank website. The most part of the respondents that haven't visited their bank website were housewives and those working in private sector. This may show the customer's negligence and may hint towards the need of financial literacy. Respondent's behavior of using the internet banking services - most importantly this study finds out that using the internet for banking purpose or utilizing the internet banking facilities is not well developed among the customers. In our study, none of the respondents have said that they have used or are currently using the internet only for the banking purpose. Those who have used the internet banking mostly said that they have used for the

personal purpose and no one was recorded for the official purpose. Regarding the regularity of using the service the research results shows that very few people use it regularly. More than half of those who use the service even do not use it once in a month. Hence there is a scope for increasing the use of the services, especially among the customers who are using it less regularly. Majority of the internet banking adaptors have utilized this facility for checking their account information; requesting, downloading, and printing the account statement; and a small number of them for paying the utility bills or bills of purchased goods. Also only a few number of the users have performed the account transfer facilities. Account information facility has been used by the 100% of the respondent using internet banking facility, followed by statement request and paying the utility bills which account 86% and 33%, respectively. For those who have used the internet banking facilities their perception were taken with regard to the use of internet banking. Most of the respondents agreed that internet banking have enabled them to accomplish banking activities more quickly, feel secure, and efficient for conducting the financial activities. They feel that internet banking website of their bank is trustworthy, clear, and understandable and keeps the customers satisfaction in mind. They have pointed out that the security of internet banking is important. Generally, those who have used or are using the internet banking services were satisfied from facilities and have positive attitude towards it. The respondents listed different factors for not utilizing the internet banking services. Some of them were: Lack of information (and this was the major reason behind not using this facility), similarly familiarity about the online banking technology, internet connection, security, speed and reliability of the technology, and the banking website related to the online banking.

Conclusions

E-banking offers a higher level of convenience for managing one's finances, individual or businesses. Even though e-banking offers significant benefits for it users, it carries risks and challenges which were recognized and need to be managed by the banking institution in a prudent manner[9]. This paper contributes in the discussion about the identification of the barriers faced by banks in Albania in offering e-banking services.

In this study, most respondents mentioned that the main challenge facing e-banking system is unreliable network system. The second one, mentioned by the respondents was personal privacy. Many people have had their account details compromised, as a result of online banking. Thus, if one is going to use it for financial transactions, he should be aware of the risks involved. Awareness of the risks and problems enables him to take precautions for a more secured online banking experience. Only a few cases were mentioned by the respondents, specially when using ATM services.

Again, the facilities or the services that bank provide through internet banking service is limited and unattractive even to the customers using it.

The low percentage of respondent using internet banking in our study shows that the respondents lacks the information about the internet banking and are also unfamiliar about the online banking technology. Lack of awareness of internet banking services and its benefits are found to be primary reasons for customers' reluctance to use this service. The bank manageres were aware that the amount of information a customer has about internet banking and its benefit may have a critical impact on the adoption of this service. They all agreed that the banks should pay more attention to the marketing of this product. They were aware that they were not motivating their customers for using internet banking facilities. Bank should not only just provide the general information about their online facilities but should also explain and educate their customers about the security policies, risk and benefits of using it, and should develop a strategy to motivate current non-users. The findings also highlighted risk acceptance by customers in regard to internet-based services and the importance of offering deep levels of consumer support for such services.

In addition concerns about internet security, privacy, and trust have also been noted for the lower rate of acceptance and adaption of internet banking.

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Family and family life in Azerbaijan - The Development of Ethnography in the Azerbaijan Republic

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Abstract

The traditions of Azerbaijanis which have been filtered from the millenniums haven't lost actuality and value. On 18 October our state upheld its independence and investigators began to learn protuberantly family and family life of Azerbaijan people. So family is the basis of state, bringing up in the healthy spirit of the society and young generation and to be faithful to customs became after ancestors family is important. When Azerbaijan was in the composition part of the USSR, survival customs of family and family life of our country was learned superficial. But after gaining independence, was begun make serious steps in this direction. Investigation on above mentioned considerable problem conducts scientists of the different fields-philosophers, psychologists, jurists and etc. However, naturally the fact that, this sphere, as a component part of the ethnographical science, absorbs more deep attention by the specialists of this fields than representatives of the other sciences. Family keeps hereditary traditions down the centuries. Family forms the meaning and fundament of the family life [4,10]. Family is society's basis, standard and criterion. Family is the biggest wealth of the mankind and the small part of the state. Family as the historical category presents the small collective in the society. Family formed at the end of the Eneolothic Era [17,297; 16,4; 19,104]. Azeri historic has two forms of the family: the numerous patriarchal family and individual family. These two forms distinguished each other with their structure and number of members. The numerous patriarchal family or family community consisted of the representatives of three, four and sometimes up five descendant. These kind of family unified father, son, grandson and seven brothers [4, 374]. All the component parts of this family were included into family community, lived together in on big house "karadame" and have common economy. The family community was led by patriarch. In XIX-XX centuries in Azerbaijan although were existed in a slight number the patriarchal families, but the dominated form of the family was individual family, which was formed as a result of disintegration the family community and separation adult sons after marriage [4, 379-380]. The numerous patriarchal and individual families distinguished also with the other two qualitative features. First of all, the numerous patriarchal families' property belonged to all the members of the family community. The individual family's property was considerate as a property of the head of family only. Secondly, the numerous patriarchal family consisted of 3-5 descendants vertically, and 7 brothers horizontally. The individual family consisted of 2 or 3 descendants vertically.

