



PROCEEDINGS BOOK

Volume II

23rd International Conference on
Multidisciplinary Studies: "Resilience for Survival"

Cambridge, 30-31 July 2020

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ISBN 978-164999158-4



REVISTIA
PUBLISHING AND RESEARCH

ICMS XXIII
23rd International Conference on Multidisciplinary Studies: "Resilience for Survival"
Cambridge, 30-31 July 2020

Proceedings Book
ISBN 9781649991584

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Typeset by Revistia
Printed in Cambridge

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European Integration, Economy and Corruption in the Western Balkans

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Abstract

The European Union countries and institutions have constantly contributed to the European integration process of the Western Balkan countries. Albania, Serbia, Montenegro and the Republic of North Macedonia are official candidates for EU membership. Chapters and accession negotiations have been opened with Montenegro and Serbia, whereas Kosovo and Bosnia and Herzegovina are potential candidate countries. Poverty, unemployment and corruption are probably the most common problems that Western Balkan citizens face. Corruption, in itself, does not lead to poverty, but it stimulates poverty through indirect channels by affecting economic, social, political and administrative conditions. Both, the enhancement of business climate for private investors, and a higher level of integration with the European Union will decrease unemployment and will boost economic growth. Authorities should follow concrete policies in order to encourage private sector investment, increase regional integration, and create new jobs. The future of the Western Balkans is in the European Union.

Keywords: European integration, economy, corruption, Western Balkans, poverty.

Introduction

European integration

The Western Balkans region includes Kosovo, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia. Kosovo is actually a potential candidate for European Union (EU) membership¹. In 2008 the EU confirmed its willingness to assist the economic and political development of the country through a European perspective. The EU constantly contributes to the stability in Kosovo through the EULEX rule of law mission and the respective Special representative. On April 2016, the Stabilisation and Association Agreement between the EU and Kosovo entered into force. On July 2018, the European Commission confirmed that Kosovo has fulfilled all outstanding visa liberalisation conditions. The EU countries and institutions, especially the European Commission, play a key role in the reconstruction and development of the country. The EU has initially financed emergency relief actions and reconstruction of Kosovo, whereas now focuses on country's institutions, economic growth and European integration. Table 1 shows EU financial allocation for Kosovo for the period 2007-2019.

¹ See <https://ec.europa.eu/neighbourhood-enlargement/countries/>.

| | | | | | | | |
|---------------|---------|---------|---------|--------|--------|---------|---------|
| Year | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
| IPA I | €68.3M | €184.7M | €106.1M | €67.3M | €68.7M | €68.8M | €107.2M |
| Year | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| IPA II | €66.05M | €66.5M | €70.05M | €73M | €90.5M | €86.36M | |

Table 1. Financial allocation for Kosovo for the period 2007-2019. Source: <https://ec.europa.eu/>.

Albania is actually a candidate country for EU membership. The country was firstly identified as a potential EU candidate during the Thessaloniki European Council summit in June 2003. On April 2018, the European Commission confirmed its unconditional recommendation to open accession negotiations with Albania, whereas on June 2018, the EU Council sets out the path towards opening accession negotiations. On March 2020, the Council decided to open accession negotiations with Albania. This was the result of country's reform efforts in the last years and acknowledgement of the EU for the efforts made and the progress achieved on Albania's accession road¹. The EU Delegation to Albania constantly promotes the typical European values, including democracy and the rule of law. The EU Delegation maintains an active and continuous dialogue with the country's authorities on human rights protection and cooperates with other important international organisations. The EU also provides support to civil society organisations in Albania, through funding opportunities and public awareness activities.

Bosnia and Herzegovina is actually a potential candidate for EU membership. The EU is contributing to the stability of the country through the EUFOR/Althea mission. On Jun 2012, the EU and Bosnia and Herzegovina launched the High Level Dialogue on the Accession Process; on June 2015, the Stabilisation and Association Agreement between EU and Bosnia and Herzegovina entered into force. The Delegation of the European Union to Bosnia and Herzegovina was established in 1996. The EU delegation promotes the progress in the Stabilisation and Association Process, and a stable, multi-ethnic country. It offers support in the political process to institutions at all levels, especially in the areas of the rule of law and security sector reform. North Macedonia is actually a candidate country for EU membership. On April 2018, the European Commission confirmed the unconditional recommendation to open accession negotiations with the country. On March 2020, the General Affairs Council opened accession negotiations with the country and endorsed the Commission Communication on a revised methodology *"Enhancing the accession process - A credible EU perspective for the Western Balkans"*. North Macedonia was the first Western Balkan country to sign the Stabilisation and Association Agreement with the EU, that entered into force in April 2004. The EU continuously supports the civil society organisations in the country. The EU provides relevant financial assistance to civil society projects through the Instrument for Pre-accession. Montenegro is also a candidate country for EU membership. The country applied for EU membership in 2008, two years after the declaration of independence from the State Union of Serbia and Montenegro. On October 2007, Montenegro signed a Stabilisation and Association Agreement and an Interim Agreement on trade and trade-related issues with the EU. On May 2010, the Stabilisation and Association Agreement entered into force. On December 2009, Montenegrin citizens started to travel without visas in the Schengen area. On January 2008, agreements on trade and trade-related matters, visa facilitation and readmission entered into force. The accession negotiations with the country were opened in

¹ See https://eeas.europa.eu/delegations/albania/6953/albania-and-eu_en.

2012. The Mission of Montenegro to the EU in Brussels conducts the diplomatic relations between the country and the EU. Serbia is actually a candidate country for EU membership. On June 2013, the European Council endorsed the Commission's recommendation to open negotiations with Serbia. European Council confirmed Serbia as a candidate country in 2012. On September 2013, the Stabilisation and Association Agreement between Serbia and the EU entered into force. On December 2013, the European Council adopted the negotiating framework with the country¹.

Economy and corruption: literature review

Franičević (2004) analyzed the problems of legitimacy of post-socialist reforms and increased inequality and poverty levels. The author focuses on the countries of South East Europe, which have many common characteristics. These countries face a poor economic development and show basic disequilibria, fiscal, external and labour markets. South East Europe usually suffer from many institutional and democratic deficits; the reforms in these countries are slow. Many of them have also faced the challenge of building independent countries under extreme conditions of ethnic conflicts and war, which impact priorities and choices in reforms. High levels of corruption and serious fiscal deficits contributed to higher growth of inequality and poverty. Wallace and Latcheva (2006) considered the role of the informal economy in Central and Eastern European post-communist countries. The authors showed that in some countries the black economy is very important for supporting household incomes (Serbia and Croatia) and in other countries the household or social economies are predominant (Romania and Ukraine). In a considered third group of countries the formal economy predominates over other economies (Czech Republic and Hungary). According to Olters (2010), Albania's informal sector represents a considerable share of economic activities, and it could easily jeopardize the realization of country's medium-term goals of socio-economic development and European integration. Budgetary revenues are weak and formal private sector activities are discouraged by strained taxpayer relations and poor public services; inadequate tax enforcement; excessive permit and licensing requirements; the existence of a competitive disadvantage relative to informal market participants; and a weak public infrastructure. Informal activities are usually associated with an increased level of public corruption; officials accept bribes in exchange for protection or other favours to the detriment of the country. In a system rooted in high levels of corruption and bribery, economic incentives are discouraged and government officials and favoured private investors receive a larger part of public benefits or a lower share of the cost of public goods. This will lead to lower private investments, lower government revenues, and subsequently to an increased inequality and poverty.

According to Holmberg and Rothstein (2010), representative democracy works poorly as a cure against poverty or large-scale economic inequalities. Empirical analysis showed that this is true especially for poor countries, including Albania and other Eastern European countries. Empirical analysis tested the relation between variables related to the quality of government, including levels of corruption and the rule of law, and poverty or inequality. The main conclusion from the empirical test is that quality of government is relevant for reducing absolute poverty among poor countries and for reducing relative economic inequalities among rich as well as among poor countries, also after controlling for democracy. Shera (2011) analyzed the impact of corruption on economic growth across 22 developing countries for the period of 2001-2012. Based on the empirical results, the panel data analyses reveal that there

¹ See <https://ec.europa.eu/neighbourhood-enlargement/countries/>.

is a statistically significant negative relationship between corruption and economic growth. The relationship is directly related to inclusion of other determinants of economic growth. According to Hysa (2011), Western Balkan countries are characterized by a series of obstacles in economic, politics and social aspects. The author studied the relationship between corruption level and human development. Hysa (2011) estimated a regression and compared the degree of the relationship for each Western Balkan country during 2002-2010. The main result of this study is that the relationship between corruption and human development is found to be strong in Former Yugoslav Republic of Macedonia, Serbia, Montenegro and Albania. Croatia exhibits a weak relationship whereas the relationship in Bosnia and Herzegovina's case is not significant. Qerimi and Sergi (2012) discussed and analysed data related to economic freedom and corruption. The authors tested the validity of results of different sources on same issue, as well as the accuracy and credibility of those sources. They considered middle-income economies, upper middle-income countries; or societies in transition that range between flawed democracies (Croatia and Macedonia) and hybrid regimes (Albania, and Bosnia and Herzegovina), under the categorisation of the Index of Democracy. Results showed that countries which have scored the highest results in economic freedom were the same countries that had the most relevant progress achieved in eliminating corruptive behaviour. A larger level of economic freedom increases the success in fighting corruption as a critical measure of institutional performance.

Rontos, Salvati, Sioussiouras and Vavouras (2013) proposed a classification of the perceived corruption levels of Mediterranean countries according to key political, economic, and social variables. Empirical evidence showed the key role of corruption in various countries by analyzing differences in their respective values on a corruption perceptions index. The variables used by the authors include additional data such as gross national income per person in purchasing power parities, a political rights index, a civil liberties index, and a non income human development index. According to Rontos, Salvati, Sioussiouras and Vavouras (2013), policies against corruption should target a complex ensemble of driving factors not limited to the economic characteristics of an individual country and should include social political, cultural, institutional, and territorial considerations. According to Bayar and Ozturk (2017), the global wealth has increased considerably and decreases in income inequality and poverty have been experienced in the recent years. Income inequality and poverty have still stayed at dramatic levels. The authors investigated the causal interaction among corruption, income inequality, and poverty in Central and Eastern European Union transition economies, during 2005-2016 period, by employing panel causality test. Empirical results revealed a one-way causality from poverty to corruption and also a one-way causality from income inequality to poverty. Basna (2018) analyzed the relation between income inequality and corruption in Europe. The author focused on post-communist European countries. In the case of post communist countries, the relation among corruption and income inequality are more complicated than in the rest of Europe; different approach in fighting corruption must be followed.

3. Facts and data

Poverty, unemployment and corruption are probably the most common problems that Western Balkan citizens face. Corruption, in itself, does not lead to poverty, but it stimulates poverty through indirect channels by affecting social-economic, political and administrative conditions (Ildirar and Iscan, 2016). Corruption can be correlated with the economic growth and affect unemployment and income distribution; this will bring poverty. Figure 1 shows the

Gross Domestic Product growth (annual %) during 2015-2019 for the Western Balkans countries. Serbia experienced the highest annual growth for 2019 (4,187), whereas the respective smallest value was recorded for Albania (2,214). Gross Domestic Product growth is the most common estimator of economic growth.

| Country | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------------|-------|-------|-------|-------|-------|
| Albania | 2,219 | 3,315 | 3,802 | 4,071 | 2,214 |
| Bosnia and Herzegovina | 3,088 | 3,146 | 2,118 | 3,716 | 2,583 |
| North Macedonia | 3,856 | 2,848 | 1,082 | 2,720 | 3,551 |
| Montenegro | 3,390 | 2,949 | 4,716 | 5,078 | 3,621 |
| Serbia | 1,776 | 3,340 | 2,049 | 4,392 | 4,187 |
| Kosovo | 4,095 | 4,071 | 4,226 | 3,816 | 4,172 |

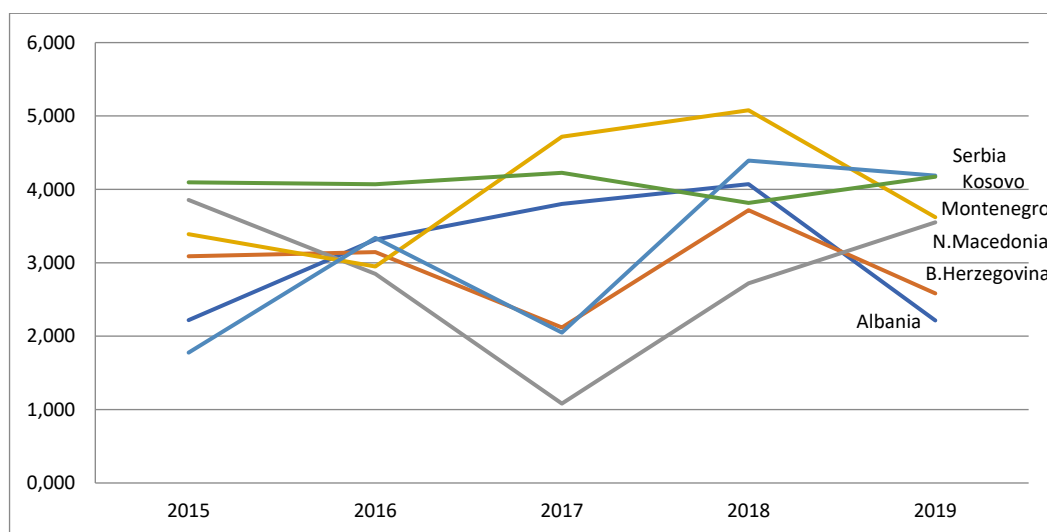


Figure 1. GDP growth (annual %) during 2015-2019. Source: World Bank. Chart by author.

| Country | CPI score 2019 | Rank | Standard error | Lower CI | Upper CI |
|------------------------|----------------|------|----------------|----------|----------|
| Albania | 35 | 106 | 2,507669 | 30,88742 | 39,11258 |
| Bosnia and Herzegovina | 36 | 101 | 1,952692 | 32,79758 | 39,20242 |
| Kosovo | 36 | 101 | 0,8146842 | 34,66392 | 37,33608 |
| North Macedonia | 35 | 106 | 3,56274 | 29,15711 | 40,8429 |
| Serbia | 39 | 91 | 2,484553 | 34,92533 | 43,07467 |
| Montenegro | 45 | 66 | 4,836292 | 37,06848 | 52,93152 |

Many studies analyzed the effect of corruption on economic growth and the usual conclusion is that the former negatively affects the latter. Corruption negatively affect the quality of government services and the distribution of public expenditures. Corruption has a negative effect on poverty. Figure 2 shows the Corruption Perceptions Index in 2019 for the Western

Balkans countries. Montenegro experienced the highest value for 2019 (45), whereas the respective smallest values were recorded for Albania and North Macedonia (35).

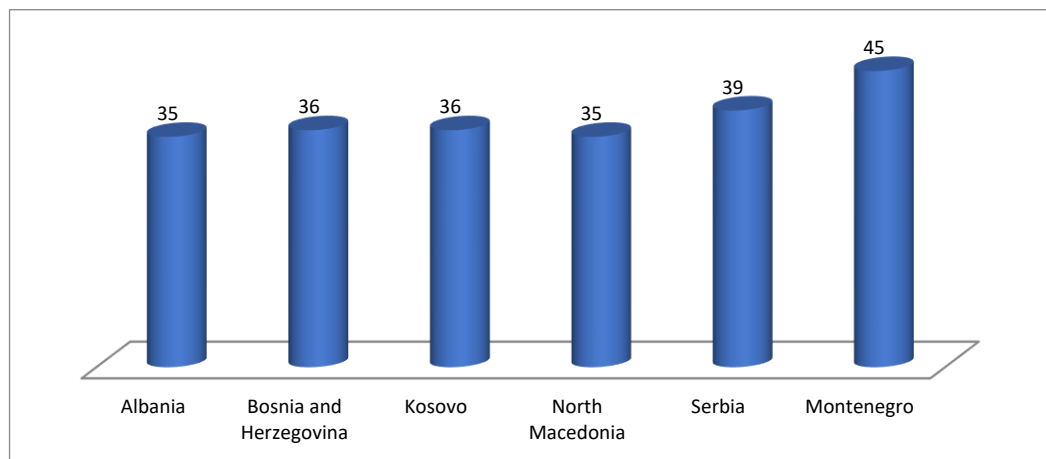


Figure 2. Corruption Perceptions Index in 2019 and the respective rank, standard error and confidence intervals. Source: Transparency International. Chart by author.

Table 2 shows the available poverty gap indexes at \$3.20 a day for the Western Balkan countries. This index is calculated as the mean shortfall in income or consumption from the poverty line \$3.20 a day (counting the non poor as having zero shortfall), expressed as a percentage of the poverty line. This measure reflects the depth of poverty as well as its incidence¹. Serbia experienced the highest value (in the available sample) for 2017 (6,1), whereas the respective smallest values were recorded for Kosovo (0,6).

| Country | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------------------|------|------|------|------|------|
| Bosnia and Herzegovina | 0,1 | | | | |
| Kosovo | 0,6 | 1 | 0,7 | 0,6 | 0,6 |
| Montenegro | 3 | 2,4 | 2,2 | 2,5 | 2,2 |
| North Macedonia | 4,4 | 3,9 | 4,3 | 3,6 | 3,6 |
| Serbia | 5,7 | 6,6 | 5,1 | 6,3 | 6,1 |
| Albania | | 3,2 | 2,2 | 2,5 | 2,2 |

Table 2. Poverty gap at \$3.20 a day (2011 PPP) (%). Source: World Bank. Table by author.

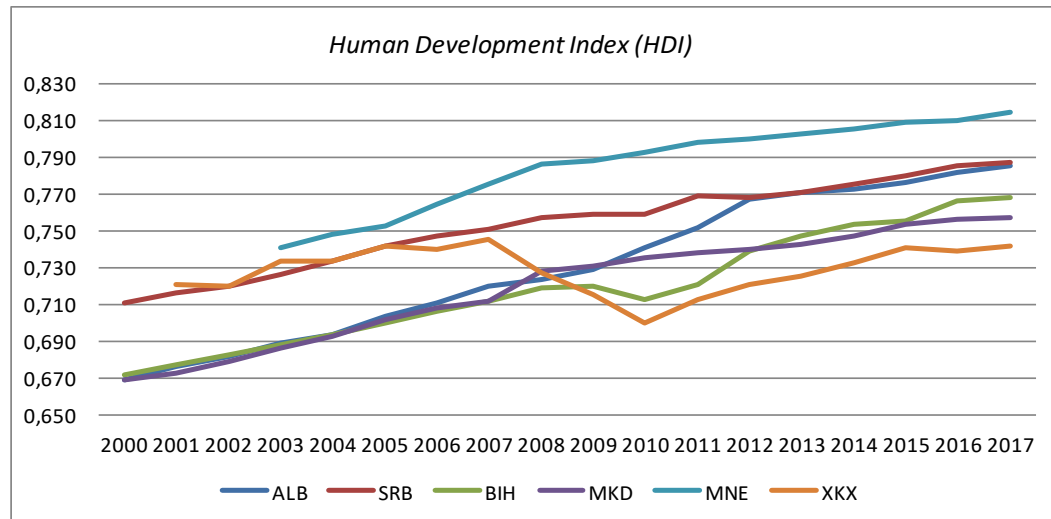
According to Gupta, Davoodi and Alonso-Terme (2002), an increase of one standard deviation in corruption increases the Gini coefficient of income inequality by about 11 points and income growth of the poor by about 5 percentage points per year. High and increasing corruption increases income inequality and poverty. Policies that reduce corruption will most likely reduce income inequality and poverty as well. Table 3 shows the available GINI indexes for the Western Balkan countries. Data are based on primary household survey data obtained from government statistical agencies and World Bank country departments.

¹ <https://datacatalog.worldbank.org/poverty-gap-320-day-2011-ppp-2>.

| Country | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2017 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|------|
| B. Herzegovina | | | 33,1 | | | | 33 | | | | | |
| Kosovo | 31,2 | 30,3 | | | 31,8 | 33,3 | 27,8 | 29 | 26,3 | 27,3 | 26,5 | 29 |
| Montenegro | 30,2 | 30 | 31,4 | 30,5 | 31 | 28,9 | 30,8 | 32,3 | 32,4 | 31,9 | | |
| N. Macedonia | | | | | 42,8 | 40,2 | 39,4 | 38,1 | 36,2 | 35,2 | 35,6 | |
| Serbia | | | | | | | | 39,8 | 39,8 | 39,2 | 39,6 | |
| Albania | 30,6 | | | 30 | | | | 29 | | | | |

Table 3. GINI index (World Bank estimate). Table by author.

The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. The HDI is the geometric mean of normalized indices for each of the three dimensions¹. The health dimension is estimated by life expectancy at birth, the education dimension is measured by mean of years of schooling for adults aged 25 years and more and expected years of schooling for children of school entering age. The standard of living dimension is estimated by gross national income per capita. The HDI employ the logarithm of income, in order to reflect the decreasing importance of income with increasing GNI. The scores for the three HDI dimension indices are then aggregated into a composite index using geometric mean. An increase in income affects Human Development Index, and also decrease poverty. Figure 3 shows the HDI during 2000-2017 for Western Balkan countries. Montenegro experienced the highest value for 2017 (0,814), whereas the respective smallest values was recorded for Kosovo (0,742).



¹ <http://hdr.undp.org/en/content/human-development-index-hdi>.

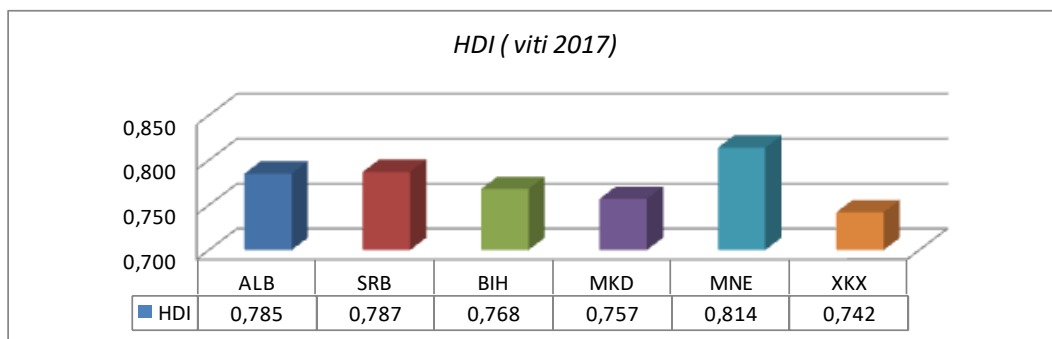


Figure 3. Human Development Index during 2000-2017. Source: UNDP (United Nations Development Programme). Charts by author.

According to a World Bank (2017) report¹, it will take around six decades for income levels in the Western Balkans to achieve those of the European Union. This confirmation is true if economies in the Western Balkans will continue to grow at the average speed of the last 20 years. The economic growth can be stimulated through the implementation of structural reforms and the promotion of macroeconomic stability. Authorities should follow concrete policies in order to encourage private sector investment, increase regional integration, and create new jobs. Policymakers should focus on increasing exports, investments, and employment.

4. Concluding remarks

The European Union countries and institutions have constantly contributed to the European integration of the Western Balkan countries. Albania, Serbia, Montenegro and the Republic of North Macedonia are official candidates for EU membership. Chapters and accession negotiations have been opened with Montenegro and Serbia, whereas Kosovo and Bosnia and Herzegovina are potential candidate countries. Poverty, unemployment and corruption are probably the most common problems that Western Balkan citizens face. Corruption, in itself, does not lead to poverty, but it stimulates poverty through indirect channels. A higher regional integration will stimulate exports as a share of Gross Domestic Product. The public sector is the most important driver of the Western Balkans economy; private investments in these countries need to increase. Both, the enhancement of business climate for private investors, and a higher level of integration with the European Union will decrease unemployment and will boost economic growth. Policymakers should also remove obstacles to employment for marginalized groups. This will lead to a higher participation in the labor market. The future of the Western Balkans is in the European Union.

References

- [1] Bayar Y., & Ozturk, O. (2017). Corruption, Income Inequality and Poverty in Central and Eastern European Union Countries: A Panel Causality Analysis.

¹ <https://openknowledge.worldbank.org/bitstream/handle/10986/28894/ACS22690.pdf>.

-
- [2] Franičević, V. (2004). *Real and perceived inequality, poverty and well-being in South East Europe: challenges of the welfare state and democracy*. Workshop 'Poverty in the Mediterranean Area', University of Thrace.
- [3] Gupta, S., Davoodi, H., & Alonso-Terme, R. (2002). Does corruption affect income inequality and poverty?. *Economics of governance*, 3(1), 23-45.
- [4] Holmberg, S., & Rothstein, B. (2010). Quality of Government is Needed to Reduce Poverty and Economic Inequality. *QoG Working paper series*, 2010(3), 3.
- [5] Hysa, E. (2011). Corruption and human development correlation in Western Balkan countries. *EuroEconomica*, 30(4).
- [6] Ildirar, M., & Iscan, E. (2016). Corruption, poverty and economic performance: Eastern Europe and central Asia case. *International Journal of Economics and Finance Studies*, 7(2), 27-41.
- [7] Kristyna Basna, K. (2018). Income Inequality and the Level Of Corruption In Europe: Specificities Of Post-Communist Countries. *OECD Global Anti-Corruption and Integrity Forum*, March 2018.
- [8] Olters, J. P. (2010). Albania's informal economy: an impediment to economic development. *International Monetary Fund available at: www.bankofalbania.org/web/pub/JanPeterOlters_240_1.pdf on, 18*.
- [9] Qerimi, Q., & Sergi, B. S. (2012). The effects of economic freedom on institutional performance in the Western Balkans countries. *International Journal of Business Governance and Ethics*, 7(1), 18-36.
- [10] Rontos, K., Salvati, L., Sioussiouras, P., & Vavouras, I. (2013). Mediterranean countries and corruption: Political, economic, and social factors. *Mediterranean Quarterly*, 24(1), 81-97.
- [11] Shera, A. (2011). Corruption and the Impact on the Economic Growth. *Journal of Information Technology & Economic Development*, 2(1).
- [12] Wallace, C., & Latcheva, R. (2006). Economic transformation outside the law: corruption, trust in public institutions and the informal economy in transition countries of Central and Eastern Europe. *Europe-Asia Studies*, 58(1), 81-102.

Pluralist Albania- Religious Tolerance or Peaceful Coexistence?

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Abstract

It has been noted that the whole history of man has been marked by religion, in particular the Albanian one by three religions and four religious denominations: the Sunni one, to which the majority of the population belongs, the Bektashi Sufis, which is a very moderate branch of the Islam, the Orthodox and Catholics. Over the centuries, Albania has become a multi-religious society, but what is singular is that despite profound differences in religion the Albanians have always lived together in peace, the country has never known extremism, conflict or war of religion. Several authors have tried to identify the source and reasons for this exemplary harmonious coexistence that still reigns in the country, but the real reason is still a matter of dispute among intellectuals. It is certainly the answers can only be found in history.

Keywords: religious tolerance, religious coexistence, religious pluralism, the principle of secularity of the state.

Introduction

As regards the religious adhesion of the Albanians we do not have an exact percentage, since the 2011 census, in which citizens were asked, if they wanted to, to indicate their religion, cannot be considered a reliable source, as a large part refrained from answering this question and the orthodox minorities boycotted it.

Some authors believe that this census is unconstitutional in the parts in where it plans to express its religious or ethnic belonging. (P. Xhufi, 2011; see., G. Bregasi, 2011).

However, the result showed that Sunni Muslims make up about 57 percent of the population, Catholics 10 percent, Orthodox Christians about 7 percent and Bektashi 2 percent. Further groups are Baha'is, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons). As can be understood, the abstention was such as to subvert a constant statistic and indicate Catholics as majorities compared to the Orthodox. This demonstrates the absolutely relaxed and equidistant attitude of Albanians towards religious denominations. Confirming this, the state's recognition of the Jewish religion in the same year.

It is noted that "*Catholics, although the least numerous, represent the first religion of Albanians, they are still the only bridge connecting Albania with Europe. Muslims, although it is the youngest religion in Albania, have the same legitimacy. Assured, not only by their large presence, but also by their significant contribution on the Albanian people's path towards freedom and emancipation. Albanian Orthodox, as well as Catholics, as well as Muslims, have been an inseparable part of the national body. This balance and legitimacy are a reality, they are the*

essence. Albania is a country with three religions, but it cannot be identified with any of them" (I. Kadare, 2003).

Pluralist Albania yesterday

Although multireligiousness has always characterized Albania, the country has never known religious clashes, which is very particular, as Kadare also points out, *"in an area famous for its quarrels and grudges. A people that is not at all calm, indeed I would say tending, like the great majority of the Balkans, to irritation"* (I. Kadare, 2003).

For this reason, scholars have tried to find the reasons for this admirable cohabitation. But what is the real reason for this exemplary coexistence is still a matter of dispute among intellectuals, some are looking for the reason in the almost half century of anti-religious communist atheism, others in the so-called Albanism, still others on the imposed faith (A. POPOVIC, 1986).

With regard to the communist regime, Belgiorno de Stefano compares and highlights that, *"just as international conventions to protect human rights were born from the horrors of the Second World War, so Albanian religious peace was born from the madness of the Albanian communist theocracy, a model for the whole world"*. (M. G. BELGIORNO DE STEFANO, 2014).

Undoubtedly the communist regime has influenced further, but it was not a determining factor, as peaceful coexistence existed before the advent of the old regime.

Another detail, shared by all scholars, is that a kind of lack of devotion has been found in the Albanians, even among the faithful ones. In fact, Muslims were not devoted to Islamic doctrine, on the other hand even medieval Christianity is characterized by its popular and non-dogmatic traits, and the rites were often mixed with traditional customs. Some believed, that this lack of devotion to the ideas of the Holy Scriptures or the Koran was the result of a lack of education of the religious who had to transmit religious dogmas.

The situation of the religious phenomenon after the fall of the atheist regime can be grasped in the words of Pegues who writes that *"when a missionary in the country asks an Albanian a question about Jesus, the man replied: "I love Jesus. I am a Muslim ". Pushed to clarify, the man replied that his father's family was Christian, instead of his Muslim mother. For him, there was no further consideration of the meaning of faith"* (B. J. PEGUES, 2007).

In this way, religion was built around its own traditions and customs by generating points of contact between all beliefs, consequently in the other one recognized traits of one's own life. In fact, all this mixing, certainly together with other elements, has led to the absence of religious fanaticism.

On the other hand, even those differences that were found were mitigated by the desire for dignity and national freedom that in the vision of the Albanians could only be achieved if united, thus tempering any religious diversity and generating the so-called Albanian religion, i.e. the so-called albanism. Surroi believes that *"being born Albanian, in broad terms, means being born tolerant of religious diversity (...) The reasons for this tolerance lie in the fact that, unlike its neighbors, the Albanian nation is not built by a religion and / or around to a religion. Furthermore, the road to building the nation has been longer, even more difficult, because it has also implied internal pluralism"*. (V. SURROI, 2004).

Without a doubt religion has always been in the background, and the sense of the homeland of the traditions of language and folk have prevailed over the religious one.

During the Albanian Renaissance, the principle of Albanianity, as the only religion of the Albanians, constituted another prodromal element for the religious tolerance that would have characterized it in the centuries to follow. It was a force of ideologies that infused in the *shqipëtarë* the spirit of coexistence and the value of diversity. Cimbalò notes that in addition to historical coexistence, the modern process of secularization of the country "*has among its strengths not so much the effects, albeit present, of the atheist campaign of the past regime, as the tumultuous acceptance of the values of consumer society and the profound social disintegration following the mass migration from the country that characterized the last decade of the past century*" (G. CIMBALO, 2010).

It is also noted that tolerance and the idea of religious pluralism are not modern concepts in Albanian history, since even the national hero Gjergj Kastrioti known as Scanderbeg, as a sign of respect for all religions, kept both names, both that of Catholic birth, than that attributed by the Porte (A. MESI, 2006). Also, in 1938, King Zog, of Muslim religion, married with a Christian, making it known that he was willing, at a later time, to repeat the ceremony of Catholic rite (M. BORGOGNI, 2007).

Morozza della Rocca reminds us that, even during the Communist period, when atheism was now the official religion, the bell of the Orthodox Church of Tirana "*was saved by a Muslim, preserved by a Catholic, who returned it to the Orthodox with the regained religious freedom*", he also maintains that Albania's peaceful religious pluralism is a value for the country, for the Balkans and for multi-religious Europe. (R. MOROZZO DELLA ROCCA 2004).

This climate of extreme "tolerance" was also reflected in political life, in fact in 1920 Fan S. Noli (V. BALA, 1965; FS NOLI, 2002; S. BENAR, 1997) was sent to the League of Nations in Geneva as Head of the Albanian delegation. After his speech, in which he asked for support for his nation, the Indian Prime Minister replied inviting the other countries to support him, because in his opinion, it was rare that a country made up of 70 percent of Muslims sends not only an Orthodox, but a priest, to represent him, that priest in 1924 became Prime Minister of Albania.

From here we can also understand the reason why in 2015 the Albanian government proposed as an ambassador to the Holy See, an intellectual of Muslim religion. The Vatican was strongly against the candidacy, with the only motivation, because it was of Islamic faith (F. NIKOLLI, 2015).

Pluralist Albania today

Today the multi-religious country has adopted the motto that religious diversity is a quality and must be valued. Fuga highlights that, "*Particularly among the younger generations who tend to emigrate and be influenced by the Western media, the tolerance and softness of religious beliefs is more developed. They transmit a highly elastic position to the whole of society towards other religions and consider religious confession simply as a private matter of the individual*" (A. FUGA, 2003).

In fact, even in the preamble of the Constitution it says that "*We, people of Albania (...) with faith in God and/or in other universal values (...) With an afflatus of tolerance and religious coexistence (...) We deliberate this Constitution*".

But, from a strictly legal point of view, there is a contradiction between the concept of tolerance and that of coexistence, as the first is a negative principle, because the need for a vertical relationship, and only the authority or who has power can tolerate. As a consequence, it is legally unable to guarantee equal rights and freedoms, on the other hand, the principle of coexistence implies horizontal relationships, in a perspective where everyone is placed in the same plane, and more respects the constitutional guarantee parameters.

This is why the normative text of the Constitution, which unlike the preamble has legal value and force, in article 3 recalls it as a superprinciple, providing that "*human dignity, the principles and fundamental human rights, (...) pluralism, national identity, religious coexistence as well as mutual understanding of minorities, are the foundations of the State that has an obligation to respect and protect them*".

Another very important principle, which emerges from this article, is that of pluralism. Here too, we can believe that if tolerance respects diversity, pluralism affirms and guarantees coexistence, thus a principle is born for which ethics is a duty of citizens.

In this context, we can define pluralism in Albania as comprehensive pluralism, the aim of which is to welcome as many opposing opinions and to support their peaceful coexistence. Thus "*comprehensive pluralism must be willing to accept the norms produced by other conceptions of the good, but only on condition that these norms do not interfere with its unifying project*". (M. ROSENFELD, 2000).

For Zanchetta, comprehensive pluralism can be defined as "*intelligence and political will, not mental rigidity, ductility of law guarantee comprehensive pluralism, a more advanced form of tolerance*" (L. ZANCHETTA, 2001). Thus, we can believe that harmony between different religious communities in Albania is an advanced form of tolerance, that is, inclusive coexistence between different creeds. This civil conversation between the various religious denominations reminds us of Bodin's Colloquium Heptaplomeres in which tolerance and dialogue are the key to multi-religious coexistence (A. SUGGI, 2005). This whole situation is inevitably reflected in the juridical norms and in the form of secularism adopted. Thus Albanian secularism can be defined as dialoguing, and appears as an evolved form of secularism.

In fact, today in the era of the wars of religion, Albanian pluri-religious dialogue conduces us to a modern and evolved idea, so we can speak not of tolerance, but of an exemplary coexistence.

Because it is precisely "*in the pluralism of beliefs, values and interests, the state and law become secular: law separates itself from moral sentiment; morality ceases to be the privileged source of the juridical, in order to reveal itself as personal sentiment, respecting pluralism*". (See G. VISENTINI, 2009).

Also, by a careful reading of art. 3 of the Albanian Constitution, the principle of national identity emerges, it is noted that, the latter strengthens the principle of coexistence, as one of the aspects that most characterizes a nation is the faith.

Conclusions

Multi-religiosity, for well-known historical reasons, is a fundamental element of the identity of a country, it is found in the roots of the national design and in Albania it has taken on very

particular similarities, so called albanism. Furthermore, in this context we find that pluralism and religious coexistence are elements that specify national identity.

Finally, it must be observed a definitely positive fact, that no judgment of the European Court of Human Rights has concerned violations of Albania in the matter of freedom of religion.

In this context, the mosaic of the Albanian spiritual heritage is a strength and not a weakness. The people are aware that they are a nation of Sunnis and Bektshi, of Catholics and Orthodox, and certainly also of non-believers. (Crf. B. OBAMA, 2009). All this is effectively guaranteed by the Albanian Constitution, in particular by the principle of secularism of the state. The latter, as we have highlighted, is an avolved and advanced form of secularism, that reflects the religious coexistence that reigns in the country.

Without a doubt, religious harmony is the result of centuries of coexistence between the different communities, but also the result of a non-discriminatory legislative policy never based on the principle of tolerance, as the State has not recognized itself in the majority religion therefore he did not need to tolerate other religions.

In this way, beyond religion, and out of it, there were found the elements to build the nationalistic consciousness.

References

- [1] BALA, V., *Jeta e Fan S. Nolit*, (The life of Fan S. Noli), in *Buletin shkencor*, Shkodër, 1, 1971.
- [2] BELGIORNO DE STEFANO, M. G., *La coesistenza delle religioni in Albania. Le religioni in Albania prima e dopo la caduta del comunismo*, (The coexistence of religions in Albania. Religions in Albania before and after the fall of communism), in *Telematic magazine*, (www.statoechiese.it), no. 6/2014 17 February 2014.
- [3] BENAR, S., *Fan Nolin, siç e kam njohur*, (Fan Noli, as I have known him), Dituria, Tirana, 1997.
- [4] BORGOGNI, M., *Tra continuità e incertezza. Italia e Albania (1914-1939), La strategia politico-militare dell'Italia in Albania fino all'operazione "Oltre Mare Tirana"*, (Between continuity and uncertainty. Italy and Albania (1914-1939), Italy's political-military strategy in Albania up to the "Oltre Mare Tirana" operation), Milan, Franco Angelli, 2007.
- [5] BREGASI, G., *Censusi dhe feja e Pashko Vasës*, (Census and religion of Pashko Vasa), in www.peshupauje.com, 2011.
- [6] BUDA A., *Fan S. Noli (1882-1965)*, in *Studia Albanica*, 1, 1965.
- [7] CIMBALO G., *I rapporti tra lo Stato e le Comunità religiose in Albania*, (Relations between the state and religious communities in Albania), in *Stato, Chiese e pluralismo confessionale*, *Telematic magazine*, (www.statoechiese.it), May 2010.
- [8] FUGA, A., *Sjellja e Shqiptarëve të sotëm ndaj fesë*, (The behavior of today's Albanians towards religion), in *Fetë dhe Qytetërimet në Mijëvjeçarin e ri -Rasti i Shqipërisë-Konferencë Nderkombëtare*, 14-15 November 2003. Ed. Qendra Shqiptare per të Drejtat e Njeriut, Tirana, 2004.

- [9] KADARE, I., *Fetë dhe Qytetërimet në Mijëvjeçarin e ri*, (Religions and Civilizations in the New Millennium) in *Fetë dhe Qytetërimet në Mijëvjeçarin e ri -Rasti i Shqipërisë-Konferencë Nderkombëtare*, 14-15 November 2003. Ed. Qendra Shqiptare per të Drejtat e Njeriut, Tirana, 2004.
- [10] MESI A., *Religione e spazio pubblico in Albania*, (Religion and public space in Albania), in *Religioni e Società*, 55, 2006, pp. 67-80, Firenze University Press.
- [11] MOROZZO DELLA ROCCA, R., *Raportet nderfetare në historinë e Shqipërisë: e tashmja dhe e ardhmja*, (Interreligious relations in the history of Albania: the present and the future), in *Fetë dhe Qytetërimet në Mijëvjeçarin e ri -Rasti i Shqipërisë-Konferencë Nderkombëtare*, 14-15 November, Ed. Qendra Shqiptare për të Drejtat e Njeriut, Tiranë, 2004.
- [12] NIKOLLI, F., *George Frendo: Kisha Katolike Kunder Visar Zhitit ne Vatikan*, (George Frendo: The Catholic Church Against Visar Zhit in the Vatican), in *Gazeta Shqiptare*, 7 February 2015, in www.ballkanweb.com.
- [13] NOLI, F. S., *Autobiografia* (Autobiography), Elena Gjika, Tirana, 2002.
- [14] OBAMA B., *Discorso alla cerimonia di insediamento*, (Speech at the inauguration ceremony), 20 January 2009.
- [15] PEGUES, B. J., *The Persecuted Church Prayer Devotional*, Authentic, London, 2007.
- [16] POPOVIC, A., *L'islam balcanique*, Osteuropa Institut, Berlin 1986.
- [17] ROSENFELD, M., *Interpretazioni - il diritto tra etica e politica*, (Interpretations - the law between ethics and politics), Il Mulino, Bologna, 2000.
- [18] SUGGI, A., *Sovranità e armonia. La tolleranza religiosa nel Colloquium Heptaplomeres*, (Sovereignty and harmony. Religious tolerance in the Colloquium Heptaplomeres), Edizione di Storia e Letteratura, Rome, 2005.
- [19] SURROI, V., in *Fetë dhe Qytetërimet në Mijëvjeçarin e ri -Rasti i Shqipërisë-Konferencë Nderkombëtare*, 14-15 November 2003. Ed. Qendra Shqiptare per te Drejtat e Njeriut, Tirana, 2004.
- [20] VISENTINI G., *L'etica del diritto è la tolleranza*, (The ethics of law is tolerance), in *Soc. dir.*, no.1, 2009.
- [21] XHUFU, P., *Zeri "kombesi" ne census, antikushtetues*, (Voice "nationality" in the census, unconstitutional), www.shqipetariitalise.com, 2011.
- [22] ZANCHETTA, L., *Per un nuovo concetto di tolleranza: la politica e il diritto*, (For a new concept of tolerance: the politics and law), in *Questione giustizia* no. 2, 2001.