Keywords: ethnography, author, Azerbaijan, independence, book

Introduction

The individual families divided into two types, commons and compound. The common family consists of two descendants; the compound consists of three descendants. Accordingly to the Azeri national traditions, in each family father was obliged to bring up, train and marry off children. This father's charges are provided with his three main functions: housekeeping, continuation the generation an upbringing children. Interrelations among the family members are on the basis of traditions closely related with the mentioned function. All these questions are widely covered in this article on the basis of ethnographer's researches.

Great ethnographer H.Havilov's book "Azerbaijan ethnography" was published with the same period of our republic upheld its independence. The book deals with the traditions that have been trickling filter of time and about its old history. The author also gives the information about the character of a nation-wide traditions, forms of marriage [13, 210], the wedding ceremonies [13, 214-215], the birth of children, the festivals hold after be born of the children and about funeral. It should be noted that author have brought examples of recent practices during talking about the funeral. The book is intended as a textbook for higher educational institutions and that's why it's fit to learn traditions and family life general rule. So it's not just about family life, deals with only in one chapter.

Notable ethnographer Q. Qeybullayev aims to explore purely family life in his penned book "Family and marriage of Azerbaijan people" which published in 1994 and consists of 2 parts. The first volume of the author's family structure, large families, small families, family relationships [17, 84-119], the marriage-forms, rules, customs, marriage forms of access [17, 120-159], the wedding ceremony, customs on the talked about [17, 160-263]. The function of the second volume is continuation of the first volume. In this chapter the author deals with about birth and children's family education [17, 264-339]. The author also informs about national traditions of other ethnic groups [17, 78]. Although the scope of the author's research covers the beginning of the nineteenth and twentieth centuries, he begins to deal with information about customs, traditions, family life and relationships in ancient State of Albania (ancient Azerbaijan country) and lasts in the I quarter of the XX centuries.

One more book was published in independence years was H.Q.Qadirzade's, about "Customs, faiths, ethnogenetic connections connected with family and way of life". Author has given information about bringing up and upbringing of the children, wedding and marriage habits, habits and faiths connected with death, burial and mourning. When he dealt about ancient religious, believes author prefer all-Turkish folklore, investigations of other ethnographers, researches specialist in folk-lore scientists, special investigations of himself and "Qurani Karim". When author dealt with forms of wedding which is the inseparable composition of the family and family life he gave information about marriage rules exiting the ancient time, the Middle Ages (refering to "Qurani Karim" and folklore model) and nowadays. According to investigation materials author divides marriage attitudes into two groups: 1) Marriages connected with old habits; 2) Attitudes of marriage which has occured with influence of the Islam. The marriage settlements ortokuzen, krosskuzen, levirate, sororat have included into first group [16, 21-25]. The based on folklore example author has emphasized existence of the habit of "deyikli" ("beshikkasma", "gobakkasma"). Author also has given information about habits of "qizbeyenme", "elchilik" (match-making), engagement ceremony and habits during engagement, carrying out of the wedding, wedding ceremony, next habits after wedding. In the part of "Being born and upbringing of the children" was given information about patron spirits connected with childbirth, evil strengths and ethnic parallels, children plays and services to children [16, 129]. In the part of burial, death, faiths was given information connected with mourning, washing, shroud, burial of deceased, mourning habits, burial habits and their mutual parallel till Islam [16, 125]. In the part of "Archaic faiths" was given information about faith, mountain, stone, cave, water, mythical faiths of creature, faiths of animals [16, 274]. Author has selected Nakhchivan Autonomy Republic as the object of basic investigation in his book. In the monograph author effort historical roof of customs and family traditions in Nakhchivan and decided that most of customs in Nakhchivan are similar with other Turkish people's customs. On the basis of these author decided that Azerbaijanis are also Turkish by rootstock.

One more writers who investigate of Azerbaijan family is A.Aliyev. The book "Family way of life of the Georgia Azerbaijanis at the beginning of XIX-XX centuries" author deals with customs, ceremonies, bringing up of the children and etc. Author decided that some of them are local, and others are common with other Caucasian traditions. For the first time in the nineteenth and early twentieth century family life of Azerbaijanis in Georgia are being investigated. In this book also was given information about large and nuclear families [2, 8-24], "qizbeyenme", "elchilik" (match-making), engagement ceremony and habits during engagement, carrying out of the wedding, wedding ceremony [2, 50-76], bringing up and upbringing of the children [2, 76-133], habits and faiths connected with death, burial and mourning of Azerbaijanis families which lives in Georgia. Time investigate the family and family life of the Georgia Azerbaijanis author discovered that exciting habits, customs in this territory are identity family and family life of the western region (Qazax-Agstafa region) of Azerbaijan. Author has explained this with a few factors: 1) Get up in the family root of the population living in the both region of the same Turk tribes, he has emphasized being connected with memories passed, immortalized protect their generation; 2) Both of the areas were part of Azerbaijan; 3) Having the same border. Some habits of Georgian Azerbaijanis are the same with other ethnic groups living in Georgia, and some similar features with Georgians also. It becomes clear with neighbourhood relations of the people which have settled in this area historically. It has opened the way to pass culture to each other. But Georgian Azerbaijanis have their own special customs and author connects it with Azerbaijan Turks indigenous in this area. The book is efficient visual aids for learning region habits.

 M.Pashayeva devoted her monograph "The ethnic traditions in the ceremony of Azerbaijanis family" to the research of northern-west part of Azerbaijan Republic. In this monograph the author gave information about the landscape of Shaki-Zagatala zone, and also marriage ceremonies, births, funeral ceremony of Azerbaijani Turks, Sakhurs, the Avars, Rutuls, Lazgin, Udi and Ingilois. The author, while giving general information about the region includes Gakh, Balaken, Zagatala, Sheki, Oguz, Gabala such as researching regions. The author divides ethnic composition of population in terms while searching period. The author gives valuable information about each ethnic group: Azerbaijani Turks [15, 16], Saks [15, 23],

the Huns [15, 25], Oguz [15, 26], mugols [15, 29], the Avars [15, 32], sakhurs [15, 39], rutuls [15, 46], Lezghins [15, 47], Ingiloys [15, 49]. The author gives information about each ethic group's traditions at the chapter wedding ceremony, birth rites and education, funeral ceremony and family faith.

One more work belongs to ethnographer N.M.Guliyeva. It is known that Baku, the capital of Azerbaijan, has had ancient history and at the same time is of possession of rich, distinctive spiritual heritage. One of the urgent tasks today is to collect these spiritual values as they are how, which are kept in people's memory for centuries and observed in national customs and traditions and go from generation to generation, and pass them to the next generations. This monograph represents a brand new study of the family life of Baku population in the 19th-20th centuries.

In her book "Family and family life of Baku's urban population in the 19th-20th centuries" she deals with traditional customs of Baku citizens, their cuisine [85-88] ceremonies, marriage customs, engagements, wedding rituals [10, 88-116], funeral rituals [10, 116-127], household [10, 127-141], spiritual life [10, 141-146] and etc. Author deals with Baku cuisine such as chicken pilaf, saffron pilaf, greens pilaf, milky pilaf, pilaf with pieces of meat, pilaf with sorrel, pilaf with haricots, fisinjan-pilaf, dushbara, gutab, khashil bozbash, piti, dolma with grape or cabbage leaves or with tomatoes and eggplant, tikya-kebab, lulya-kebab, syabzigovurma, gutabs with camel meat, beef, pumpkin and greens – all they were often cooked by Baku residents. She adds that they use camel meat also. Baku residents used various spices such as primarily, yellow root, cinnamon, cardamom, cloves, anise, barberries, ginger, pepper, saffron, etc. In the wedding rituals chapter author deals with customs such as "khari (yes)" [10, 89], wedding music instruments [10, 92], "paltar kyasdi (making dress)" [10, 94], "adamchagyran (inviting person)" [10, 93], "magar (place of wedding, also called toykhana)" [10, 93], "kyabin (religious ritual)", wedding meals, singers, dancers, musicians [10, 100], rituals after wedding and etc. About funeral rituals author gives information that under the rite, standing near a dying person should be a mullah or a man, who knows Islamic rules and can read kyalmeyi-shahadat – the death prayer – to allow a dying person to die calmly. A dying person's face is turned toward kiblah. A woman should not stay near a dying person alone. It is forbidden to cry or speak too loudly near a dying person or leave a dying person alone in a room. The first sura of Koran – Fatiha – should be read. After a dead body is taken away from a yard, the place where the dead body was is cleaned, and all the belongings are thrown out [10, 119]. A dead woman is buried with people keeping a kerchief over her face so that her face remains unseen. At this moment, one of her close people, most often brother goes down into the burial place whereas a mullah reads prayer "Tyalgin" upstairs. If a woman is buried, her husband, uncle, father or brother-in-law can also go down into her burial place to see her off. Cousin is not allowed to do it so. After prayer "Tyalgin" is read, this man climbs up from the grave. Then, the grave is covered with stone labs, which are subsequently covered by earth, with stones laid on the edges. After a grave is dug, its walls are covered by cemented stones. Women's graves are comparatively deeper than men's: 1 meter against 60 to 80 centimeters, respectively [10, 120]. After burial is over, water is poured onto the grave. And author also gives information about funeral rituals after couse of dead person. The book is interesting to get more information about Baku unban.

In the article "The function of way of life and household at Azerbaijan families in the 20-50th years of XX centuries" also author gives information about farming life of families, about teaching to children of the family traditions and etc [12, 233-237].