Pupil's Individual Behavior and Its Impact on Classroom Management

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Abstract

Various social changes have influenced family and school, these two important institutions, reducing in this way the efficacy of the strategies implemented by teachers in achieving a successful management of the classroom. This is the reason why conducting research on *individual's behavior* is being paid more attention recently, as a key element but also as a possible strategy which would guarantee efficacy during the lesson. The purpose of this research is pointing out and highlighting some of the factors that cause problematic behaviors, the theoretical approaches that treat person's behavior and its influence, as well as the discussion of strategies implemented by teachers in reducing disruptive behaviors of the pupils. Considering pupils as unique individuals, characterized by unique behavioral patterns requiring featured classroom strategies could lead to classroom management success as well as higher pupils' school progress.

Keywords: pupil's individual behavior, classroom management

Introduction

Lack of respect, disagreements, bullying, use of indecent vocabulary, lesson abandonment, lack of motivation, etc. constitute some of the most typical forms of undesirable behaviors reflected by pupils which considerably influence not only the process of classroom management but also the efficacy in the achievement of high results during the teaching process.

Problematic behaviors inside the school environment are not a new, unprecedented phenomenon. However, it is to be highlighted that the frequency of the occurrence of such behaviors, and their complexity has been increasingly requiring attention over the last years by the educational institutions. A great variety of social changes reflected in our schools and families have dramatically decreased the efficacy of the managing strategies implemented by the teachers during the teaching process. In most of the cases, educators try to address and solve undesirable instantaneous behaviors of the pupils, without reflecting over the reasons that lead to such pupils' reactions.

Pupil's behavior, or the individual's one, a key element that highly influences the teaching process, and the classroom management constitute an essential stimulus in writing this paper.

Methodology

The writing and preparation of this paper has been based on the consultation of different resources, mainly in English language. There have been considered not only different scientific theoretical materials but there have also been used the results of the observations conducted

in different classes of the 9th grade system school, as well as the results of the student-teachers' observations during their 5-week teaching practice at Master level studies. The paper has been focused only on the 9th grade system schools (pupils belonging to ages 10-15 years old) and not secondary ones (students aged 15-18 years old), in order to avoid misconceptions of pupils' behavioral impact on classroom management between these two age groups, since they do reflect a variety of fundamental behavioral differences. Teachers' opinions over this topic have been of great support in the realization of this paper too.

Defining the term "Behavior"

What does "*behavior*" mean? Why do educators or teachers stick so much on this element considering it as a key feature of the teaching process that highly influences classroom management? How important is managing disruptive behaviors among pupils in the classroom in increasing teaching efficacy? Can pupil's behavior be considered as a regulator or stabilizer of the classroom climate encouraging a positive pupil-pupil or pupil-teacher interaction? Providing answer to these questions as well as others too, it is worth continuing this topic by first citing a definition on the word "*behavior*" mentioned by Bardhyl Musaj (2003) in his book *Metodologji e Mësimdhënies* (Teaching Methodology):

"The word "*behavior*" is accompanied by the word objective, and consequently pupil's learning is defined as a change of continuous behavior." (Musaj, 2003, p.35). The reason in citing this sentence as a definition of the term "behavior" focuses exactly on the use of the three words included in it: "*objective*", "*change*", and "*continuous*". According to this definition, pupil's behavior is described as an objective reaction, a visually measurable change of attitude easily perceived and observed by the teacher which directly influences classroom climate and environment. It is precisely the observation of these pupils' behavioral demonstration that enables the gathering and generation of concrete data from the teachers. The results of these data contribute in reviewing the pros and cons of the teaching process and classroom management, as well as the establishment of classroom discipline.

In our society there are present two different contradictory views regarding the management of the individuals' undesirable behaviors. On one side there are specialists who study children's general development, who categorically oppose the use of physical punishment as a preventive means of disruptive attitudes, and the problems derived from them. What these experts recommend is discipline achieved through close cooperation between teachers and pupils, or parents and children through explanation and positive attitude reinforcement instead of verbal intimidation or application of physical punishment.

On the other side, there are few educators and parents who consider the use of physical punishment as the only manner in controlling and stabilizing children and pupils' problematic attitudes.

Therefore, the purpose is prevention of these disruptive behaviors, their positive transformation through what is known otherwise as "*assertive discipline*" (Zajazi, T. 2003, p.634). Assertive discipline, or otherwise known as behavioral firm control, is closely connected to a set of techniques educators, teachers or even parents use in order to prevent or correct pupils' undesirable reactions reflected in the school environment. However, what needs to be stressed is that the application of such techniques over individual's behavior modification does not always guarantee immediate positive results. Efforts by teachers and

parents need to be continuous until a well-managed classroom environment is achieved which would not harm the teaching process.

Factors that influence pupils' disruptive behaviors

In educational institutions, teachers as well as other school staff need to be aware of the factors that encourage pupils' problematic attitudes. Therefore, identification of these factors could serve as an initial crucial step towards the prevention of such behaviors inside the classroom or in other environments within the school.

Problematic behaviors can be caused by a number of reasons. Consciously or unconsciously most of us do attach the reasons of such attitudes to the family environment of the pupils, peers, media violence as well as many other factors beyond the teachers' activity spectrum in the classroom (Karaj, Th., (nd), p.1-2) But, it is to be highlighted that there are also factors directly related to the classroom activity, which can be treated or intervened by the teachers in collaboration with the school leaders too. Factors of these undesirable behaviors can be generally classified into six different groups (Flicker, E. & Hoffman, J.,2006, p.12-13):

Emotional factors (temperament, anxiety, fears, boredom, need for attention and care, low self-esteem, etc.)

Family (divorce, drug abuses, family violence, etc.)

School (overcrowded classrooms, noises, violent games, lack of clear instructions and rules in the classroom, etc.)

Physical factors (malnutrition, tiredness, hunger, illnesses, pains, etc.)

Learning difficulties (sometimes depending on the character of the pupils, etc.)

Community factors (peers' influence, poverty, media violence and community violence, etc.)

All this range of factors are present in our schools and the environment that surrounds us, considerably influencing the occurrence and frequency of the pupils' improper reactions. Consideration of the above mentioned factors, regarding individual general development too, constitutes an essential step towards the creation of a positive and supporting classroom climate for the pupils, avoiding to some extent the variety of difficulties teachers encounter with. Furthermore, a cooperative relationship between parents and teachers would consolidate a sustainable linking bridge between home and school, whose result would be children's successful educational background.

Theoretical approaches on Individual's behavior and its impact

The famous researcher William Glasser (Tauber, R. 2007, p. 171-175) has broadly treated the concept of individual behavior. The theory elaborated by him is known otherwise as the *Reality Theory*.

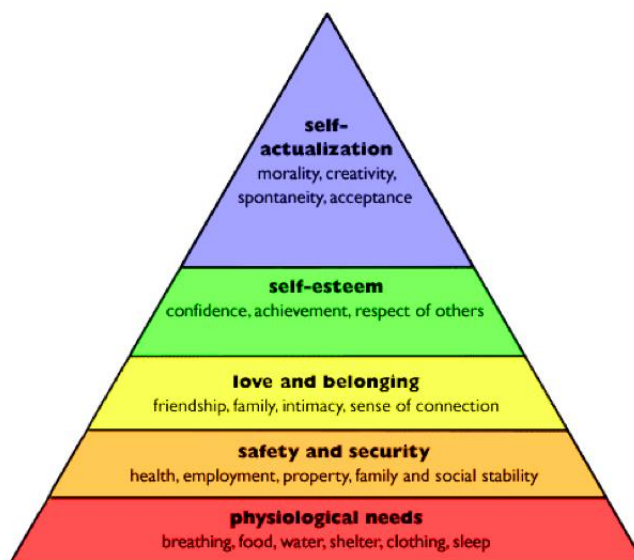
"According to him, acting and behaving in a particular manner in a given situation, assessing the positive and negative sides of that attitude is fundamental and considerably influences the behavior of each of us." (Glasser, W. "Reality Therapy, n.d.) Connecting this theory with the teaching process, more precisely with the classroom management, it is to be mentioned that teachers need to encourage pupils to assess and judge their behavioral reflections in order to be able to distinguish acceptable behaviors from unacceptable ones.

For example those pupils, who reflect aggressive reactions in the classroom, they often damage classroom materials, cause conflicts among their peers, etc. Motivation and encouragement of this group of pupils in judging and reflecting over the negative and positive aspects of their attitudes offers them the possibility of making the right choices. Therefore, encouraging pupils to think in this way, by criticizing their wrong actions and stimulating or rewarding their proper behaviors whenever they occur, can undoubtedly help in minimizing problems or troubles in the classroom triggered by pupils themselves.

Besides William Glasser's research on the topic, it is to be emphasized that studies conducted by Abraham Maslow too on individual's needs have significantly contributed upon the teaching process as well as the classroom management too.

Fig. 1 Maslow's
Hierarchy
(Retrieved from:

Needs



<https://medium.com/@jnnielsen/inverting-maslows-hierarchy-b2c32156f091>

Individual's Needs Hierarchy consisting of needs ranked according to their importance (starting from biological or physical needs up to self-actualization), and the fulfillment of these needs highly influences pupils' behaviors. The more fulfilled or completed these needs are, the lower will problems be for the teachers and pupils during the teaching process; the easier will the prevention and elimination of improper behaviors be; and the easier will the achievement of a well-managed classroom be during the teaching process.

The first category of the above needs' hierarchy diagram, biological and physiological needs which constitute the bottom of the pyramid, are crucial since their fulfillment is fundamental not only inside the school environment but even outside it. The fulfillment of pupils' biological needs can be explained through pupils' feeding need during the 20-minute break after the third hour finishes. When the fulfillment of this need fails, which biologically guarantees the well-functioning of their physical body, pupils are not likely to be concentrated during the teaching process, consequently there is a higher probability that they cause improper behaviors for the teachers and their peers.

The second category of the needs' hierarchy consists of safety and security needs. Inside the classroom pupils need to feel secure, and not frightened or threatened. Teachers by realizing a well-managed classroom, they can offer pupils security and safety. The more fulfilled these two basic needs are, the fewer will disciplinary problems be for both teachers and pupils.

People are human species, consequently they require warmth, closeness, love in order to feel good in a particular environment. When pupils feel their teacher's care and attention, it means they have fulfilled the next hierarchical need of the pyramid, that of love and belonging. When the first three hierarchical needs of the pyramid are realized, the fourth one that of self-esteem may become dominant or obvious in pupils' character. Pupils will believe in themselves, they will believe in their skills and abilities, serving as an encouragement for further achievements in their life. The opposite is likely to happen when their self-esteem is low, they are going to experience an inferiority feeling, they are going to feel weak, worthless, etc., influencing negatively in their attitudes versus their peers.

Finally, at the top of Maslow's pyramid stands self-actualization need, which naturally comes as a result of the realization of the other needs of this hierarchy. Hence, Maslow reinforces the necessity of fulfilling these individual's needs, since they directly and undoubtedly influence the individual behavior of each of us.

Strategies used by the teachers in reducing pupils' problematic behaviors in the classroom

As mentioned above, the factors that lead to the occurrence of pupils' problematic behaviors are numerous. What needs to be highlighted is that teachers need to take into consideration a variety of elements before deciding upon the application of a specific strategy that would encourage the reduction of undesirable behaviors. It is essential that they consider pupils' age, their background, their family, financial situation of their families, parents and friends' educational background, pupil's individual temperament, etc. All these elements together seem to frame what is known in Applied Linguistics as "*the context*", (Miller, B. 2003, p.55) whose role is essential when it comes to the selection of the appropriate strategy in tackling with improper behaviors.

But what kind of strategies do teachers apply in order to reduce the problematic reactions of the pupils?

How effective are these strategies in avoiding them and creating a favorable climate in the classroom?

Does the same strategy work in the same way with the same age groups?

Is there an immediate positive reaction after the implementation of a particular strategy?

These and many other questions come naturally when it comes to the selection and application of various techniques which can be used aiming at reducing problematic reactions of the pupils. Teachers/ educators have the power to change the situation in the classroom in their favour, avoiding the use of physical or verbal punishment, considered to be as one of the most traditional behavioral control technique. It is to be emphasized that, verbally or physically punished pupils do have the tendency to respond rudely / impolitely not only versus their peers but also versus their parents and teachers. Instead of punishments teachers may encourage discussions and cooperation as a positive manner in increasing teacher-pupil

partnership. Observations have shown that when educators use this strategy with the most problematic group ages, such as the 7th, 8th, and 9th grade, the results have been promising.

The above mentioned list of factors influencing the frequency of improper behaviors, also includes the *school factor*, which incorporates the establishment of clear instructions and rules that pupils need to follow. Sometimes, not compiling and presenting clear instructions to the pupils by the teachers or the school leadership can trigger various behavioral problems in the school or classroom environment. The clearer the school or classroom regulation is for the pupils, the lower will the frequency of improper behaviors reflected during the teaching process be (Cook, 2003, p.49-50)

Teachers' interviews have shown that an efficient way concerning this element is also setting and using Classroom Contracts/ Regulations, besides overall school ones which consist of general basic rules pupils have to obey or respect inside the educational institution.

Managing pupils' failures by helping them increase their self-confidence constitutes a positive way in avoiding undesirable behaviors too. Classroom diversity implies not only diverse pupils' backgrounds but also diversity in their learning skills/abilities. In cases when teachers apply *differentiated instruction*, they take into consideration the abilities and skills of each pupil, encouraging each of them. Otherwise pupils' failures, as well as the non-appropriate selection of techniques by the teachers might become a reason for encouraging instead of reducing these types of attitudes in the classroom.

In spite of the above mentioned strategies, there exist other techniques which can be implemented by teachers in order to avoid or reduce undesirable attitudes inside the school environment such as:

- continuous participation and motivation of pupils,
- assessment of pupils' achievements even when they are not frequent,
- increasing cooperation between teachers and parents,
- encouraging positive social behaviors inside the classroom environment, etc.

In the broad range of such strategies, teachers can select the most appropriate ones for their pupils, considering different elements such as the ones mentioned above. What is essential is the selection of a particular strategy whose result would be positive and effective during the teaching process.

Conclusions

This paper focuses on the treatment of individual behavior as a key feature in the achievement of a favorable climate during the teaching process, in order to guarantee a successful classroom management. Pupil's reactions, the frequency of pupils' improper attitudes, etc. constitute one of the challenges teachers encounter with nowadays. This paper presents a general picture of this topic starting with the definitions provided to the term "behavior", factors that influence the frequency of pupils' undesirable attitudes inside the classroom, finalizing with the strategies used by teachers in reducing them.

Furthermore, the paper also discusses the approaches of two famous researchers W. Glasser and A. Maslow over this issue, providing assistance for teachers and parents in dealing with such challenges. Teachers and parents both struggle in attempting to reduce to some extent

these pupils' challenging behaviors, which often harm the teaching process and negatively influence pupils' academic achievements. However, frequent societal changes, as well as the surrounding environment outside the educational institutions are factors to be highly considered when talking about the frequency of such problematic behaviors.

References

- [1] Cook, G. (2003). *Applied linguistics*. "Context and Culture". Oxford, UK: Oxford University Press.
- [2] Flicker, E. & Hoffman, J. (2006). *Developmental Psychology in the Classroom*. New York, US: Teachers College Press.
- [3] Glasser, W. (June 2020) "Reality Therapy." Retrieved from <http://www.wglasser.com/the-glasser-approach/reality-therapy>.
- [4] Karaj, Th. *Menaxhimi i Klasës*. Tiranë, Albania: Emal.
- [5] Maslow's Hierarchy (22 June 2020), Retrieved from <https://medium.com/@jnnielsen/inverting-maslows-hierarchy-b2c32156f091>
- [6] Miller, B. (2003). *Si të krijohet kontakti i suksesshëm me nxënësit*. Tiranë, Shqipëri: QPEA (Qendra për përparimin e Edukimit dhe Arsimit).
- [7] Musai, B. (2003). *Metodologji e Mësimdhënies*. Tiranë, Shqipëri: Pegi.
- [8] Tauber, R. (2007) . *Classroom management*. US: Praegers Publishers.
- [9] Walters, J. & Frei, Sh. (2007). *Managing Classroom Behavior and Discipline*. USA: Corinne Burton M.A.Ed Press.
- [10] Zajazi, T. (2003). *Metodologji të Mësimdhënies dhe Mësimnxënies*. Shkup, Maqedoni: Vinsent Graphic.

The Role of Human Resource Management Indicators in Social Enterprises with Special Regard to the Social-Cooperatives

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Abstract

The social enterprises play a vital role in a daily operation of smart cities. They can provide these towns with flexibility and innovation skills and help to maintain the social peace to provide work with the less competitive part of smart cities' population. (Bartha-Bereck, 2018) This paper focuses this latter task. The social co-operatives offer an opportunity to improve the employment skills. However, the management of this enterprises faces several dilemmas how can build up an effective control system of a social enterprises in Central-Europe. As our questionnaire stated, the major problem of social cooperative is the quality of available labour force. This paper focuses the applicability of the traditional Balanced Scorecard system to the special needs of a Social Enterprises. Here one area of the Balances Scorecard will be highlighted – the Human Resource management and how the tools can be effectively adapted to the social cooperatives. A report system and a ratio analysis tool is developed to help the work of social cooperative managers.

Keywords: social enterprises, social co-operatives, human resource management, key performance indicators, balanced scorecard

Introduction

This paper is devoted to the Human Resource Management issues of Hungarian Social Cooperatives.

The authors have got the opportunity to teach the managers of these special enterprises in a frame of a countryside compulsory programme organised by their supervisory agency. The participants of these trainings can fill a questionnaire which focuses the managerial problems of social cooperatives. Using the learning points of this questionnaire, we tried to implement a tailor- made Balance Scorecard System to the specific needs of the Hungarian social cooperatives. This paper covers the Human Resource Management part of this Balanced Scorecard System.

In our paper we briefly overview the development of Balanced Scorecard Systems, than interpreted the related questions from our questionnaire, and then we suggested an indicator system which meets the criteria of the supervisory agency and the internal management of social cooperatives.

Brief Literature Overview - The Development of Traditional Management Performance System to the Balanced Scorecard

The management information system collects the data from the accounting system, so the most important source of data is the annual report of a company. Financial statements are a structured representation of the financial position and financial performance of an entity. The objective of general-purpose financial statements is to provide information about the financial position, financial performance and cash flows of an entity that is useful to a wide range of users in making economic decisions.

The users of financial statements can predict the entity's future cash flows and, in particular, their timing and certainty.

The International Accounting Standard 1: Presentation of Financial Statements sets out the requirements for the components of financial statements as follows:

balance sheet,

income statement,

statement of changes in equity

cash flow statement,

notes (comprising a summary of significant accounting policies and other explanatory notes). [1, 8. par.]

Balance sheet is a statement of financial position at the end of a period (end of the business year) in terms of assets and financing (liabilities and ownership equity). The income statement presents the results at the end of a period of activity. It presents information on the profit and loss and other comprehensive income. Statement of changes in equity, analysis of other comprehensive income and statement of cash flows are also required by the IAS 1 standard.

From the financial statements a multitude of indicators can be formed. The traditional financial indicators provide information about the property, financial and profitability state. They can give a view about:

the structure of the assets and the liabilities,

the effectiveness of the assets,

the amount of the debt,

the liquidity,

the profitability relative to the various projection bases.