The other book of the author "Azerbaijan families in the years of independence" deals with Azerbaijanis living after gaining independence, the position of women in the public life [9, 33-48], weddings, marriage [9, 48], Azerbaijanis living, family and some of the pressing issues of life [9, 9] and etc. Also author gives information about family and way of life problems [9, 55], about family, respect for elders, parents and children are under the protection of the state administration on the basis of socio-psychological [9, 55-68], conducted research on family issues of refugees and internally displaced persons [9, 68-87]. In the book is dealt with processes taking place in Azerbaijan which entered a period of capitalism- market economy. The book explored the state of the modern study of rural family, a great family, patronymy remains, a small family, social and professional composition of the family, the family structure, the concept of loneliness, kinship system, family relationships, family and children's growth [9, 123], children's education [9, 132], way of life and other functions, marriage, weddings, birth and child-related traditions, family traditions, of divorce and its causes [9, 244], funerals [9, 255], Azerbaijanis and other Turkic peoples parallels in marriage and family relations, the family's socio-cultural, vital issues. In this "Azerbaijan families in the years of independence" book N.M.Guliyeva dealt with information about the holiness of the family, about its historical roots came from ancient times, about "The Book of Dada-Gorgud" epos where family was holy, and attitude about the role of parents and family in children's upbringing. The author tells the story of the growth of children, when they open their eyes their parents take care of them [9, 41]. What is the matter of age, most children are moving as

his father and mother, attitude repeat their character. Children are more influenced by the mother's upbringing. With the children's education mothers deal, all manners, etiquette teaches children with the most delicate issues. The strength of the family tradition is respect for parents, as well as the attitude of the mother due to her husband. Under such conditions, the attitude, confidence and mutual respect among parents, plays a great role in the children's life. In addition, author said in 1918 during the period of Democratic Republic of Azerbaijan, the women had obtained the right to vote together with the men in the political arena for the first time [9, 42]. Guliyeva gives information also about "beshikkartma", "gobakkasdi", "betrothed", "polygamy," "qızqachırma" little chance of "joined escape" and etc [9, 48].

N.Guliyeva in the "Modern rural family and family life" book deals with information about the family which is a remnant of the past patronymic [11, 16], the role of patronymic families in the community. As well as large families stay till the beginning of the twentieth century, author connects it with the collection of taxes named "smoke money". Thus, the "smoke money" was collected taxes is not for the number of family members, it was collected for the number of smoke from the chimneys. Large families had special features. They had total cemeteries, traditions, rules for using household [11, 18]. Patronymic (nuclear families) formation of families has increased steadily in the 30s of the twentieth century. The difference between the two is a large family in a small family: First, the number of family members, and secondly, in the case of a large family fortune belongs to the entire family, at a small family-man belonged to his head [11, 27]. If several families live in a family that family calls compound family. If the family lived in a two-generation family, so that family was called nuclear family [11, 28]. Besides these the author also gives information about family structure, child growth, demographic, social, ethnic relations, the impact of an increase (p 67), children's education in the family [11, 132], marriage customs [11, 173], economic and social function and etc [11, 145].

The important work- habit of Azerbaijan family in the Middle Ages, was investigated by our ethnographer Sh.T.Bunyadova. In her monograph "Azerbaijan family in the Middle Ages" author investigate "qizbeyenme", "elchilik" (match-making), engagement ceremony and habits during engagement, carrying out of the wedding, wedding ceremony [5, 21-66], bringing up and upbringing of the children [5, 148-224], habits and faiths connected with death, burial and mourning of Azerbaijanis families in the Middle Ages. Ethnographer give information that about wedding boys want to send match-making to those girls they love. About wedding ceremony author also gave information about "khina party" [5, 55-66]. It's like the wedding party but only females take part. Author also gave information about "sunnet (ritual circumcision)", "chille kesmek", "adqoyma (naming)", "talaq (to divorce)", "nursery", "bath culture" and etc. Author involve for investigation N.Ganjavi's, Fuzuli's, Maragaly Avhadi's, Xagani's, N.Tusi's and other classic writers and poets works, epos, and herself investigation. Wide information about nursery [5, 224-236] and bath culture [5, 114-136] makes the book specific. At the article "Family relations in the readings of Maragaly Avhadi" author deal with concerning of family mode of life, marriage, match-making (elchilik), getting familiar with maiden (qizbeyenme) and etc. customs of Azerbaijan people in the Middle Ages. Investigating the family relationships in the creative works of the poet ethnographer gives information about attitude in the family, about affability, cordial attitude, condemning of the fortune-tellers and etc [7, 199]. The article is important to get information about family and family life at the Middle Ages.

At the other monograph "Family at Fizuli's works" author Sh.Bunyadova investigates of Fizuli's works-lamp of the medieval world of the science. Thus, prominent Azerbaijani poet Fizuli gave valuable information about traditions, family relationships, ceremonies and so on in his works. In the article, ethnographer deals with information about importance of love in the world of the family is the main factor consider by Fizuli [6, 193], wedding traditions [6, 195-197], birth and upbringing of children [6, 198-199], burial customs [6, 200] and etc. Ethnographer, as well as has attracted on a variety researchers of Fizuli's works and it made article priceless.