During the analysis of the balance sheet we can draw conclusions about the property and financial state of the enterprise, and from the cash-flow about its financial state. (Fenyves et al, 2019)

In addition to individual financial indicators, we can also use indicator systems. One of the most popular indicator systems is the Du Pont system. It is based on the idea that not profit – as an absolute indicator – is in the centre, but the Return on Investment (ROI) – as a relative value. The top indicator of the system is the ROI that is definable as the ratio of the net outcome and the net asset value. The strength of the ROI that it is not an individual indicator, but an indicator system whose elements carry important information for the decision maker. This indicator can be further divided into two indicators: the profit margin and the turnover rate of the assets to the revenue. These two indicators can be further distributed by the outcome, cost, asset and liability data are the responsibility of the leader of a given decentralised unit.

The financial statements' data are typically aggregated data. These highly summarized data give an overall picture of the company's management. They help us to see the problems, and to know where to look for the source of the problems, but it does not give answers for the causes of problems. We tend to ask questions in the analysis of financial statements, rather than to formulate answers. However, there is a big problem. Only financial indicators can be calculated from the financial statements. The traditional financial indicators applied as the benchmark of the enterprises cannot provide appropriate information to the management for the following reasons:

The traditional financial indicators inform about the companies' past achievement; they do not have connection with the future.

They are unsuitable for the prevention of problems, namely they take into account the effects of the organizational actions and consumer choices that have already occurred.

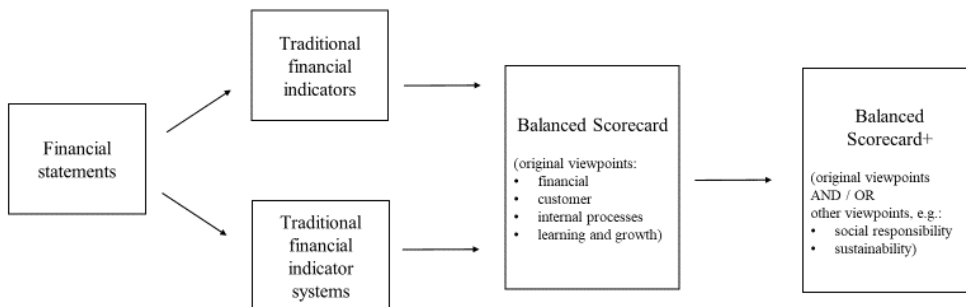
They are short- term in approach, and therefore cannot serve the aims of the company strategy.

They are not diagnostic featured: they show the problems but cannot point out the root cause.

Due to being set in terms of money, they cannot be used for displaying qualitative factors, although the achievement of an enterprise consists of both quantitative and qualitative elements connected to the performance of the tasks assigned by the company. (Demény-Musinszki, 2016)

Despite the criticism of the use of traditional financial indicators enjoy a great popularity. Their advantages are the simplicity, the availabilities and the cheapness. However, their application based on the literatures' recommendation have dangers. (Brealey et al., 2011)

Nowadays the economic environment of companies has significantly changed: the former permanence was replaced by variability, marketing has come into the focus of operation instead of production, and the knowledge-focused approach has appeared beside the capital-centred approach. (Veresné Somosi, 2010)

Figure 1 - From financial indicators to balanced scorecard

Source: own editing

In today's highly competitive environment the financial indicators alone are not able to give direction for the future; typically, they can give a view about some actions of the past, and so are retrospective, post factum indicators. In recognition of the changes, Robert S. Kaplan and David P. Norton developed a balanced, strategy-based indicator system. Both financial and non-financial indicators need to be reflected in the benchmark. The balance between them has to be created and they have to be united in a complex indicator system. This is achieved by the Balanced Scorecard (BSC). The viewpoints of the basic model (financial, customer, internal processes, learning and growth) are looking for answers for four questions:

What are the expectations of the stakeholders?

What kind of achievement is expected by the customers?

In which processes is it necessary to provide outstanding performance?

How may the change and developmental ability be maintained in the future? (Kaplan-Norton, 1992)

However, the basic model was not regarded as a definite model by the model creators. Over the last two decades different types of the basic model have been revealed taking different factors into consideration. The number of viewpoints has expanded:

the supplier,

the future,

social responsibility and

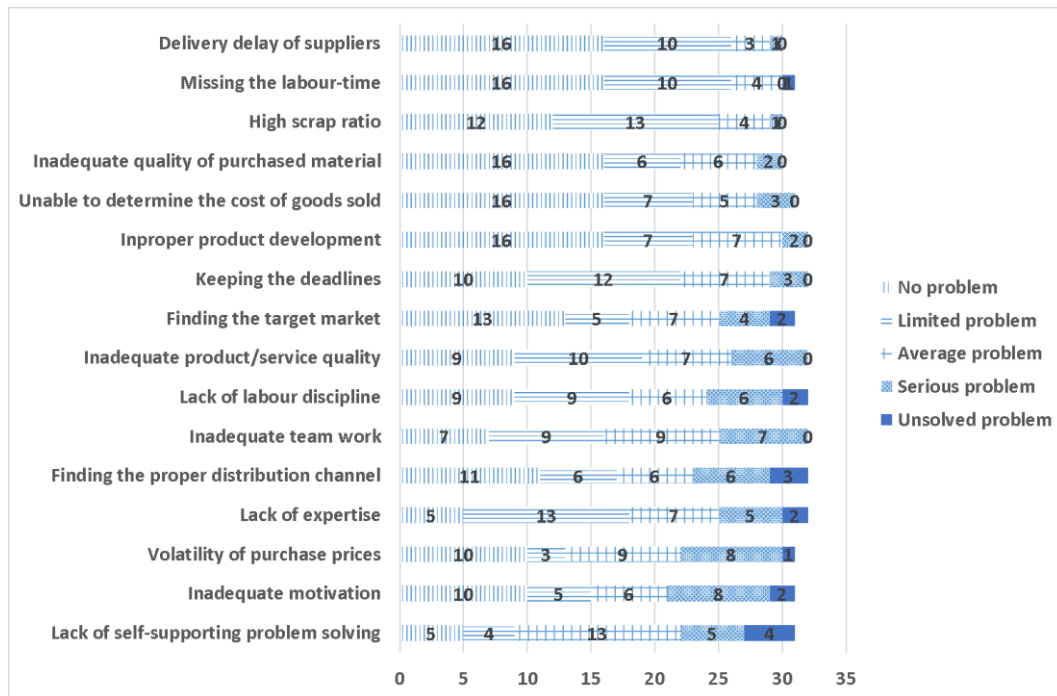
sustainability has become independent viewpoints. (Molnár-Horváth, 2017)

Methodology - Managerial Problems of Social Cooperative

One of the issues that we walked around in the questionnaire was the managerial problems of social cooperatives. The question was the following: "Please rank by importance of the following problems in the management of social cooperative" 72 social cooperative managers were asked from region of South-Transdanubia, Southern Plain, and Northern Plain.

Sixteen potential sources of managerial problems were listed, and the respondents were asked to rank the problems by their seriousness in the economic management of their organisation. The answers are presented in figure 2.

Figure 2: Significance of economic problems in the management of social cooperatives



Source: Own editing

The respondents evaluate the importance of each of the sources at a 5 points Likert-scale. (no problem – 1; limited problem – 2; average problem – 3; serious problem – 4 and unsolved problem – 5) The weighted average of the answers was calculated, where the weights were the number of answers in each category. To calculate the ranking, we took the weighted average of the total answers and ranked them in ascending order, so the less important problem is at the top, while the most important one is at the bottom.

If we look at the rank of the problem, the most serious problems are caused by the improper work force. Lack of self-supporting problem solving – first on the list, Inadequate motivation – second on the list, lack of expertise – fourth on the list, inadequate teamwork – sixth on the list, lack of labour discipline – seventh on the list. Almost every aspect of the work force is critical except of the labour-time which is a negligible problem. It is no wonder, the workers are paid after their working hours regardless to their performance. The condition of granting state subsidy is the employment of the dedicated employees, so if the social cooperatives dismiss an employee, a new one should be taken. Considering the fact, that these social cooperatives are mostly operating in small settlements (see table 2), to find new employees replacing the improper ones are very hard task.

The main aim of the state subsidy is to help the people to transfer from the long-lasting unemployment or public work status to a marketable employment. But the answers to this question indicate, that this transformation is not an easy job. To improve the quality of available work force requires the constant supervision of the management and the targeted training of the employees to satisfy the labour market requirements.

The respondents find the second main problem group in the improper marketing (find the proper distribution channel – ranked at 5th biggest, problem of 16, inadequate product/service quality – ranked at 8th, finding the target market – ranked at 9th, improper product development – ranked at 11th). The social cooperatives mostly work up local raw materials and selling them in short distance markets. Considering the fact, that they are new organisations and definitely small ones (see on table 2), their brand strength is very limited. But they cannot compete with prices, because the cost of operation is high due to the improper work force and the limited size of production. To break out from this trap requires proper business cases and perfect implementation of business plans.

The next problem circle related to the uncertainty of purchase (volatility of purchase prices – ranked at 3rd biggest problem). The other problems relating to the purchase are far less important. (reliability of purchase quality – 13th, delivery delay of suppliers – last one). The quality management of internal processes (keeping the deadlines – 10th, unable to determine the cost of goods sold – 12th, high scrap ratio – 14th) is less important.

To sum up our result, the far most important problem of the management of social cooperatives is the improper quality of labour force. Almost every aspect related to human resource management were considered as critical factor. The marketing problems are also important, the issues related to the internal processes and purchase are less significant.

Discussion - Optional Solutions of the Managerial Problems

The main line of our research, how the managers of social cooperatives can use the databases available at their organization to make proper decisions. The framework of the structured usage of databases worked out by Kaplan and Norton (Kaplan and Norton, 1992) and it is called to Balanced Scorecard System (further BSC). The viewpoints of the basic model are the financial, the customer, the internal processes, and the learning and growth viewpoint.

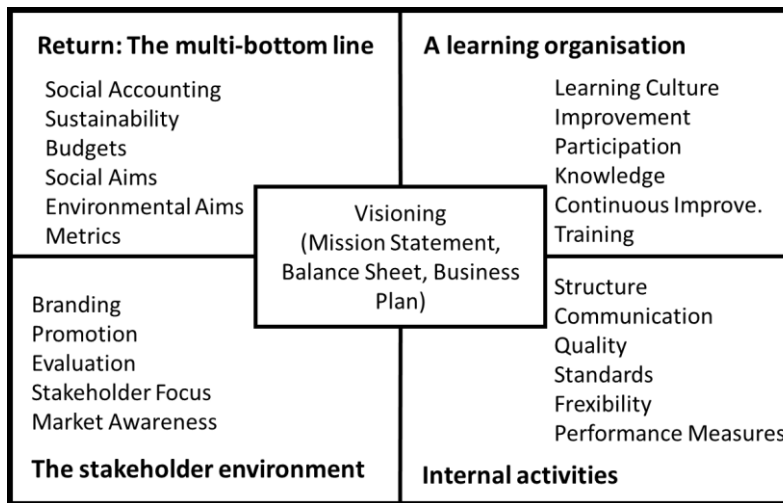
Bull's paper analysed the results of 30 pilot social enterprises utilizing the BSC system. The paper concluded that highlighting both strengths and areas where greater support may be required would be a great help for these enterprises. (Bull, 2006)

He stated that the SEs general strengths by his investigation is the learning perspective. (i.e. training and development, participative decision-making and personal development cultures) The other strong area is the vision and strategy creation ability.

The weaknesses are the low level of management system from the accounting to the quality standards. The reason is the shortage of resources like financial literacy, professional skills and moral hazard.

Bull also modified the original BSC model to SEs by modifying the four perspectives into: multi-bottom line (dealing with synthetic assessment of financial, environmental and social results), stakeholders' environment, internal activities (related to structure, communication, quality, etc.), and learning organization (dealing with training and knowledge management).

Figure 3 - Bull's Balance Model and Topic Areas



Source: Bull, 2006

By our review the main problem of social cooperatives is related to human resources. (Kocziszky , 2017) The monitoring of this problem is treated by the human resource and learning perspective of BSC. The key point of the learning perspective is: How can the employees and the management treat the challenges of the continuously changing economic environment, how quick is the implementation of the proper answers?

The key point of the customer perspective is: How do customers judge the performance of the organization? When designing a customer perspective, it is necessary to identify the customers, market segments where the organization wants to compete. Financial goals can only be met by the organization if it produces products or services that customers value. We are not able to satisfy every customer's needs, so it is advisable to set target values by segment. Thus, the customer aspect basically focuses on the long-term relationship with the customers being fruitful and durable. Based on Kaplan's and Norton's recommendations (Kaplan and Norton 1992), the market share, product range, customer satisfaction, complaints, returns, customer group profitability, retained and new customers, etc. are the related indicators. (Musinszki and Süveges 2019)

The purchase problems can be well treated by the internal processes' perspective of BSC as like the quality management.

That is the reason, why the classic Bull-model is modified reflecting the problems detected by our questionnaire.

The financial accountability is an important part and key issue for every enterprise, so we only slightly modified the left upper segment. However, we replace the environmental aims to financial and environmental solvency.

One of the missions of the social enterprises is to help their member to develop and improve the important labour market abilities. Since in the learning organization perspective we inserted new aspects which emphasize the improvement of the competitiveness of the labour

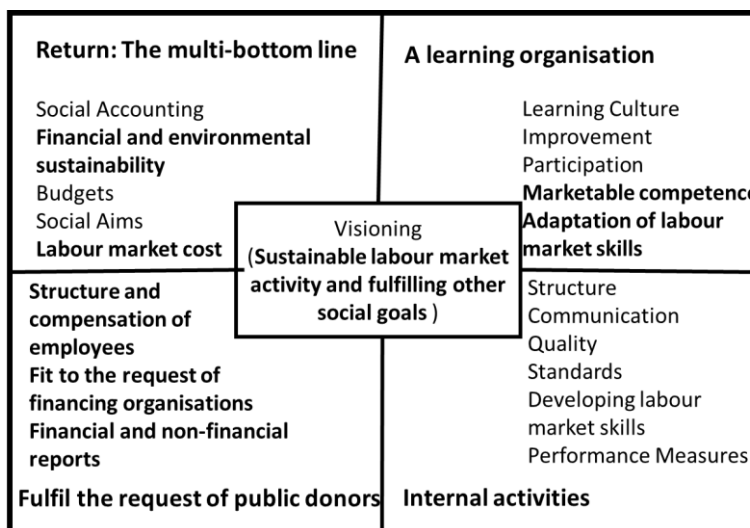
force. This part is considered as the most important part of the BSC, because the success of improving the human resource factors will improve the financial perspective.

The stakeholder environment was dramatically restructured. Instead of it we place the requirements of the grantor and regulator public institutions. Most of the social enterprises depends of public funds, so the enterprises should meet the criteria of the state and European funds. The available state funds can be numerous. Especially in the agriculture and country development there are several opportunities. (Olajos, 2019)

The internal activities strive to enhance the efficiency of operations. We plan here only one modification. How can the social enterprise develop the members' relevant labour market abilities?

Figure 4 shows the result of our considerations. The suggested modification in the original model are bolded.

Figure 4 – Further developed Bull model to the social cooperatives



Source: Bozsik et al, 2019

To monitor the dedicated issues of a BSC system, the size of the problem should be measured by indicators, the frequency of measurement should be determined, furthermore the circle of potential actions to improve the indicators.

The interpretation of the figure is started from the left upper corner and move downwards and to right.

The multi-bottom line means that the social cooperatives has got duel goals – a market one and a social one. The market goal is to increase the equity of the organisation by achieving positive net income which is the bottom-line figure of the income statement. The social goal can be seen in the very middle of the figure – to provide a sustainable employment of their member and create a marketable work force from the employees.

The financial sustainability reflects the market goal. The organisation should be profitable (proposed indicator is the ROE – return on equity – where the net income is divided by the equity of the social cooperatives). Other profitability indicator can be also used – for example Return on Assets, EBITDA ratio.

The labour market cost is essential, because the operating state subsidy can cover 50-100% of this expense. And replacing the state subsidy with own revenue is the key success indicator of the social cooperative. The proposed indicator here is the operating state subsidy/total labour cost – which should be reduced over time. Other indicator can be the operating state subsidy/operating profit. If the ratio is less than one, the organisation can be considered as a sustainable organisation, because it is able to survive without the operating state subsidy. (Lipták, 2017)

The above indicators are used to measure the result of the operations, but they are unable to measure the reasons of the success or failure. From the questionnaire you can see, that the major problem is the quality of available work force. So, the improvement of the human resource by learning and by motivating is essential. The upper right quarter of our proposed BSC related with issue.

The marketable competence can be measured by several indicators, but they are industry specific ones. Each industry requires special features. For manufacturing enterprises, the proper quality of craftsmen can be regularly tested, and the essential training program should be introduced. Here the proposed indicators are the ratio of skilled and unskilled labour force. The successful completion of vocational training programs is also worth measuring. To improve the teamwork and the motivation independent projects should be launched with the management of a team leader. The goal and reward of these projects should be specifically determined, and their continuous monitoring is required.

The request of the donor public organisation can be various. They often prescribe the number of employees or members, the length of their employment, they can limit the amount of payable transfers. In addition to the circumstances of employment they can order numerous data service about the activity of the social enterprises, determine the major accounting and taxation policy rules, the structure and content of financial reports, they can require financial budget.

Public institutions can act as an external control over the business of social enterprises.

Analysis - Tasks of Human Resource Management

The importance of human factor is vital in the operation of any enterprise. The Human Resource Management is not else than the implementation of traditional controlling methods (i.e. goal setting, planning, plan-fact analysis, corrective actions). The main aim of a general Human Resource Management is to give a real, transparent, actual overview on the staff's employment skills and to give advice how to face the different challenges like recruiting, career planning, dismissing, employee satisfaction. The financing issues are also part of this job - payroll calculation, working out material incentives, efficiency analysis of labour force.

Regulatory framework

The social cooperatives can be established by the Act on Cooperatives (2006/X..) The special rules of social cooperatives are determined by the government order 141/2016. An application was written out for supporting the creating social-cooperatives called „Focus

programme for promoting social cooperatives with local government membership". („Fókuszban ...", 2016)

Most of the social cooperatives are established to utilise the opportunities offered by the Focus programme. The condition of this Application was that at least two of members should be earlier public worker, and the employees should be former unemployed, student or pupil. (Katonáné et al., 2017) The requirements of the Application related to the Human Resource Management were the followings:

The social cooperatives should ensure new and long lasting employment up to 2020 for those, who were former unemployed, or public workers.

The social cooperatives can apply for a subsidy up to 7,5 million forint/annum/person to cover the gross wage and social contribution tax. In the first year the sum of subsidy can reach the 100% of this amount, in the second year it decreased to 90%, in the third year to 80%.

One project manager can receive a monthly payment up to the twice of the minimal wage + its contribution tax and travelling cost from this subsidy.

At least two members of the social cooperatives should take part a social manager training and annually at least 6 members should attend in a two days long community building training.

Semiannually the social cooperatives can require advisors from one of the following areas (Labour Law, Finance, Sustainability or Marketing Management), and annually it can be supplied with consultant in field of organisational development or rationalisation or Human Resources Management. These external experts and the trainings are financed by the supervisory authority called OFA (National Employment Fund).

Furthermore it can be applied for additional and optional advisory support like technical advisory work for implementing investments and equipment purchase, commercial activities.

To monitor the activity of the social cooperatives the supervisory authority also requires regular reports. Some of them are also related to the Human Resource Management. These are the followings:

Monthly report on the number of employment (in- and outgoing staff)

Quarterly report on the professional progress of employee taking part in various development programmes.

Quarterly report on involvement of external advisors (goal, task, evaluation of success)

Budget statements

To meet the regulatory framework the social cooperatives requires carefully planning of employment. The managers should consider meeting the requirements of application during the decision making. The level of employment is important condition of granting subsidies, so more emphasis is needed to develop the skills and attitude of existing labour force rather replacing them with more motivated and skilled ones. The regular training programmes and the acquirement of foreign experts also supports this approach.

The base and starting point of any budget process is the personal file which has to be updated for each of the employee. The proposed content of this file is in tables below:

Table 1/a – Descriptive data of employee:

| | |
|-----------------------|--|
| Name: | |
| Tax number: | |
| Sex: | |
| Position: | |
| Graduation: | |
| Professional skills: | |
| Special abilities: | |
| Family status: | |
| Other tax allowances: | |
| Health status: | |
| Date of recruitment: | |

Source: own editing

The data on family status and health status is not only important, because it helps characterise the employees, but also important information to acquire the tax allowances in personal tax. The other tax allowances regard mainly to the social contribution tax allowances.

Besides the qualitative information, information about the financial incentives are also worth to record. We need them to meet the data service requirements of the authorities and to complete the tax declarations.

Table 1/b - Outgoing payments and incentives

| <i>Payroll/Sick payment/Benefits in kind</i> | | | | |
|--|--------------------------|---------------|----------------------------|--------------|
| <i>Period</i> | <i>Length (in month)</i> | <i>Salary</i> | <i>Social contribution</i> | <i>Total</i> |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
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Source: own editing

Table 1/b summarises the content of three tables, whose purpose can be read in the headings. We should separate the salaries from the benefits in kind and sick payment, while their taxation are different.

The third element of the personal file or record is the information about the employee's personal development. Its structure is below:

Table 1/c – Record on personal development

| <i>Personal development</i> | | | | |
|-----------------------------|-------------------------|-------------------|------------------------------|---------------------------|
| <i>Date</i> | <i>Type of training</i> | <i>Graduation</i> | <i>Potential utilisation</i> | <i>Actual utilisation</i> |
| | | | | |
| | | | | |

Source: own editing

The second input of the Human Resource Controlling is the strategic plan of the social cooperatives. In budgeting the management should make decisions on the personal development of the employees and also on the application for external experts. If these strategic decisions are made, the management can budget and monitor the Human Resource Activity by using the following tables.

Table 2 – Labour cost budget

| Labour cost budget | | Month | | | Total | | | | |
|---------------------|------------|---------|------|----------|-------|----|----|----|-------|
| | | January | | December | Q1 | Q2 | Q3 | Q4 | Total |
| Salary | Budget | | | | | | | | |
| | Actual | | | | | | | | |
| | Difference | | | | | | | | |
| Social contribution | Budget | | | | | | | | |
| | Actual | | | | | | | | |
| | Difference | | | | | | | | |
| Sick payment | Budget | | | | | | | | |
| | Actual | | | | | | | | |
| | Difference | | | | | | | | |
| Benefits in kind | Budget | | | | | | | | |
| | Actual | | | | | | | | |
| | Difference | | | | | | | | |
| Total | Budget | | | | | | | | |
| | Actual | | | | | | | | |
| | Difference | | | | | | | | |

Source: own editing

Table 2 is simply an aggregation of the financial outgoing part of the personal files. In the beginning of the year the management budgets the future payments and compares with the actual payments. The figures are aggregated quarterly (see Q1, Q2, Q3 and Q4) and annually. The quarterly aggregation is necessary to complete the quarterly report to the supervisory authority.

The table can be extended with the source of labour cost (i.e. amount of state subsidy and own source).

Table 3 – Budget on personal development

| Personal development | | Q1 | Q2 | Q3 | Q4 | Total |
|------------------------------|------------|----|----|----|----|-------|
| Social management training | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Community building programme | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Other occasions | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Total | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |

Source: own editing

The following tables contain information about the budgeted and actual personal development actions. Each of the budgeted and actual actions should be registered in the personal files too.

Table 4 – Supportive actions

| Supportive actions | | Q1 | Q2 | Q3 | Q4 | Total |
|------------------------|------------|----|----|----|----|-------|
| Accounting&Finance | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Marketing & Commercial | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Technical | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |
| Total | Budget | | | | | |
| | Actual | | | | | |
| | Difference | | | | | |

Source: own editing

The supportive actions depend on the management of the social cooperatives. Besides the quantitative data, it would be useful to store data about the advisory problem, the persons involving in the advisory work and the usefulness of the advisory report in point of future success.

Indicators

To monitor the state of staff, some traditional human resource indicators also can be used. The indicators should be measured quarterly, and the tendency reflects the improvement or deterioration of staff satisfaction. The ratios support the balance scorecard mechanism.

In case of social cooperatives we suggest to use the labour cost ratio as a key performance indicator.

$$\text{Labour in value added ratio} = \frac{\text{quarterly labour cost (thousand forint)}}{\text{value added (thousand forint)}}$$

The value added is the difference between quarterly sales and quarterly material cost and other expenses except of depreciation and labour cost. Since the labour cost and most of asset purchase is actually financed from state subsidy, the current value of ratio can be higher than 1. However, the economic entity should be sustainable, so the major aim of the social company to reduce this ratio to less than 1. The lower the ratio, the higher the amount, which the company can devote for further development and investment. This ratio can be distributed into three further indicators in the following way:

$$\text{Labour in value added} = \text{Labour economical} * \text{Labour efficiency} * \text{Labour effectiveness}$$

The ratios are interpreted below:

$$\text{Labour economical ratio} = \frac{\text{labour cost (thousand forint)}}{\text{potential working days (head*days)}}$$

The dimension of this ratio is forint/head/days. In case of social cooperatives its value mostly depends on the current level of daily minimal wage. The higher than minimal value indicates higher generosity of social cooperatives or higher ratio of skilled labour.

$$\text{Labour efficiency ratio} = \frac{\text{potential working days (head*days)}}{\text{active working days (head*days)}}$$

The ratio can be 1 or higher. If the ratio is 1, every employee works during the month. Naturally the potential minimum is likely not reached. The paid and unpaid holidays, the sickness can increase this figure. A sharp increase in this ratio indicates a mass holiday, but also a worsening attitude of labour activity.

$$\text{Labour effectiveness ratio} = \frac{\text{active working days (head*days)}}{\text{quarterly sales (forint)}}$$

The dimension of this ratio is head*days/forint. It measures how many labour time is required to produce 1 thousand forint value added. The lower the ratio, the better the effectiveness of the labour.

Not the absolute size of the ratios is important, but the size of their changes, which we can discover a logarithmical distribution in the following way.

$$100\% = \frac{\ln(\Delta ECO)}{\ln(\Delta LVA)} + \frac{\ln(\Delta EFI)}{\ln(\Delta LVA)} + \frac{\ln(\Delta EFE)}{\ln(\Delta LVA)}$$

where,

ΔLVA – ratio of two comparable labour in value added ratio;

ΔECO – ratio of two comparable labour economical ratio;

Δ EFI – ratio of two comparable labour efficiency ratio;

Δ EFE – ratio of two comparable labour effectiveness ratio;

Conclusion

As we can see from the questionnaire, the Human Resource Management plays a vital role in the social co-operative's management. A controlling system was developed to monitor and to observe the current state and the development of labour force in a social co-operative. The proposed managerial control system consists of two parts.

A table structure was developed to fulfil the requirements of the reporting system determined by the regulatory authority. The tables focus the cost of labour, the development of human resource and the supportive actions. The proposed frequency is in case of individual record is monthly, for aggregated figures quarterly.

A ratio analysis tools was implemented to analyse the current state and the development of labour force. The analysis monitors the utilization of human resource and identifies three driving factors:

Economical factor measures the cost of labour per potential working days.

Efficiency factor measures how relates the potential working days to the actual working days.

Effectiveness factor measures the productivity of the available labour source.

Naturally the ratios can be calculated not only the cooperative aggregate level, but can examine in different product lines if they exist.

Acknowledgement

This research was supported by the project no. EFOP-3.6.2-16-2017-00007, titled Aspects on the development of intelligent, sustainable and inclusive society: social, technological, innovation networks in employment and digital economy. The project has been supported by the European Union, co-financed by the European Social Fund and the budget of Hungary.references.

References

- [1] Bartha Z. – Bereck Á. (2018) „A társadalmi vállalkozások sikertényezői, erősségei és gyengeségei” In: VÁLLALKOZÁSFEJLESZTÉS An XXI. SZÁZADBAN VIII./2. MAKRO- ÉS MIKROKÖRNYEZETI TRENDEK ÉS KIHÍVÁSOK A VÁLLALKOZÁSFEJLESZTÉSBN Óbudai Egyetem, Keleti Károly Gazdasági Kar 2018, Budapest, Magyarország ISBN 978-963-449-094-4 6-20. oldal
- [2] Bozsik S. – Musinszki Z. – Szemán J (2019) “A Central European approach to the typology of social enterprises” In: Proceedings of the 13th International Conference of Strategic Management and its Support by Information Systems SMSIS 21-22 May, 2019 Ostrava Czech Republic ISSN: 2570-5776 pp. 25-32.
- [3] Brealey R. – Myers S. – Allen F. (2011). “Principles of corporate finance” McGraw-Hill/Irwin, New York, 10th Edition
- [4] Bull M. (2006). ‘Balance’ The development of a social enterprise business performance analysis tool - The Third Annual Social Enterprise Research Conference 22-23 June 2006 London South Bank University DOI: 10.1108/17508610780000721

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- [5] Demény A. – Musinszki Z. (2016) "Social Accounting – In the Wake of the Sustainability" Theory Methodology Practice: Club of Economics in Miskolc 12:(02) pp. 26-40.
- [6] Fenyves V. (et al.) (2018) "The Role of the Notes to the financial statements in corporate decision-making" Corporate ownership and controls 15:4 pp. 138-148.
- [7] Fókuszban az önkormányzati tagsággal rendelkező szociális szövetkezetek támogatási program (2016) http://palyazatok.org/wp-content/2016/07/Palyazati_felhivas_utmutato.pdf
- [8] Kaplan, R. S. and Norton, P. D. (1992). "The Balanced Scorecard – Measures that Drive Performance" Harvard Business Review, 92/1-2, pp. 71-79.
- [9] Katonáné J. – Varga E. – Nemes G. (2017) „Fókuszban a társadalmi innováció folyamata a magyar vidéken” Észak-magyarországi Stratégiai Füzetek XIV. évf. 1. szám 6-19. oldal
- [10] Kocziszky, Gy., Veresné, S.M. and Balaton, K. (2017). A társadalmi innováció vizsgálatának tapasztalatai és fejlesztési lehetőségei, *Vezetéstudomány*, Vol. 18, No. 6-7, pp.15-19.
- [11] Lipták K. (szerk.) (2017) „Társadalmi innováció és felelősségvállalás Észak-Magyarországon” Miskolci Egyetem Gazdaságtudományi Kar ISBN 978-963-358-135-3
- [12] Molnár V. – Horváth D. (2017) "Determination of Coefficients of Multi-Attribute Utility Function with Attribute Breakdown" Proceedings of the 12th International Conference on Strategic Management and its Support by Information Systems Ostrava, 2017., pp. 312-319.
- [13] Musinszki Z. – Süveges G. (2019) "Strategic decision-making supported by traditional financial indicators" Oradea Journal of Business and Economics Vol. 4, No. 1. pp. 29-37
- [14] Olajos I. (2019) A fiatal gazda tematikus alprogram, mint a támogatási rendszer kiemelt eszköze – *Publicationes Universitatis Miskolciensis Sectio Juridica at Politica* (under publishing)
- [15] Veresné Somosi M. (2010) "The Self-Evaluation Model of Organizational Behaviour" *European Integration Studies*, 2010/1., pp. 227-237.

Family Planning Policy and Housing Price in China

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Abstract

Different intergenerational fertility levels affected by the family planning policy under such altruistic behavior will inevitably affect real estate prices. This paper studies the effect of different intergenerational fertility levels on real estate prices under the parental altruistic behavior model with Chinese characteristics by constructing an Overlapping Generation Model (OLG) with intergenerational wealth transfer. The empirical results show that the lower the intergenerational fertility level of the middle-aged generation, the higher the average wealth level transferred to the youth generation, and the higher the real estate price. This result shows that, unlike the high fertility rate of popular cognition, the low fertility rate of the middle-aged generation under the influence of the family planning policy and the altruistic behavior of the Chinese parents are the important reasons for the current high housing prices. This paper reveals the relationship between China's population policy and real estate price, and can guide the judgment of China's real estate market in the future.

Keywords: Family Planning Policy; house price; fertility rate; generational wealth transfer; overlapping generational model

1.Introduction

After the implementation of the 1998 market-oriented reform of housing in China, the sales price and volume of real estate has both rose sharply. At the same time, China has entered the release period of the demographic dividend and large number of laborers flow into cities. The generation born in the 1980s has also gradually entered the marriage and childbearing period, bringing numerous inelastic demanded housing consumption. All these demographic factors have great impact on real estate prices from the perspective of demand and supply. However, it seems that it is not fully explained the continuous rise in housing prices for that supply is also increased with the demand all these years in China. The research on whether the higher birth rate will surely bring real estate demand and higher house prices requires further investigation. From the time that family planning policy was designated as a basic national policy in 1982 and written into the Constitution to the time that the implementation of the second-child policy in 2015, China's family planning policy has been adjusted according to national conditions. Then very different intergenerational fertility levels were formed. Under the traditional culture of China, people attach great importance to the concept of 'home'. Home

always means having own house in China. Many Chinese youths purchase houses early with the support of their parents. Parents' funding or even grandparents' sponsorship of young generation's housing purchases has caused large amounts of wealth from different generations flowing into the real estate market.

The rapid rise of China's housing prices in recent years has been the research focus of many scholars. From Figure 1, we can see that China's housing prices have rose for years continually. In 2018, the average price of houses nationwide was 8,544 yuan / m² while this figure was 2063 yuan / m² in 1998. Many domestic and foreign scholars have interpreted the influencing factors of rising real estate prices from various angles. Some scholars have studied from the perspective of monetary policy and believe that the increase in money supply will lead to the rise of housing prices (Li Jian DengWei,2011; Hongyi Chen, Kenneth Chow, Peter Tillmann,2017;ChiWei Su,XiaoQing Wang,RanTao,Hsu-Ling Chang,2019). Some scholars have found through empirical research that land prices have a significant positive impact on housing prices (Liu Lin and Liu Hongyu, 2003; Zhou Bin and Du, 2010; Wei Wang, Yuzhe Wu, Mellini Sloan,2018). The influence of urbanization and migrant population on urban housing prices has also been proved by many scholars (Lu Ming, Ou Haijun and Chen Binkai, 2014). These are all studies on fundamental factors, but studies on the trend of housing prices in combination with the birth policy of Chinese characteristics are rare.

The Chinese population experienced a recovery in the 1960s, so the fertility rate reached a peak from 1962 to 1963, which is considered as the baby boom period. These people entered the marriage and childbearing period in the 1980s and formed the second birth peak in the 1980s. While the family planning policy, which was gradually introduced in the late 1970s, caused a low birth rate from 1977 to 1979, and this group of people entered the marriage and childbirth period, forming a birth trough from 1993 to 2000. In the late 1970s, China introduced a family planning policy to slow the population growth rate. Chinese government include indicators of controlling population growth into the national economic developing plan in July, 1971. In September 1982, the 12th National Congress of the Communist Party of China defined family planning as a basic national policy which was enacted in the Constitution in December of the same year. After more than 30 years, China's population development has undergone a major turning point: the growth of the total population has been significantly weakened, the degree of aging has continued to deepen, and the demographic dividend has gradually disappeared. In November 2011, China began to implement the policy that couples both from one child family can have two children. And this policy extend to couples can have two children if either of them come from a one child family. Moreover, the Fifth Plenary Session of the 18th CPC Central Committee in 2015 decided to fully implement the policy that every couple can have two children, which intends to respond proactively to the aging of population and improve the balanced development of population. Figure 2 is a trend graph of the fertility rate from 1959 to 2017 and the population born in each year. From this figure, it can be found that the fertility rate is consistent with the trend of the birth population.

In Chinese traditional ideas, having a house before married can increase a man's popularity in the marriage market. Nowadays, many young women also prefer buying houses before marriage, so they will feel more secure and less pressure after marriage. However, most young people do not have enough money to buy a house by themselves, so their parents would pay part of the funds for them to pay for a house. The amount of funding depends on the level of altruism of the parents. The effect of parental altruism will be passed on to the real estate

market, which will result in a certain increase in house prices. But the wealth that parents can transfer is limited. Having more children means less wealth that parents will transfer to each child while fewer children means more wealth that parents will transfer to each child. Therefore, the fertility rate will affect the price. All these means that to research the effects of Family Planning Policy on house prices, we should conduct an OLG model with intergenerational wealth transfer.



Fig.1. Average selling price of residential commercial housing

Data Source: China Statistical Yearbook

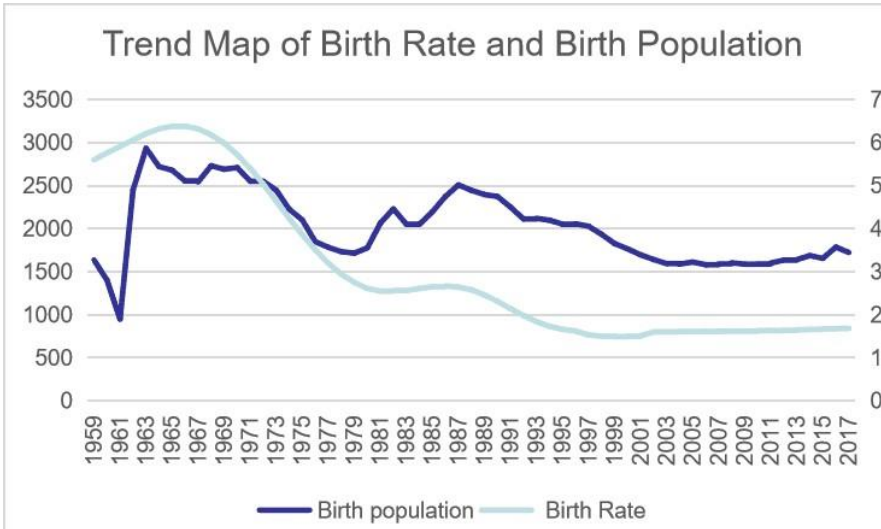


Fig.2. Trend Map of Birth Rate and Birth Population

Data Source: China Statistical Yearbook

Literature review

Research on the impact of demographic factors on housing prices has been emerging in the academic field. Mankiw and Weil (1989) studied the effects of birth peaks and birth troughs on housing prices. However, the paper's discussion and predictions about 'the actual US house price may fall by 47% in the next 20 years' has caused widespread controversy. The paper drew a series of subsequent studies on population shocks and the housing market (Swan, 1995; Ohtake & Shintani, 1996). The research of Joe Peek and Wilcox, J. (1992) implies that the longer-run positive trends in real incomes and population size and the advance of the baby boom into ages of greater effective demand for houses are forecast to raise real house prices 10%. Ley and Tutchener (2001) studied the impact of population shocks from foreign immigrants on the US and Canadian home housing markets respectively. Fischer (2012) believed immigrants inflow from a common language country has no statistically significant impact on house prices while the noncommon language immigrants significantly push up house prices. Jager, P. and Schmidt, T. (2017) argue that the overall effect of the demographic transition on house prices has been negative. Most of these researches has focused on the impact of baby boomers and immigration on housing prices. But the impact of fertility rate caused by the family planning policy still need further studies.

There are many research literatures on the selection of research models for housing price influencing factors. Cocco (2005), Piazzesi (2007) established a relatively complete economic life cycle consumption and portfolio selection model with housing consumption. Cui Xinming (2003) constructed a two-phase intertemporal residential consumption selection model to analyze the impact of mortgage ratio, mortgage period, mortgage interest rate and income growth rate on real estate prices by introducing mortgage mechanism into resident budget constraints. Chambers, Garriga and Schlagenhaut (2009) classify consumers and discuss the impact of heterogeneous consumers and liquidity constraints on real estate demand within the general equilibrium framework. Kong Xing, Liu Zhiguo, and Yu Bo (2010) introduced real estate holding costs based on the durability characteristics of real estate, constructed an intertemporal consumption selection model including general commodities and real estate and analyzed the effect of mortgage loans on the effective demand of real estate market by solving the maximization of household utility. This paper would apply the OLG model to study the impact of fertility on housing prices in China's intergenerational wealth transfer mechanism. The research of Samuelson (1958) and Diamond (1965) provides a basic theoretical framework for the Overlapping Generational Model (referred to as OLG). OLG model has a wide range of applications in macroeconomic research. Abel (2001) constructed a two-generation OLG model with the personal heritage motive considered and found that asset prices would fall after the "baby boomer" generation retired; Ortalo-Magne and Rady (2006) used the framework of the OLG model to analyze the housing consumption upgrade behavior of representative households in different life cycles and the corresponding housing market dynamics. But their research assumes that the population size is constant, so the issue of fertility is not taken into accounts. Among the many studies on the housing market in China, Shi Qingqing (2010) also constructed an OLG model that includes the housing market to study the impact of fertility rate on housing prices in China's intergenerational wealth transfer mechanism, which was rarely mentioned in previous studies. In this paper, we construct an overlapping generational model (OLG model) containing intergenerational wealth transfer, which is divided into three periods. And we also added the bequest to the end of the third period to analyze the impact of intergenerational wealth transfer on housing prices in China.