The author's "Nizami and ethnography" book under the title "Family and family life" was given information about common family life issues, marriage, matchmaking, wedding, education, information about the funeral in the great Azerbaijani thinker Nizami Ganjavi's works [8, 67-93]. Sh.Bunyadova investigated family way of life which was the contemporary of great poet and some of them came to our century from the filtered through the filtration of time.

Other ethnographer V.Veysalova's book- "Azerbaijan love eposes as the ethnographical source" were researched family life, wedding customs, mourning customs and etc. by the author [19, 77-149]. During the author researched the eposes she also got information about family life in the Middle Ages and she decided to deal it with the readers.

At the "Y.V.Chemenzeminli's ethnographical meet" dissertation author R.Ibrahimova "qizbeyenme", "elchilik" (match-making), engagement ceremony and habits during engagement, carrying out of the wedding, wedding ceremony [14, 66-

77], bringing up and upbringing of the children [14, 78-86], habits and faiths connected with death, burial and mourning of Azerbaijanis families in the XIX-XX centuries. Ethnographer investigating Chamanzaminli's creativity deal with that, a prominent writer used the contemporary traditions of his time, and also benefited from the old traditions with great competence emphasized.

The other ethnographer H.Zahidova studied ethnographic motives in the great playwright J.Jabbarli's creation. At the second chapter which called "Family and family life" H.Zahidova gives information about weddings, naming, children's education, said that the information about the funeral on the base of works and memories associated by the great poet. Ethnographer has introduced family and family life under four subtitle, such as marriage settlement, wedding traditions, bringing up issues, funeral ceremony. At the wedding chapter ethnographer gives information about wedding tradition, joined the escape, mixed marriages and others [20, 114-116]. The great dramatist draws attention to the importance of education at the women's life, the children's family education and the ethnographer researched all these at the chapter about education [20, 139]. About the funeral ethnographer gives information base on the great dramatist's works and also his memories about his brother's death and his best friend Hajibaba Sharifzadeh's death [20, 148-160]. The book is important because the great dramatist used common folk and ethnographic materials, and the ethnographer researched all these. That's why it gives potential to the young generation to learn their historical traditions, customs.

The other ethnographer S.M.Ahmadov in his book-"Traditional behaviour rules in the family way of life of the Azerbaijanis" investigated bringing up of the children with traditions, family rules, family rulers and etc. At the article was given information about the family forms which are the core of the state and the community [1, 237], relations between married couples, the man's superior position in the family, administration of the family by the men, the attitude to the bride in the family, while upbringing their children to discipline them [1, 238].

Ethnographer S.Aliyeva penned "The development of ethnography at the first half of twentieth century" for the degree of the candidacy in 2001. At thesis principles of family life and spiritual culture that existed in the family during 1901-1950. At the monograph the author gives information about the traditions which are residual from ancient times [3, 46-52], forms of marriage, public holidays which are the part of the spiritual world [3, 83-89], religious ideas and information about membership. The information was given on the base of other researchers books, and in this candidate the author researched ignored problems. The way of family life was researched on the chronological periodization at the monograph. The author divided candidate into three chapters. At the first chapter involved the time from 1901 to 1918, the second chapter from 1918 to 1940, the third chapter from 1940 to 1950. Author's gives information about her researches connected with family life at each chapter of the monograph.

On the II volume of the book of "Azerbaijan ethnography" which published in 2007, the part of "Family and way of life of family" was investigated by our great Azerbaijan ethnographer Q.Rajably. In this part of the book one can get more information about customs which are famous all area of Azerbaijan. The author deals with information about large and small families [18, 298-307], about marriage forms (monogamous, polygamy, exogamous, endogamous, levirate, sorority, abduction, matchmaking, weddings, joined escape [18, 308], weddings, children's education, about funeral, divorce. The author gave information on the base of field research experience, the medieval sources, and the researched materials of other ethnographers, medieval legends, classical compositions, folk literature. When the author gives information about wedding he also gave information about wedding ceremony, dresses, wedding places, wedding meals, wedding songs, singers and music instruments [18, 324]. At the chapter education author gave information about the role of children in the family, the election of the names for children, about nursery, circumcision ritual and etc. The last part of the section "Family and family mode of life" dedicate to mourning and funeral rituals. Here is given funeral rites, connected with bewailing decedents, mourning motets, funeral repast and maintenance the ritual "Gara bayram (Black Holiday)" by the member of family and closely relatives along the one year after the dead day of death.

Gaining independence of the Azerbaijan Republic opened the general way to development of all sciences. One of them is ethnography. Scientific investigations that we described above are evidence that ethnography of our county is developing now also. We had some insufficiencies in the development of ethnography, but in spite of the ethnography science is developing day by day. Young generation do everything to protect their customs and pass it to there followers.