Research Methodology

The purpose of this paper is to study the impact of the fertility rate formed by different family planning policies on housing prices under the intergenerational wealth transfer mechanism in China. We solve the practical problem of the impact of intergenerational wealth transfer and altruistic behavior on housing prices by establishing a specific theoretical model. Liu Xueliang (2011) developed an OLG model with three generations and altruistic behavior which means parents will provide some funding when their children buy a home. They assume that the old people has no income, but in fact most people in urban China have retirement and pensions after retirement. They also assume that when a person dies, instead of transferring to the next generation, his property becomes nothing. This is contrary to the actual situation. In China, the old generation's houses are usually left as a legacy to the next generation. Because China's old generation has a high level of altruism, they hope that they can alleviate the burden of the younger generation, so they will leave as much wealth as possible for their children. In this context we build a new OLG model for analysis. Our research is mainly on Chinese urban housing prices, because most young generation in rural areas build their own homes on their own land, and old generation would transfer all their property to the next generation after the death. In that case it is rare for them to fund young home purchases. We divide the life of a person into three periods: childhood (0), adult (1), and old (2). Everyone would die at the end of the old (2) period. In order to supplement the research gaps of Liu Xueliang and others, it is assumed that in this model, the old (2) generation does not need the support expenses from the adult (1) generation, their pension is enough for covering their spending. And the old(2) generation will leave the house as a legacy to the next generation after the death. The size of the house (H) will not change, but the price will change over time. Let P_1 and P_2 be the purchasing house price of the first period and the sales price of the second period, respectively. Because many people can't pay the full amount at one time, it is assumed that each family pays the down payment in early adulthood. And usually all the home loans would be paid off by the end of adulthood. Due to the altruistic behavior of parents, we assume that when the younger generation pursuing house, they will be given an initial purchase fund, which refers to the first wealth transfer between generations. The house purchased in the (1) period will be left as a legacy to the next generation, which is the second transfer of wealth between the two generations. In addition to housing costs, there is other consumptions through a person's life. Assuming that personal consumption in different periods is shown in Table 1: For the childhood (0) generation, they have no income and no housing consumption. They need to rely on their adult parents to maintain all other consumption (C_0). Adults have income (y_1) and the money they received from their parents when they purchase a house. They will get the inheritance from their parents. Adults' consumption includes raising children (C_0) and meeting their own needs for non-housing (C_1), they also need to repay the housing loan (C_2) and subsidize their children to buy houses. For the elderly, they can use their savings and pensions (y_2) to maintain their daily consumption (C_3). They don't have to pay for the house, the house will be left as a legacy to their children and it is equal to the value of the house (P_2H).

Table 1 Basic assumptions of three generations

| Period | Income | Consumption | Housing expenditure | Altruistic behavior |
|--------|------------------|--------------------------|---------------------|---------------------|
| 0 | None | Relying on parents C_0 | None | None |
| 1 | Income (y_1) | Other consumption C_1 | Down payment | Raising children |
| | | Other consumption C_2 | Mortgage | Housing subsidy |
| 2 | Income (y_2) | Other consumption C_3 | None | Legacy P_2H |

3.1 Maximization of utility

We assume that individuals have direct wealth transfers with their parents and children. Assuming a generation is recorded as i , then $i-1$ and $i+1$ can represent the previous generation and the next generation. N_i , N_{i-1} , and N_{i+1} are the total population of the i generation, the $i-1$ generation, and the $i+1$ generation, respectively. n_{i-1} and n_i are the fertility rates of the $i-1$ generation and the i generation. Thus, we have:

$$N_i = (1 + n_{i-1})N_{i-1} \quad , \quad N_{i+1} = (1 + n_i)N_i \quad (3.1.1)$$

For the i generation, the utility of each period consists of housing consumption and other (non-housing) consumption, then the utility function at t should be:

$$U_t = \ln C_t^\alpha H_t^{1-\alpha} \quad , \quad t=0, 1, 2 \quad (3.1.2)$$

Among them, t represents the period, the life cycle of each generation includes the 0,1,2 period, α indicates the preference between housing and non-housing consumption, C_t indicates non-housing consumption, and H_t indicates the houses. Then the maximum expected utility of the first phase of i can be expressed as:

$$\max EU_{i,1} = \sum_{t=0}^2 \beta^{t-1} U_{i,t} + \gamma_1(1 + n_i)U_{i+1,t} + \gamma_2(1 + n_i)\beta \ln \frac{T_{i,1}}{P_1} \quad (3.1.3)$$

$EU_{i,1}$ represents the expectation operator of i in the first period. β is the discount factor, $U_{i,t}$ is the utility of i in t period. $U_{i+1,t}$ is the utility of $i+1$ in t period. $\sum_{t=0}^2 \beta^{t-1} U_{i,t}$ stands for the total utility of i in housing consumption and non-housing consumption from period 0 to period 2. γ_1 and γ_2 represents the altruistic level of parents raising their children. P_1 indicates the price of the first period. $T_{i,1}$ indicates the price that i paid for them when they purchased the house in the first period of $i+1$. $\frac{T_{i,1}}{P_1}$ stands for the houses $T_{i,1}$ could get. If the utility of $i+1$ acquired in t period is $U_{i+1,t}$, then the utility obtained by i is $\gamma_1(1 + n_i)U_{i+1,t}$. The wealth

transfer of i when buying house in $i+1$ will make i get the utility $\gamma_2(1+n_i)\beta \ln \frac{T_{i,1}}{P_1}$, these are determined by the altruistic level of the parents. The budget of i is constrained, that is, the final income and expenditure of i are in equilibrium. (3.1.3) does not include bequest. Suppose i gives all the property to $i+1$ at the end of the second period, then the accumulated wealth of i at the end of the second period is 0. Suppose $W_{i,1}$ is the accumulated wealth of i in the first period. And $W_{i,2}$ is the accumulated wealth of i in the second period, then we have:

$$W_{i,1} = (1+r)(y_{i,1} - C_{i,1} - DP_1H_{i,1} + T_{i-1} - (1+n_i)C_{i+1,1} + B_{i-1,2}) \quad (3.1.4)$$

$$W_{i,2} = (1+r)(W_{i,1} + y_{i,2} - C_{i,2} - (1-D)P_1H_{i,1}(1+R) - (H_{i,2} - H_{i,1})P_2k_2 - (1+n_i)T_{i,2}) - B_{i,2} = 0 \quad (3.1.5)$$

Where r represents the interest rate, $y_{i,1}$ and $y_{i,2}$ respectively represent the total income of i in the first period and the total income of i in the second period. $C_{i,1}$ and $C_{i,2}$ respectively represent the consumption of other commodities in the first period and the consumption of other commodities in the second period of i . D represents the down payment ratio of housing consumption. $P_1H_{i,1} \cdot T_{i-1}$ is the financial support $i-1$ offers to i in order to help i reduce the pressure of life when they start a family. $C_{i+1,1}$ indicates the consumption of other commodities in the first period of $i+1$. $B_{i-1,2}$ and $B_{i,2}$ respectively represent the legacy left by $i-1$ at the end of the second period and the legacy left by i at the end of the second period. Here we assume that the legacy is given to the next generation in the form of house. $(1+R)$ is the loan interest rate of the housing. $H_{i,1}$ and $H_{i,2}$ respectively indicate the amount of housing in the first period and the amount of housing in the second period. k_2 is the capitalization rate of the property. P_1 and P_2 represent the house price of i in the first period and the house price in the second period. $T_{i,2}$ is the property fund that i provided for $i-1$ when $i-1$ purchasing a house. As the assumption is true, then we have:

$$B_{i,2} = P_{i,2}H_{i,2} \quad (3.16)$$

3.2 New model

After the analysis in 3.1, we found the control variables of i 's maximization of utility are $C_{i,1}$, $C_{i+1,1}$, $H_{i,1}$, $C_{i,2}$, $H_{i,2}$, $T_{i,2}$. So we can solve the maximization problem of i generation under budget constraints by establishing the bellman equation:

$$V_1(W_{i,1}) = \max\{[\alpha \ln C_{i,1} + (1-\alpha) \ln H_i] + \beta V_0(W_{i,2})\} \quad (3.2.1)$$

$$\text{s.t. } W_{i,2} = (1+r)(W_{i,1} + y_{i,2} - C_{i,2}) - P_{i,2}H_{i,2} = 0 \quad (3.2.2)$$

Where $y_{i,2}$ is the pension of the older generation, form $V_0(W_{i,2}) = 0$, the optimal solution of H_i and $C_{i,2}$ can be calculated by first-order conditions:

$$H_i^* = (1-\alpha)(1+r)W_{i,1} / P_{i,2} \quad (3.2.3)$$

$$C_{i,2}^* = \alpha W_{i,1} \quad (3.2.4)$$

The corresponding value function is :

$$V_1(W_{i,1}) = \alpha \ln C_{i,1}^* + (1-\alpha) \ln H_i^* \quad (3.2.5)$$

Through iteration, we can get the bellman equation of i in the first period:

$$V_2(W_{i,1}) = \max\{[\alpha \ln C_{i,1} + (1-\alpha) \ln H_i + \eta_1(1+n_i)\alpha \ln C_{i+1,1}] + \beta V_2(W_{i,2})\} \quad (3.2.6)$$

$$\text{s.t. } W_{i,2} = (1+r)(y_{i,2} - C_{i,1} - DP_1H_{i,1} + T_{i-1} - (1+n_i)C_{i+1,1} + B_{i-1,2}) \quad (3.2.7)$$

$$W_{i,2} = (1+r)(W_{i,1} + y_{i,2} - C_{i,1} - (1-D)P_1H_{i,1}(1+R) - (H_{i,2} - H_{i,1})P_2k_2 - (1+n_i)T_{i,1}) - B_{i,2} = 0 \quad (3.2.8)$$

From $\frac{\partial V_2}{\partial C_{i,1}} = 0$, $\frac{\partial V_2}{\partial C_{i+1,1}} = 0$, then we have :

$$C_{i,1}^* = \frac{\alpha W_{i,1}}{(1+r)^2} \{ (1-\alpha) + \beta[1 + \eta_2(1+n_i)] + \beta^2 \} \quad (3.2.9)$$

$$C_{i+1,1}^* = \frac{\alpha \eta_1 W_{i,2}}{(1+r)^2} \{ (1-\alpha) + \beta[1 + \eta_2(1+n_i)] + \beta^2 \} \quad (3.2.10)$$

According to the results of $C_{i,1}^*$, $C_{i+1,1}^*$, $C_{i,2}^*$, H_i^* , we can get the optimal H_i^* :

$$H_i^* = \frac{(1+n_{i-1})^{-1} p_{i-1,2} H_{i-1} + (1+r)y_{i,2} + (1+r)^2 y_{i,1}}{\{D(1+r)^2[1-\eta_2(1+n_{i-1})^{-1}] + (1-D)(1+r_m)(1+r)\}P_{i,1} + P_{i,2}Z(n_i)} \quad (3.2.11)$$

Where $Z(n_i)$ is the i generation fertility function:

$$Z(n_i) = \left[\frac{1 + \beta + \eta_2(1+n_i)}{1-\alpha + \beta} + \frac{\alpha[1 + \eta_1(1+n_i)]}{1-\alpha + \beta[1 + \beta + \eta_2(1+n_i)]} \right] / [(1-\alpha)(1+r)] \quad (3.2.12)$$

From

$$\frac{\partial Z(n_i)}{\partial n_i} = \frac{\eta_2}{(1-\alpha + \beta)(1-\alpha)(1+r)} + \frac{\alpha \eta_1 \{1-\alpha + \beta[1 + \beta + \eta_2(1+n_i)]\} + \alpha \beta \eta_2 [1 + \eta_1(1+n_i)]}{\{1-\alpha + \beta[1 + \beta + \eta_2(1+n_i)]\}^2 [(1-\alpha)(1+r)]^2} > 0 \quad (3.2.13)$$

So theoretically the *i* generation fertility function is a strictly increasing function.

H_i^* is the optimal housing consumption of the *i* generation. From (3.2.11), once the loan interest rate increases, housing consumption will decrease. When wages increase, housing consumption will increase. But when house prices rise, housing consumption will decrease. From this formula, it can be known that the housing is related to the down payment ratio, the fertility rate, and the loan ratio in addition to interest rates, wages, and housing prices. The theoretical model is in line with our actual situation.

3.3 Equilibrium house prices with wealth transfer

Housing prices are solved in the situation that the final income expenditure reaches equilibrium and intergenerational wealth transferred. According to (3.2.11), the relationship between housing demand and housing prices in different periods was established. $P_{i,1}$, $P_{i-1,2}$, $P_{i,2}$ represent the *i* generation purchase price in the (1) period, the *i* generation in the (2) period, and the *i* generation in the (2) period. Supposed $P_{i,t}$ is the house price at time *t*. $P_{i-1,2}$ and $P_{i,2}$ represent the house price at time *t*+1 and time *t*+2, then we have, $P_{i,t+1} = P_{i,t}$, $P_{i-1,2} = P_{t+1}$ and $P_{i,2} = P_{t+2}$. From this formula, we can draw this conclusion: Instead of a specific generation, the house price is related to the time of housing transition. Thus we can assume $P_{t+1} = \lambda_1 P_t$, $P_{t+2} = \lambda_2 P_{t+1}$. When $\lambda_1 > 1$ and $\lambda_2 > 1$, house prices rise over time; When $\lambda_1 < 1$ and $\lambda_2 < 1$, house prices fall over time; When $\lambda_1 = \lambda_2 = 1$, house prices remain unchanged without regarding to inflation.

Assuming $H_i^* = H_i^d$, We can solve the housing price of the *i* generation in the first period according to the equation (3.2.11):

$$P_{i,1}^* = \frac{(1+r)y_{i,2} + (1+r)^2 y_{i,1}}{\{D(1+r)^2 [1 - \eta_2 (1+n_{i-1})^{-1}] + (1-D)(1+r_m)(1+r)\} H_i^d + \lambda_1 \lambda_2 Z(n_i) H_i^d - (1+n_{i-1})^{-1} \lambda_1 H_{i-1}} \quad (3.3.1)$$

According to (3.3.1), we can get the function of housing price. And we can also derive the wealth transferred to *i* generation from *i*-1 generation, including the initial amount of subsidy and inheritance when *i* form a own family:

$$M_{i-1} = D(1+r)^2 \eta_2 (1+n_{i-1})^{-1} H_i^d + (1+n_{i-1})^{-1} \lambda_1 H_{i-1} \quad (3.3.2)$$

M_{i-1} represents the total amount of wealth transferred by the *i*-1 generation. $D(1+r)^2 \eta_2 (1+n_{i-1})^{-1} H_i^d$ is used to measure the wealth and other financial support from *i*-1 generation when *i* purchasing a house. If we assume that the impact of *D* and H_i^d on the transfer of wealth can be offset by the altruism level of the *i*-1 generation, then the total amount of wealth transfer directly related to house prices can be explained by the fertility rate of the *i*-1 generation and the housing consumption of the *i*-1 generation. Then the reduction in the total amount of wealth transfer will definitely be related to the increase of $\eta_i - 1$. And the increase in H_{i-1} will increase the total amount of wealth transfer. Although the future

changes in housing prices are related to many factors, we mainly study housing prices through wealth transfer.

So we substitute (3.3.2) into (3.3.1), then:

$$P_{i,1}^* = \frac{(1+r)y_{i,2} + (1+r)^2 y_{i,1}}{\{D(1+r)^2 + (1-D)(1+r_m)(1+r) + \lambda_1 \lambda_2 Z(n_i)\} H_i^d - M_{i-1}} \quad (3.3.3)$$

From (3.3.3), we can know that the greater the total amount of wealth transfer, the higher the house price would be. Then we study the housing price from the demand and supply of housing. Assuming the balance between supply and demand is existing, there is:

$$H_i^d = H_i^s \quad (3.3.4)$$

H_i^d represents the housing demand of the i generation, H_i^s represents the effective housing supply of the i generation, including the new housing supply H_i^N of the i generation. And the existing housing supply of the $i-2$ generation is H_{i-2} . From $N_i = (1+n_{i-1})N_{i-1}$, $N_{i-1} = (1+n_{i-2})N_{i-2}$ we have :

$$H_i^s = H_i^N + (1-n_{i-2})^{-1}(1+n_{i-1})^{-1} H_{i-2} \quad (3.3.5)$$

Substituting (3.3.5) into (3.3.3), we can get the price under the balance of supply and demand:

$$P_{i,1}^* = \frac{(1+r)y_{i,2} + (1+r)^2 y_{i,1}}{\{D(1+r)^2 + (1-D)(1+r_m)(1+r) + \lambda_1 \lambda_2 Z(n_i)\} \{H_i^N + (1-n_{i-2})^{-1}(1+n_{i-1})^{-1} H_{i-2}\} - M_{i-1}} \quad (3.3.6)$$

Assumed $Y = (1+r)y_{i,2} + (1+r)^2 y_{i,1}$, $Q = D(1+r)^2 + (1-D)(1+r_m)(1+r)$ and $\omega = \lambda_1 \lambda_2$, We have a simplified formula for equilibrium house prices:

$$P_{i,1}^* = \frac{Y}{[Q + \omega Z(n_i)] H_i^s - M_{i-1}} \quad (3.3.7)$$

where

$$H_i^s = f(H_i^N, H_{i-2}, n_{i-1}, n_{i-2}) \quad (3.3.8)$$

$$M_{i-1} = g(n_{i-1}, H_{i-1}) \quad (3.3.9)$$

The simplified equilibrium house price formula (3.3.7) can be used to determine the factors affecting the price of i generation housing, including lifetime income Y , down payment and mortgage portfolio Q , fertility rate of i generation, effective housing supply H_i^s , and the total amount of wealth transfer M_{i-1} of $i-1$ generation. Among them, the influencing factors of H_i^s include the new housing supply H_i^N of the i generation at the (1) period, the existing housing

supply H_{i-2} of the i-2 generation, the i-1 generation fertility rate n_{i-1} and the i-2 generation fertility rate n_{i-2} .

Therefore, we can calculate the impact of fertility rate of i, i-1, i-2 generation on i generation housing prices. Through practical experience, we can know that when the fertility rate of i generation increases, house prices will decrease. The reason is that if the fertility rate of the i generation rises, the i generation will spend more money on raising children, so the cost on the housing will be reduced. The increase in the fertility rate of the i-2 generation will reduce the supply of effective housing and stimulate the growth of housing prices. The rising fertility rate of the i-1 generation will reduce intergenerational wealth transfer and effective housing supply, so the impact of the i-1 generation fertility rate on housing prices cannot be determined based on empirical knowledge. Taking the derivative of n_{i-2} , we have :

$$\frac{\partial P_{i,1}^*}{\partial n_{i-1}} = \frac{Y\{[Q + \omega Z(n_i)](1 + n_{i-2})^{-1}H_{i-2} - \lambda_1 H_{i-1} - D(1+r)^2 \eta_2 [H_i^N + 2(1 + n_{i-2})^{-1}(1 + n_{i-1})^{-1}H_{i-2}]\}}{\{[Q + \omega Z(n_i)]H_i^s - M_{i-1}\}^2(1 + n_{i-1})^2} \tag{3.3.10}$$

Assuming $A = [Q + \omega Z(n_i)](1 + n_{i-2})^{-1}H_{i-2}$, $B = \lambda_1 H_{i-1} - D(1+r)^2 \eta_2 [H_i^N + 2(1 + n_{i-2})^{-1}(1 + n_{i-1})^{-1}H_{i-2}]$,

Then (3.3.10) can be simplified to:

$$\frac{\partial P_{i,1}^*}{\partial n_{i-1}} = \frac{Y(A - B)}{\{[Q + \omega Z(n_i)]H_i^s - M_{i-1}\}^2(1 + n_{i-1})^2} \tag{3.3.11}$$

Assuming $H_{i-2} < H_i^N$ and $H_{i-2} < H_{i-1}$, thus $A < B$ and $\frac{\partial P_{i,1}^*}{\partial n_{i-1}} < 0$, that is, the i-1 generation fertility rate will increase, but the house price will decrease. That is, the effect of n_{i-1} on M_{i-1} is greater than the impact on H_i^s , which is contrary to the saying that the general baby boom will cause house prices to rise. So next we will apply the data for specific analysis.

4. Empirical analysis

In the case of China's intergenerational wealth transfer, the OLG model has been improved through altruistic behavior. The theoretical model shows that intergenerational wealth transfer has a positive impact on housing prices. The previous generation fertility rate, along with the housing consumption will also affect housing prices. From the description in the third section, we can know that the fertility rate of different generations has different effects on housing prices Income and housing supply will also affect housing prices to some extent. Then we confirm the theoretical results through specific empirical study, the process is as follows.