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Graphics Calculator Based Activities for Motion in One Dimension for Secondary School Students

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Abstract

The aim of this study is develop activities for secondary school physics students in order to develop better understanding in motion in ode dimension context. Graphics calculators and some probes like sonic distance measuring sensors are used to collect data. Students are collecting data bay using their bodies as objects in motion to achieve desired activities. Graphics calculators are facilitated in the activities because of convenience and being cheap to access as well as increased mobility to move out of the boundaries of classrooms or laboratories. These activities are also can be used in micro computer based laboratories where PCs take the place of calculators or PDAs are also available tools to collect data

Keywords: Physics, Secondary School Science, Motion in Dimension, Education.

Introduction and Rationale of the Study

Motion and kinematics units are one of the most challenging subjects for high school students. Students especially struggle on linking graphs with physics concepts and real life situations (McDermott, Rosenquist, & Van Zee, 1987)

According to McDermott et al. (1987) connecting graphs with physical concepts involves confusing slope and height, interpretation of changes in slope and height, relations among the graph types, describing the features of a graph, understanding the area of a graph. Some other difficulties are grouped under real world connections such as; describing continues motion, path and shape confusion of graphs, negative velocity and constant acceleration illustration (McDermott et al., 1987).

As cited in Ersoy (2004) the other issues regarding motion graphs are problem of discriminating between a graph and a picture, height and slope misunderstanding and path vs. slope misperception. (Mokros et al, 1987; Mcdermott, et al., 1987; Goldberg & Anderson, 1989; Nachmias et al., 1987)

In order to cope with this issues using activities where students their selves are supposed to be object in motion to develop better understanding of motion and motion graphs.

The technologies available for data collection is making students' and their instructors'' life better. Use of calculators or portable devices connected to sensors to collect data from nature helps them move out of the class environment to real life environment. Devices available is not only requirement but also learning materials to be developed.

The following activities are developed be used in a research study to measure prospective teacher understanding of motion graphs (Ersoy, 2004) and these activities are also presented to in-service teachers during the activities of Turkish Physics Foundation workshops and T[3] Europe-TR Project activities (Ersoy, 2010).

The teachers who are involved in the studies and activities are reported that these activities can increase students' conception off motion graphs as well as attract them to involve in physics activities which might also increase students'

attitude towards physics and motivation to learn physics. The objective list and corresponding activities are given in Table 1.

First Activity: Let's Move and Match the Graphs with Our Motion

The aim of this activity is matching the graphs with our selves moving in one dimension back of forth or both, presented by the calculator randomly.

Students will need a graphic calculator installed with activity application and a sonic distance measuring sensor. TI-83 Plus and as data collector and CBR as sonic ranger are preferred in the activity.

Let's describe the procedure.

1. Hold CBR (Figure 2) in one hand and hold calculator (TI-83 Plus Figure 1) in the other hand directing CBR to wall, which measure your distance to wall. The sample graphics supplied with the calculator will be in range of 0.5 m to 4.0 m.

2. Press APPS button of the calculator. Select RANGER application from CBL/CBR menu shown on the screen.

3. Select following options given in the order given: MAIN MENU -> APPLICATIONS -> METERS then select DISTANCE MATCH from APPLICATIONS menu.

4. Select the graph that you will match with pressing ENTER button. Later on give answers to questions one and two

5. Before starting collecting data identify your distance to wall and then press ENTER button. The green LED will indicate to indicate that data is being collected.

6. Move back and forth to match the given graph where your position with respect to wall will be shown on the screen simultaneously.

7. When the data collection ends compare the given graph and give answer to question 3.

8. If it is needed repeat the activity by pressing ENTER and selectin SAME MATCH from OPTIONS menu to improve your match

9. Give answer to questions 4, 5, and 6.

Observations:

There are three line segments in graphics matching.

1. Give answer to questions 7 and 8 after selecting the first line segment with pressing ENTER button and selecting NEW MATCH from OPTIONS menu.

2. Evaluate all of the graph and give answer to questions 9 and 10.

3. Press ENTER and try to match the graph.

4. Give answer to questions 11 and 12.

5. Press ENTER and select NEW MATCH from OPTIONS menu. Evaluate the graph and give answers to the questions 13, 14 and 15.

Questions:

1. What is the physical variable is given in x-axis?
   And what is its unit?
   What is the physical variable is given in y-axis?
   And what is its unit?
2. What should be your distance to wall before starting motion?
3. Was your starting distance correct if not what was the difference?
4. If the slope is upward in which direction you should move, why?
5. If the slope is downward in which direction you should move, why?
6. If the slope is horizontal in which direction you should move, why?
7. If you were stepping 1 per second how many meters you should move in one second?
8. If your one step is one meter how many steps you have to move per second?
9. Which segment of the lines you had the fastest speed, why?
10. Which segment of the lines you had the slowest speed, why?
11. Which factors effected your decision to choose to move back or forth?
12. Which of the physical quantity is presented by the slope?
13. How many seconds many meters you had to move for the first line segment?
14. Convert the answer of the 13th question to meter/second, meter/minute and meter/hour.
15. How many meters you had to walk to match the graph?

Second Activity: Motion with Constant Velocity with a Toy Car

The aim of this activity is investigating the objects moving with constant velocity. Now let's try with a toy car.