4.1 Variables and data

We assume in the theoretical model that everyone will go through three periods. The specific division is as follows: under the age of 21 is the (0) childhood period; the age of 21-59 is the (1) adult period; over the age of 60 is the (2) old period. Among them, (1) adult period is our

main research object. The i generation represents the group between the ages of 21 and 59, and the $i-1$ generation represents the group over 60 years old.

The source of the data is mainly the Chinese General Social Survey (CGSS) and the China Statistical Yearbook published by the Chinese Statistics Department. The Chinese General Social Survey has obtained the date of birth of the interviewee (this data is used to calculate the age) and the number of children in the family (this data is used to calculate fertility rates), and the number of household-owned properties, ie, the amount of housing available. From the China Statistical Yearbook we have obtained the price level, the current housing supply and the natural growth rate of the population. Because the latest data from the Chinese General Social Survey (CGSS) is in 2015, we used the 2015 data as the research object. In 2015, there were 10,968 respondents and 487 communities in this project. There remain 6,470 interviewees after clearing the data of rural respondents. There are 5,715 in the questionnaires are living in their own houses, and 5,704 effective responses having children. Since it is almost impossible to find housing prices of each community, we choose the data of the provinces and cities as observation points. Because Hainan, Tibet, and Xinjiang have no respondents, the observation points in our study are 28 provinces, autonomous regions, and municipalities. According to the age of each interviewee, we distinguish $i+1$ generation, i generation, $i-1$ generation. the average number of children delivered by each woman in each generation is the fertility rate, and the average number of homes owned by each family, as well as the income of each household, and then we can derive our independent variables: n_i ,

n_{i-1} , H_{i-1} , H_i , H^N , f , y_{i-1} , y_i , D1, D2 and dependent variable P_i

Table 2 variables

| | Names | Proxy variable | Expectation |
|----------------------|-----------|--|-------------|
| dependent variable | P_i | Average house price in 2015 | |
| independent variable | n_i | Average fertility rate of the i generation | - |
| | n_{i-1} | Average fertility rate of $i-1$ generations | - |
| | H_{i-1} | Average home ownership of the $i-1$ generation | - |
| | H_i | Average home ownership for the i generation | + |
| | H^N | New housing supply | + |
| | f | Natural population growth rate | + |
| controlled variable | y_{i-1} | Average income of the $i-1$ generation | + |
| | y_i | Average income of the i generation | + |
| | D1 | Whether the community is in the first-tier city (Yes=1, No=0) | + |
| | D2 | Whether the community is in the second-tier city (Yes=1, No=0) | + |

According to the theoretical model, we can know that n_i and y_i have direct impact on house prices. And n_{i-1} , y_{i-1} , and H_{i-1} affect the house price by affecting wealth transfer. H_i and

H^N affect the housing price by affecting housing supply. f is known through empirical knowledge that it has an impact on house prices. In addition, in the study using cross-sectional data, the level of development of the city where the community is located has a significant impact on local housing prices. To control this effect, we used two dummy variables to measure the level of urban development. Since China usually uses first-tier cities and second-tier cities to measure the degree of urban development, we regard "whether the community is in the first-tier cities" and "whether the communities are in the second-tier cities" as dummy variables.

Table 3 Variables and statistical descriptions

| Variables | Minimum value | Maximum value | Mean value | standard deviation |
|-----------|---------------|---------------|------------|--------------------|
| P_i | 3629 | 22300 | 6781.36 | 4656.583 |
| n_i | 0.75 | 1.64 | 1.23 | 0.21 |
| n_{i-1} | 1.65 | 3.67 | 2.54 | 0.45 |
| H_i | 1.07 | 1.53 | 1.22 | 0.11 |
| H_{i-1} | 1.00 | 1.46 | 1.16 | 0.11 |
| $D1$ | 0 | 1 | 0.21 | 0.42 |
| $D2$ | 0 | 1 | 0.61 | 0.50 |
| y_i | 20560.87 | 98619.19 | 38824.14 | 21621.32 |
| y_{i-1} | 4340.00 | 49086.04 | 21896.68 | 10470.18 |
| H^N | 31847 | 682532 | 243854.25 | 149749.83 |
| f | 0.26 | 8.57 | 5.02 | 2.37 |

According to Table 3, it can be known that the mean values of n_{i-1} and n_i are 2.54 and 1.23. $n_{i-1} < n_i$ indicates that the fertility rate is decreasing with time. There is also the country's macroeconomic regulation and control, as well as the cost of raising children. The average of H_i is 1.22, The average of H_{i-1} is 1.16. This shows that the current generation has more houses than the older generation. This is in line with the actual situation. With the development of the economy, buying a house has become a kind of investment and financial management for adults who have enough funds to do this kind of investment. The average of H_i is 1.22 which means that a family has at least one house. The average f is 5.02, which indicates the national population is still showing an upward trend.

4.2. Results

We have empirically studied the data because the differences in dimensions would affect the result. To eliminate that effect, we convert the dependent and independent variables into natural logarithmic forms to establish a stable linear relationship. Using the natural logarithmic form, the coefficient of the independent variable represents the percentage change in the residential price, in response to a 1% change in the independent variable. Before

the analysis, we produced a series of scatter plots to show the relationship between house price and fertility (Figure 3).

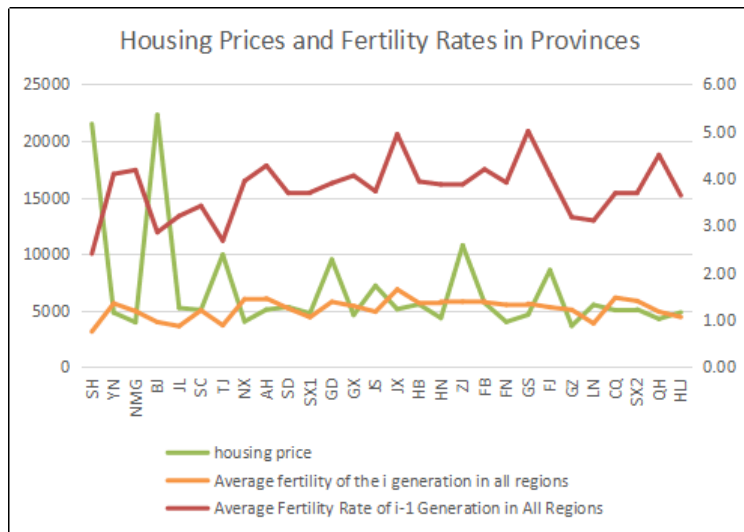


Fig.3. Housing Prices and Fertility Rates in Provinces

Data Source: China Statistical Yearbook

From Figure 3, we can see that the higher the house price, the lower the fertility rate. For example, the price of Shanghai and Beijing has exceeded 20,000, but the i generation fertility rates of these two cities are the lowest. The housing prices in Yunnan and Inner Mongolia are relatively low, but the fertility rate is relatively high. This is in line with the actual situation, that is, the less developed the economy, the higher the fertility rate would be. It can also be seen from Figure 3 that the fertility rate of the i generation is much lower than that of the i-1 generation, which means with the stream of time and the development of society, the fertility rate has dropped significantly.

Table 4 Parameter estimation

| Variables | Parameter estimation 1 | Parameter estimation 2 | Parameter estimation 3 | Parameter estimation 4 |
|---------------|------------------------|------------------------|------------------------|------------------------|
| $\ln n_i$ | -0.755*** | -0.038** | -0.137*** | -0.338*** |
| $\ln n_{i-1}$ | | -0.686*** | -0.536*** | -0.789*** |
| $\ln H_i$ | | | 0.321*** | 0.097*** |
| $\ln H_{i-1}$ | | -0.379*** | -0.512*** | -0.219*** |
| $D1$ | | | | 0.605*** |
| $D2$ | | | | 0.336*** |
| $\ln y_i$ | 0.567*** | 0.360*** | 0.340*** | 0.351*** |
| $\ln y_{i-1}$ | | 0.324*** | 0.345*** | 0.296*** |
| $\ln H^N$ | | | 0.056** | 0.045*** |

| | | | | |
|-------|-------|-------|-------|----------|
| lnf | | | | 0.146*** |
| R^2 | 0.491 | 0.653 | 0.724 | 0.825 |

Table 4 is a parameter estimate for stepwise linear regression, where parameter estimate 1 and parameter estimate 2 reflect the effect of intergenerational wealth transfer on house prices. When $\ln n_i$, $\ln y_i$ are used as independent variables, R^2 is 0.491, which means $\ln n_i$ and $\ln H_i$ can account for 49.1% of $\ln P_i$. Parameter estimation 2 is to increase R^2 to 0.653 by adding $\ln n_{i-1}$, $\ln y_{i-1}$, and $\ln H_{i-1}$, which shows that the interpretability is also increasing through the increase of variables. The coefficient of $\ln n_i$ in parameter estimation 2 is -0.038, indicating that if the i generation fertility rate is increased by 1%, and the house price will reduce by 0.038%. The increase if i generation fertility rate indicates that the child's raising cost increases, which is accompanied by a decline in housing consumption. The coefficient of $\ln n_{i-1}$ is negative, indicating that the average fertility rate of the $i-1$ generation is increased by 1%, which reduces the intergenerational wealth transfer of the i generations, resulting in a 0.686% decline of house prices. The coefficient of $\ln H_{i-1}$ is also negative, and the average number of owned properties in the $i-1$ generation has increased by 1%, which has caused the house price to drop by about 0.379%. Estimates 3 and 4 give the effect of all independent variables. Estimation 3 is performed without control variables, and estimation 4 is performed with control variables. The results of the study show that the two dummy variables have a significant positive impact on house prices. The coefficient of $D1$ is greater than $D2$, indicating that communities located in cities with higher economic development will receive higher housing prices. In the process of adding variables gradually, R is also gradually increasing, which indicates that the better the model fits, the results of the actual data analysis are consistent with the results of the theoretical model, which indicates the robustness of our test.

Conclusion

Family Planning Policy is one of basic national policy in China which has been adjusted with the situation and formed very different generational fertility rates. In the context of parents helping their children to buy houses, pre-marriage purchase of the younger generation has become a common phenomenon. Therefore, the number of newly registered marriages has a strong relationship with the rise of housing prices in China. The younger generation usually can't afford high purchasing house price by their own, so their middle-aged parents are willing to provide some financial support, then intergenerational wealth transfer appears. The transferred wealth will eventually flow into the real estate market and push up house prices. The intergenerational transfer of wealth to everyone in the next generation is related to the fertility rate of different generations. This study establishes an overlapping generational model involving intergenerational wealth transfer and different generation fertility rates caused by the family planning policy from a new perspective. The theoretical model shows that intergenerational wealth transfer has a positive impact on housing prices which is affected by the previous generation's fertility rate and housing consumption. We further conduct empirical research to validate our hypothesis. The results show that the average fertility rate of the adult generation decreased by 1%, which increased the transfer of intergenerational wealth to the younger generation, resulting in a 0.338% increase in house prices. While the average number of properties owned by the old (2) generation increased by 1%, resulting in a decline in housing prices of approximately 0.219%. The results also show

that the fertility rate of the old generation has a negative impact on housing prices, and every 1% increase in fertility rate of old generation will caused house prices to fall by 0.789%. Empirical studies have confirmed that the impact of income and housing supply factors on housing prices, that is, the annual income of the adult generation will increase by 0.351% for every 1% increase, the income of the old generation will increase by 1%, and the house price will increase by 0.296%. It has been pointed out that China's baby boom pushes up China's housing prices. However, the result we get from the empirical analyze based on actual data sounds the opposite. Baby boomers will have a negative impact on the generational wealth transfer. The low fertility rate of the middle-aged generation under the influence of the family planning policy and the altruistic behavior of the Chinese parents are the important reasons for the current high housing prices.

Acknowledgements

The authors thank the editor and the anonymous referees for their highly constructive comments. This paper is funded by Beijing Natural Science Foundation Youth Project (Grant/Award Number:No. 9184021) and National Natural Science Foundation of China (Grant/Award Number: No. 71673056 and No. 71303052).

References

- [1] Li Jian, Deng Ying, 2011. Research on the Monetary Factors Promoting the Rising of House Price—Based on the Empirical Analysis of the Accumulation Period of the United States, Japan and China. *J. Financial Research*, 6, 18-32. (in Chinese)
- [2] Hongyi Chen, Kenneth Chow, Peter Tillmann, 2017. The effectiveness of monetary policy in China: Evidence from a Qual VAR. *J. China Economic Review*, 43, 216-231. <https://doi.org/10.1016/j.chieco.2017.02.006>
- [3] Chi-Wei Su, Xiao-Qing Wang, Ran Tao, Hsu-Ling Chang, 2019. Does money supply drive housing prices in China? *International Review of Economics & Finance*, 60, 85-94. <https://doi.org/10.1016/j.iref.2018.12.013>
- [4] Liu Lin, Liu Hongyu, 2003. Economic Analysis of the Relationship between Land Price and House Price. *J. Quantitative Economics of Economics and Technology*, 7, 27-30. (in Chinese). <https://doi.org/10.3969/j.issn.1000-3894.2003.07.005>
- [5] Zhou Bin, Du Liangsheng, 2010. Land Finance and Real Estate Price Rise: Theoretical Analysis and Empirical Research. *J. Finance and Trade Economics*, 8, 109-116. (in Chinese). <https://doi.org/CNKI:SUN:CMJJ.0.2010-08-020>
- [6] Wei Wang, Yuzhe Wu, Mellini Sloan, 2018. A framework & dynamic model for reform of residential land supply policy in urban China. *J. Habitat International*, 82, 28-37. <https://doi.org/10.1016/j.habitatint.2018.10.006>
- [7] Lu Ming, Ou Haijun, Chen Binkai, 2014. Rationality or Bubble: An Empirical Study of Urbanization, Immigration and Housing Price. *J. World Economy*, 1, 30-54. (in Chinese). <https://doi.org/CNKI:SUN:SJJJ.0.2014-01-003>
- [8] Mankiw, N. G., & Weil, D. N., 1989. The baby boom, the baby bust, and the housing market. *Regional Science and Urban Economics*, 2, 235-258. [https://doi.org/10.1016/0166-0462\(89\)90005-7](https://doi.org/10.1016/0166-0462(89)90005-7)

- [9] Swan, C., 1995. Demography and the demand for housing a reinterpretation of the mankiw-weil demand variable. *Regional Science and Urban Economics*, 25, 41-58. [https://doi.org/ 10.1016/0166-0462\(94\)02074-Q](https://doi.org/10.1016/0166-0462(94)02074-Q)
- [10] Ohtake F, Shintani M., 1996, The effect of demographics on the Japanese housing market, *Regional Science & Urban Economics*, 26, 189-201. [https://doi.org/ 10.1016/0166-0462\(95\)02113-2](https://doi.org/10.1016/0166-0462(95)02113-2)
- [11] Joe Peek, Wilcox, J., 1992, The Baby Boom, Pent-up Demand, and Future House Prices[J]. Fisher Center for Real Estate and Urban Economics, Research Reports, 4, 347-367. [https://doi.org/ 10.1016/S1051-1377\(05\)80017-8](https://doi.org/10.1016/S1051-1377(05)80017-8)
- [12] Ley D, Tutchener J., 2001, Immigration, Globalisation and House Prices in Canada\'s Gateway Cities, *Housing Studies*, 16, 199-223. [https://doi.org/ 10.1080/02673030120038483](https://doi.org/10.1080/02673030120038483)
- [13] Andreas M. Fischer, 2012, Immigrant language barriers and house prices, *Regional Science and Urban Economics*, 42, 389-395. <https://doi.org/10.1016/j.regsciurbeco.2011.11.003>
- [14] Jager, P., Schmidt, T., 2017, Demographic change and house prices: Headwind or tailwind? *Economics Letters*, 160, 82-85. <https://doi.org/10.1016/j.econlet.2017.09.007>
- [15] Cocco, J. F. Portfolio, 2005, Choice in the Presence of Housing. *Review of Financial Studies*, 18, 535-567. <https://doi.org/10.1093/rfs/hhi006>
- [16] Monika Piazzesi, Martin Schneider, Selale Tuzel, 2007, Housing, consumption and asset pricing, *Journal of Financial Economics*, 83, 531-569. <https://doi.org/10.1016/j.jfineco.2006.01.006>
- [17] Cui Xinming, 2003, The Impact of the Financing Effect of Residential Mortgage on the Price of Residential Demand, *Financial Research*, 06, 85-95. (in Chinese). <https://doi.org/CNKI:SUN:JRYJ.0.2003-06-008>
- [18] Chambers M, Garriga C, Schlagenhaut D E., 2009, ACCOUNTING FOR CHANGES IN THE HOMEOWNERSHIP RATE, *International Economic Review*, 50, 677-726. [https://doi.org/ 10.1111/j.1468-2354.2009.00544.x](https://doi.org/10.1111/j.1468-2354.2009.00544.x)
- [19] Kong Xing, Liu Zhiguo, Yu Bo, 2010, User costs, housing mortgage loans and effective demand in the real estate market. *Financial Research*, 1, 186-196. <https://doi.org/10.1360/972010-1084>
- [20] Samuelson P A, 1958, An Exact Consumption-Loan Model of Interest with or without the Social Contrivance of Money. *Journal of Political Economy*, 66, 467-482. <https://doi.org/10.2307/1826989>
- [21] Diamond P A, 1965, National Debt In A Neoclassical Growth Model. *American Economic Review*, 1126-1150. <https://doi.org/10.1007/BF01354256>
- [22] Abel A B, 2001, Will Bequests Attenuate the Predicted Meltdown in Stock Prices When Baby Boomers Retire?. *The Review of Economics and Statistics*, 83, 589-595. <https://doi.org/10.2307/3211754>

[23] Ortalo-Magne F, Rady S, 2006, Housing Market Dynamics: On the Contribution of Income Shocks and Credit Constraints*. *Review of Economic Studies*, 73, 459-485.
https://doi.org/10.1111/j.1467-937x.2006.383_1.x

[24] Shi Qingqing, Fei Fangyu, Zhu Weiliang, 2010, Independence of Demographic Dividend and Real Estate Yield. *Economics (Quarterly)*, 10,1(in Chinese)

[25] Liu, X. L., Wu, J., Deng, Y. H, 2011, Demography, marriage and the housing market. Working Paper (in Chinese). <http://www.shangxueba.com/ebook/36208.html>.

[26] Douglas H.Wrenn, JunjianYi, BoZhang, 2018, House prices and marriage entry in China, *Regional Science and Urban Economics*, 74,118-130.
<https://doi.org/10.1016/j.regsciurbeco.2018.12.001>

Exchange Rate Fluctuations and Sectoral Performance of the Nigerian Economy (1980- 2016)

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Abstract

The structure of Nigerian economy has changed considerably over the years. The economy is classified into five interrelated sectors; the agriculture, Industry, construction, trade and services (CBN 2016). Some of these sectors have contributed to the national output and government revenue at different point in time. Different exchange rate regimes implemented in the country have had varying degrees of impact on the performance of the economic sectors. Depending on the foreign exchange component of inputs into the various sectors and the export earning potential of each sector, sectoral performance has shown high level of sensitivity to exchange rate fluctuations. Fluctuations in exchange rate affect the cost of production in the various sectors of the economy. It is, therefore, not surprising that exchange rate is among the most watched, analysed and government manipulated macroeconomic indicator as it plays a vital role in a country's level of trade, which is critical for every free market economy in the world. This paper is a review of the performance of the Nigerian economy in the light of the volatility of exchange rates in Nigeria.

Keywords: Exchange Rate Fluctuations, Sectoral Performance, Nigerian Economy

1. Introduction

The Nigerian economy is classified into five interrelated sectors; the agriculture, Industry, construction, trade and services (CBN 2016). Some of these sectors have contributed to the national output and government revenue at different point in time. Agricultural sector comprises four subsectors which cut across crop production, livestock, fisheries and forestry. The industry revolves around mining and quarrying, crude petroleum and manufacturing subsectors. Building and construction as well as the wholesale and retail trade have no subsector while the service sector has the highest number of subsectors. The service subsectors include transport, communication, utilities, hotel and restaurant, finance and insurance, real estate and business services; producers of government service as well as commercial, social and personal services. The outputs of these various sectors are affected by the movement in exchange rate. The manufacturing sub-sector's contribution to Nigerian economy is limited by the fluctuation in the exchange rate because most of the inputs used in production in this sub-sector are imported, therefore, the depreciation of Nigerian currency increases the cost of production in this sub-sector.

Prior to the 1970s, agriculture was the mainstay of the economy (Sertoğlu, et al., 2017), but following the discovery of oil in commercial quantity and the importance of oil in the

international market, the petroleum industry has become the dominant industry in the economy for government revenue and foreign exchange earnings, making the link between the foreign exchange earnings, majorly the US dollars, and the performance of various sectors of the Nigeria economy strong. These strong interconnections, especially of those sectors that rely on foreign input and have weak capacity to generate foreign exchange needed, usually subject the economy to vulnerability in the inflow of foreign earnings and the price of crude oil in the international market.