Students will need a graphic calculator installed with activity application and a sonic distance measuring sensor. TI-83 Plus (Figure 1) and as data collector and CBR (Figure 2) as sonic ranger and a toy car are preferred in the activity

Let's describe the procedure.

1. Place the car from sonic ranger CBR at least 15 cm away.
2. Answer the first question before starting data collection.
3. Run RANGER application.
1. Make necessary configuration after selecting SETUP/SAMPLE in MAIN MENU.

|	
REALTIME:	NO
TIME(S):	5 SECONDS
DISPLAY:	DISTANCE
BEGIN ON:	[ENTER]
SMOOTHING:	LIGHT
UNITS:	METER

2. Press START NOW.

3. When you are ready press ENTER and start the motion.

4. When data collection finishes calculator will display the graph automatically.

5. Compare your answer to first question and the graph plotted by the calculator.

Observations:

1. Submit the data that you have to the first graph given in the first question.

2. Give answer to questions 3 and 4.

3. Calculate velocity changes in each of the time intervals.

4. Calculate slope and submit to table.

5. Give answer to questions 5, 6 and 7.

Questions:

1. Which one of the followings will be representing the motion of the toy car? Why?
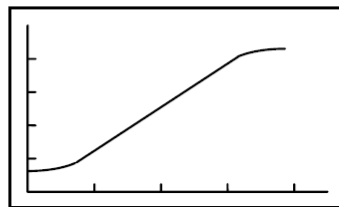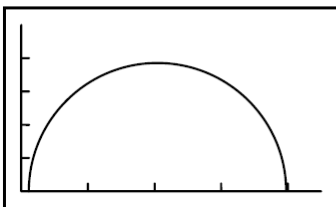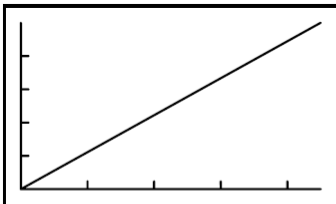
2. What you have recognized about position?

3. What you can conclude about velocity of the toy car?

4. Plot velocity time graph of the toy car.

5. Calculate the change in position and change in time and their ratio (slope) between time interval 2.0 and 4.0 seconds. What does slope represents?

6. Write the motion equation using the findings (y = ax + b).

7. If the toy car was continued moving how much it would be displaced in 10 seconds?

8. How much it would be displaced in ten minutes?

Third Activity: Motion with Constant Acceleration with a Toy Car

The aim of this activity is investigating the objects moving with constant acceleration. Now let's try with a toy car.

Time	Position	Δ Position	Δ Time	Slope
1.0				
1.5				
2.0				
2.5				
3.0				
3.5				
4.0				
4.5				
5.0				

Students will need a graphic calculator installed with activity application and a sonic distance measuring sensor. TI-83 Plus (Figure 1) and as data collector and CBR (Figure 2) as sonic ranger and a toy car are preferred in the activity

Let's describe the procedure.

1. Place the car from sonic ranger CBR at least 15 cm away.
2. Answer the first question before starting data collection.
3. Run DataMate application.
4. Make necessary configuration after selecting MODE than TIME GRAPH in SETUP.

<div align="center">

TIME INTERVAL: .05

NUMBER OF SAMPLES: 100

EXPERIMENT LENGHT: 5

</div>

5. Press START NOW and release the toy car when CBR starts taking data
6. While selecting DIG – DISTANCE, DIG – VELOCITY, DIG – ACCELERATION you can analyze position – time, velocity – time and acceleration – time graphs.
7. Analyze position – time graph and give answers to questions 2, 3, 4 and 5.

Observations:
1. If we increase the slope of the inclined plane how will be the position – time graph. Plot his to the graph given in question 6.

2. Repeat the activity increasing the slope of the inclined plane.

3. Plot your answer to the given graph in question 7 if the inclined plane had angles first 0 then 90º.

4. Select CUVE FIT from ANALYZE and give answer to questions eight and nine.

Questions:

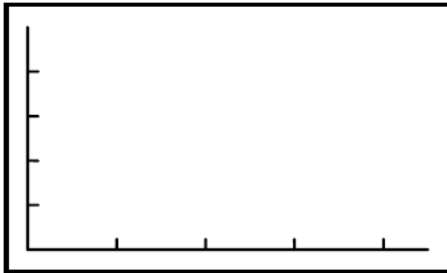1. Which one will be representing the position – time graph of the toy car?
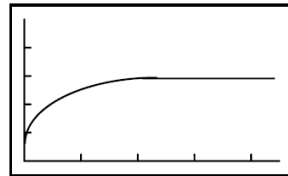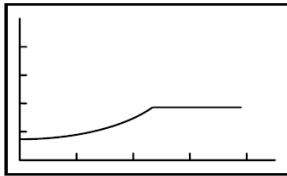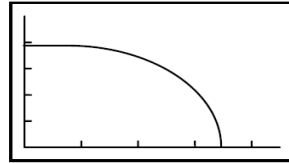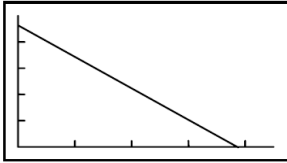
2. What is the physical variable is given in x-axis?
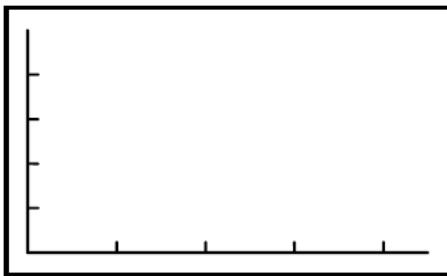
   And what is its unit?

   What is the physical variable is given in y-axis?

   And what is its unit?

3. Plot the graph that you have obtained. Label the axis and show the start and end points on the graph given below.

4. What kind of function is this graph?

5. Discuss the answer given to first question and the findings of the activity.

6. How will differ the graph if you increase the slope of the inclined plane. Show on the graph given below.

7. Plot your answer to the given graph in question 7 if the inclined plane had angles first 0 then 90º.

8. What are the constants representing what you have found?

9. Write the equation of the motion.

10. Plot the velocity and acceleration vs. time graphs of the motion fit the findings.

Forth Activity: Newton and the Toy Car

The aim of this activity is to match the graphs given by the calculator while using a toy car.

Students will need a graphic calculator installed with activity application and a sonic distance measuring sensor. TI-83 Plus (Figure 1) and as data collector and CBR (Figure 2) as sonic ranger and a toy car, several masses and a rope are preferred in the activity

Let's describe the procedure.

1. Set up the activity connect the toy car with 5.0 gram mass and calculate the total mass of the set.

2. Answer the first question before starting data collection.

3. Run DataMate application.

4. Make necessary configuration after selecting MODE than TIME GRAPH in SETUP.

TIME INTERVAL: .05

NUMBER OF SAMPLES: 100

EXPERIMENT LENGHT: 5

5. Press START NOW and release the toy car when CBR starts taking data

6. While selecting DIG – DISTANCE, DIG – VELOCITY, DIG – ACCELERATION you can analyze position – time, velocity – time and acceleration – time graphs.

7. Analyze position – time graph and give answers to questions 2, 3, 4, 5 and 6.

8. Double the total mass and give answer to question seven.

9. Double the mass which pulls the toy car run the activity and give answer to question eight.
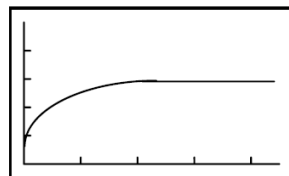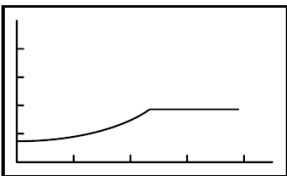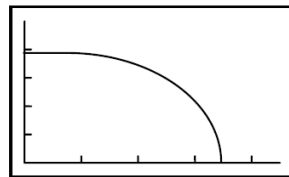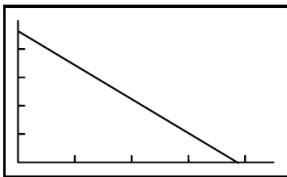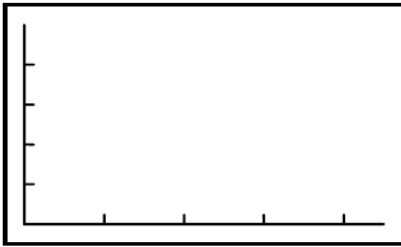
Questions:

1. Which one will be representing the position – time graph of the toy car?

2. What is the physical variable is given in x-axis?

    And what is its unit?

What is the physical variable is given in y-axis?

And what is its unit?

3. Plot the graph that you have obtained. Label the axis and show the start and end points on the graph given below.

4. What kind of function is this graph?

5. Discuss the answer given to first question and the findings of the activity.

6. Select CURVE FIT from menu ANALYZE. Select the appropriate choice. Describe the constants given and write the equation of motion.

7. Plot the velocity and acceleration vs. time graphs with the findings.

8. What did happen when the mass of the toy car doubled?

9. What did happened the mass pulling the toy car doubled?

10. What is the relation between the acceleration of the toy car and the mass pulling it?

Tables:

Table -1: Activities vs. Objectives

| Students should be able to:	Fist Activity	Second Activity	Third Activity	Fourth Activity
determine velocity from the given position - time graph	■		■	
determine acceleration from the given velocity - time Graph		■		■
determine displacement from the given velocity - time graph	■		■	
determine change in velocity from the given acceleration - time graph		■		
select another corresponding graph from the given kinematics graph	■			
select textual description from the given kinematics graph			■	
select corresponding graph from the given textual motion description		■		■

Figures:
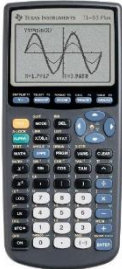
Figure 1: Texas Instruments TI-83 Plus Graphing Calculator ("Amazon - Texas Instruments TI-83 Plus Graphing Calculator,")

Figure 2: Texas Instruments CBR2 Motion Sensor ("Amazon - Texas Instruments CBR2/PWB/1L1/A Ti Cbr Motion Sensor,")

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