Fluctuations in exchange rate affect the cost of production in the various sectors of the economy. It is, therefore, not surprising that exchange rate is among the most watched, analysed and government manipulated macroeconomic indicator as it plays a vital role in a country's level of trade, which is critical for every free market economy in the world. Most countries strive to moderate their domestic currency fluctuations by imposing restrictions on exchange rate movements (Ngerebo and Ibe, 2013). It is a key macroeconomic measure in the context of general reform programme and because of its importance, government takes active part in its determination. Specifically, it is important as the connection between the price systems of countries, as price in the allocation of real resources among tradable and non-tradable sectors, as a promoter or otherwise of imports and exports and as an instrument in the design of the balance of payment programme of countries.

1.1 Trends in the Real Sector in Nigeria: Agriculture and Manufacturing

1.1.1 Agriculture sector

In Nigeria, agricultural sector plays a crucial role in the economic development most especially before the discovery of oil in commercial quantity in the 1970's. This is because Nigeria is blessed with abundant land mass, which is fertile for agricultural purposes until many other countries (Federal Ministry of Agriculture and Rural Development, 2000). However, it still contributed significantly to the total output, the sector contributed more than 20% on average. It is seen in Figure 2.9 that the contribution of agriculture to gross domestic product rose gradually from 11.8% in 1981 to 29.5% in 1997. This coincides with the period when the exchange rate was liberalized and relatively stable. More importantly, the significant increase in the share of agriculture to total output can be attributed to the government committed effort towards food security.

In a bid to boost agricultural production during the 1980's the government introduced an incentive scheme by charged concessional interest rates on agricultural facilities till 1992. Also, during these periods, the agricultural sector was highlighted as one of the government priority sectors, as such, commercial banks were mandated to ensure that certain percentage of their deposits are issued out as a loan to the sector (Wahab, 2011). Furthermore, the growth rate of the sector output oscillates around 20%. This reflects that the sector total output has been on the increasing path. This impressive feat can also be attributed to the Green Revolution Programme initiated by the government between 1980 and 1983. The programme was also aimed at ensuring that Nigeria is self-sufficiency in food production. The drive for a self-sufficient economy in food production led to the establishment of three Federal Universities of Agriculture in 1988 with the intention of boosting human capacity required for the advancement of the sector.

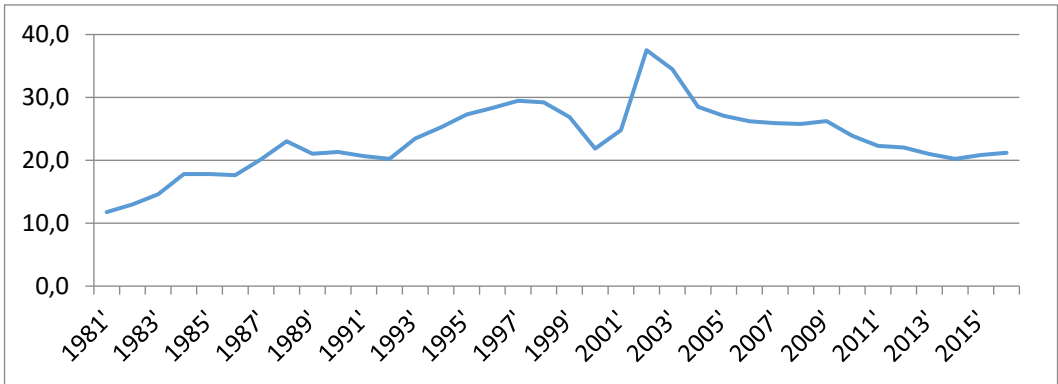
Post-2000, the share of the agricultural sector to GDP has been on the declining trend. It fell from 37.5% in 2002 to 26.3% in 2009 and then fell further to 20.2% in 2014 before increasing

slightly to 21.2% in 2016. The periods of decline in the share of agriculture to total GDP coincide with the periods of rising exchange rate and a slow-down in the growth rate of the sector output. While rising exchange rate might be associated with high cost of importation of farm implement, thus, increasing the overall cost of production. Other factors such as poor road network might account for the drop in the sector share in total output as well as the decline in the growth rate.

The agricultural sub-sector is one of the major sectors in the economy and a key determinant of long run economic development in Nigeria with the sub-sector contributing to development of an economy through production of goods, foreign exchange and exports (Ajudua et al., 2015). Just like the manufacturing sector, agricultural output also exhibits fluctuation. The average growth of agricultural output was 23.68 per cent in 1980s and 36.08 per cent in 1990s. The high growth witnessed in the 90s was due to direct involvement of Nigerian government in boosting the agricultural sub-sector with several large scale agricultural projects and programmes launched and established while concessionary interest rate structure was employed with direct cheap credit to the agricultural sub-sector (Ajudua et al., 2015).

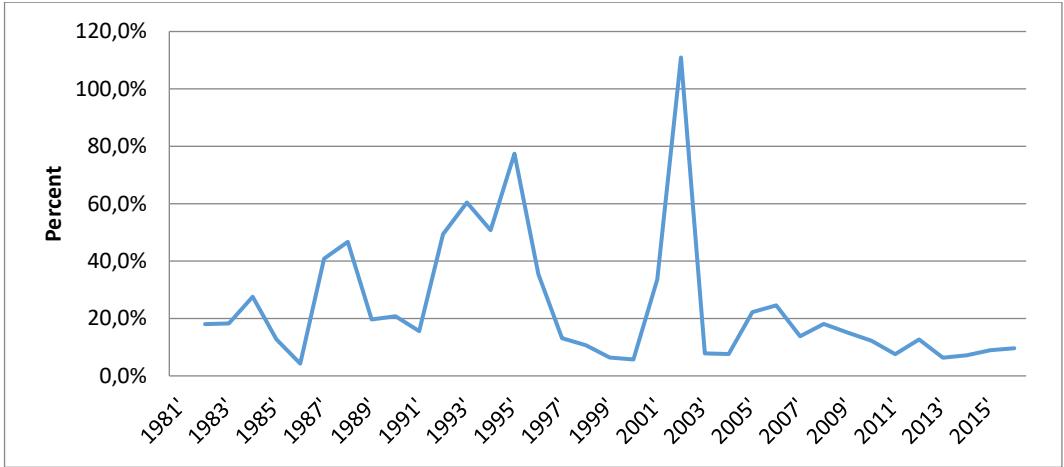
The contribution of agriculture to the GDP fell between 2000 and 2009 as 18.56 per cent was reported on average during this period, from 2010, the rate has been fluctuating around 12 per cent. From the figure, it can be seen that despite various policies and schemes the government implemented during the democratic regime, much has not been achieved in terms of growth in output of the sub-sector. The policies include the National Economic Empowerment and Development Strategy (NEEDS) launched in 1999, the National, Special Programme on Food Security (NSPFS) launched in 2002, the Root and Tuber Expansion Programme (RTEP) launched in 2003, Seven-point Agenda of 2007, Transformation Agenda of 2011 and the Change Agenda of 2015.

Figure 10: Agriculture Sector Contribution to GDP



Source: CBN Statistical Bulletin, 2016

Figure 11: Agriculture Sector GDP Growth Rate (%)



Source: CBN Statistical Bulletin, 2016

1.2 Crude Oil & Solid Minerals

Apart from the agricultural sector, the crude oil and solid minerals sector is another primary sector in Nigeria. This sector shapes the economic and the political landscape in Nigeria. The significant of the sector can be traced to the discovery of crude oil in commercial quantities in early 1970 (Odularu, 2008). Figure 2.11 shows that on average crude oil and solid minerals contributed approximately 10% of the GDP. On a closer look, the performance of the sector experienced significant improvement during 1983 to 1991. It rose gradually from 4.9% in 1983 to 16.5% in 1992. The share of the sector in 1992 is less than three times of the sector share in 1983. The significant increase recorded can be associated with the depreciation of naira against the dollar after the liberalization of the exchange rate in the mid-1980's. This is because the depreciation of the exchange rate leads to an increase in the amount realized as proceeds from both crude oil and solid minerals.

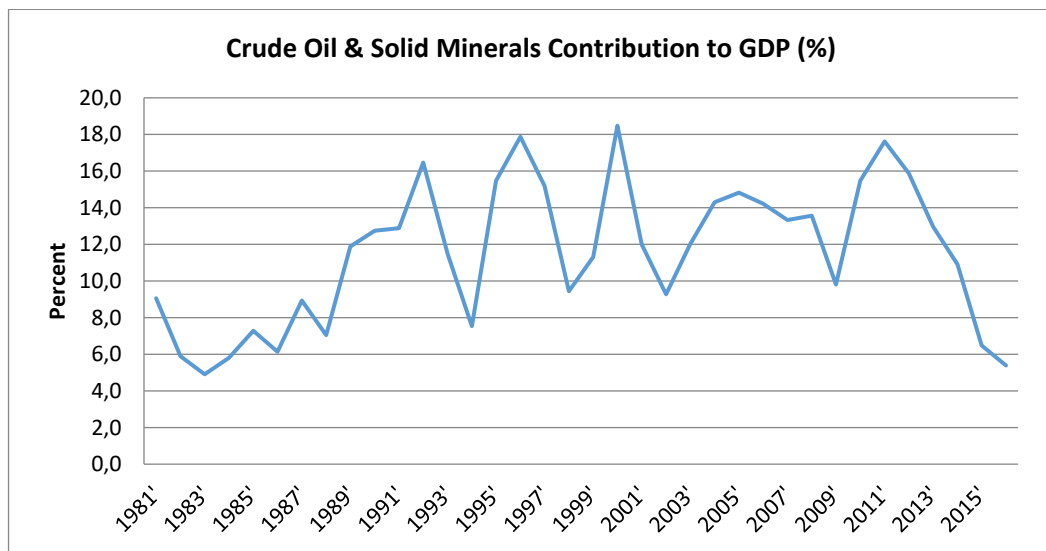
The share of the sector in total output declined by 100%, it fell from 16.5% in 1992 to 7.5% in 1994. While the liberalization of the exchange rate leads to initial improvement of the sector, it later hurt the sector. This is because the weak nature of the country currency against the dollar increases the cost of operation as the sector is import dependent in term of equipment, thus reducing the capacity of the sector. The implication of this is that the crude oil and solid minerals sector output is affected more when compared to the other sectors of the economy that relied less on imported input, such as agriculture.

Due to the adverse consequence of the continuous depreciation of naira against the dollar after the liberalization of the exchange rate, the government then adopted fixed exchange rate management approach in 1994 and was ceased in 1997. During the period, the sector recorded the highest growth rate in 1995, while the share of the sector to GDP increased drastically till 1996 before it began to decrease, a trend similar to what was observed in term of the sector growth rate of the sector. Thus, it might be seen that the performance of the sector is partially influenced by the exchange rate.

Over the last one decade, the performance of the sector wasn't impressive. The share of crude oil and solid minerals declined from 14.8% in 2005 to 13.6% in 2008 and then fell further to

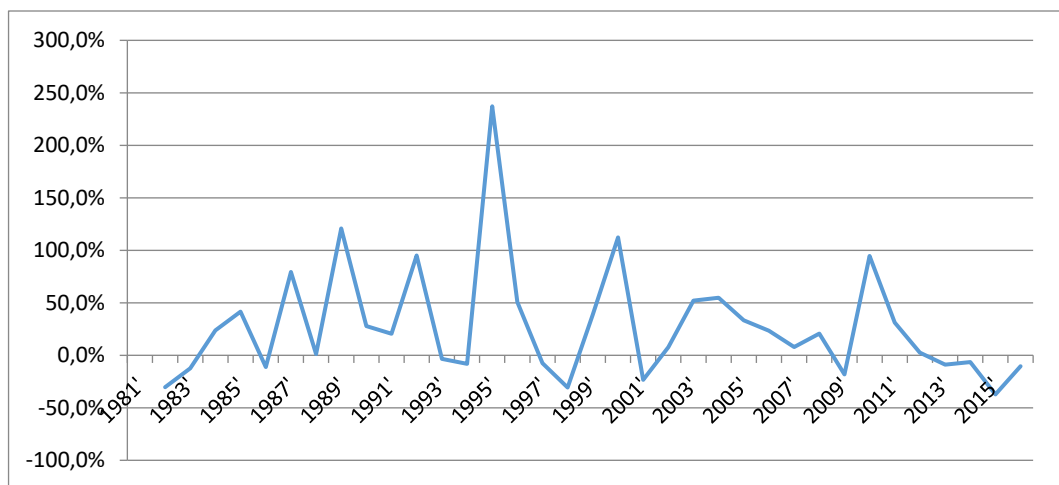
9.8% in 2009. As the world economy recovers from the 2007/2008 financial crisis, the demand for crude oil increases, so also the share of the crude oil and solid minerals sector experienced an increased till 2011. After 2011, the contribution of the sector declined continually from 17.6% in 2011 to as low as 5.4 in 2016. The poor performance of the sector is also reflected in the growth rate over the same period. The poor performance can be attributed to factors such as explosive exchange rate, a fall in the oil price, and disruption of activities within the Niger-Delta by militants (Odularu, 2008; Akinlo, 2012).

Figure 12: Crude Oil & Solid Minerals Contribution to GDP(%)



Source: CBN Statistical Bulletin, 2016

Figure 13: Crude Oil & Solid Minerals GDP Growth Rate (%)



Source: CBN Statistical Bulletin, 2016

1.3 Manufacturing

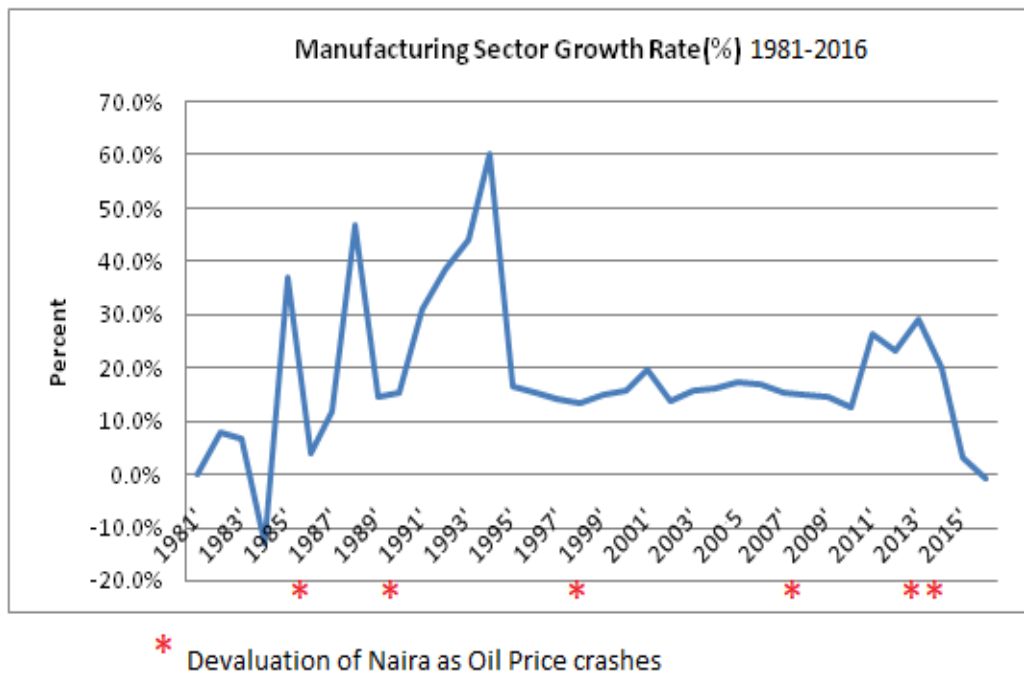
Prior to the GDP rebasing of 2013, Nigeria manufacturing sector consist of Oil Refining, Cement and Other Manufacturing. The sectoral data has since then been expanded and now capture Oil Refining, Cement, Food, Beverage and Tobacco, Textile, Apparel and Footwear, Wood and Wood Products, Pulp, Paper and Paper Products, Chemical and Pharmaceutical Products as well as Non-Metallic Products.

The manufacturing sector plays an accelerating role in a modern economy and has many dynamic benefits that are crucial for economic transformation. It has the tendency to increase productivity in relation to import substitution and export expansion, bring in foreign exchange earnings, raise employment and promote faster growth (Fakiyesi, 2005). In Nigeria this has not been the case. it has had minimal contribution to the national output and export for decades due to lack of infrastructural support, high interest rates on loan facilities, low quality output, reliance on foreign inputs, overly reliance on oil and policy instability. The dependence on crude oil and neglect of the other sectors which exposed the economy to external shock, unstable government revenue inflow and foreign exchange shortage also retarded the sector.

The distortion of the foreign exchange market (moving from fixed to flexible exchange rate regime) resulting from the structural adjustment programme (SAP) of 1986 marked the beginning of the uncertainty in the manufacturing sector. Since the introduction of second tier foreign exchange market (SFEM) in 1986, the naira has been on a downward spiral (leading to about 49.7% in devaluation by 1987). This caused a downward slide in the contribution of the manufacturing sector to total economic output in Nigeria in the late 80s (NBS 2014), which is partly due to the overly dependent of the sector on the external sector for import of non-labour input (Okigbo, 1993). The authority responded by merging the first and second tier markets into an enlarged foreign exchange market (FEM) in 1987 and introducing the Inter-bank foreign exchange market (IFEM) in January 1987 yet, the market remained unstable. Although there were spikes of growth in the sector in 1985, 1988, 1993, they were never sustained. They were short-lived due to inadequate availability of foreign exchange. With the rebasing of the GDP data in 2014, the manufacturing sector has shown a slight progressive trend, but still has an average of 46.6 per cent capacity utilisation from 2003 to 2013. As recession set in 2015 to 2016, the exchange rate policy become more unstable, The central bank set limits on foreign exchange allocations; about 41 items (some crucial to the manufacturing sector as inputs) were excluded from the official forex window. Some of these directly affected the manufacturing sector, since about 60 per cent of raw materials for manufacturing are imported.

In the mining and quarrying sector, economic potentials have not been fully harnessed. The fortunes of solid minerals declined significantly following the rising profile of crude petroleum in the 1970s. Mining sites were abandoned as crude petroleum provided cheaper source of energy and government revenue. Consequently, infrastructure at the mining sites deteriorated due to neglect. The potentials of solid minerals therefore remained largely underdeveloped, which compelled the manufacturing sub-sector to depend on importation of minerals that otherwise, would have been produced locally.

Figure 14: Manufacturing Sector GDP Growth Rate (%)



Source: CBN Statistical Bulletin, 2016

1.4 Construction

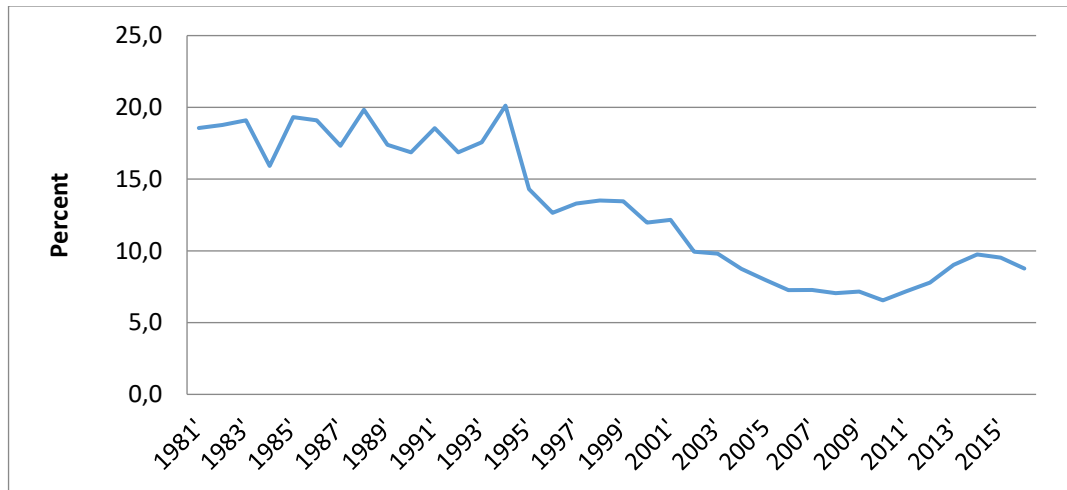
To achieve national and economic development, the role of the construction section cannot be overemphasized (Adeagbo, 2014). The sector activities comprise of residential and non-residential construction. The sector is directly related to the level of income in an economy. When the economy is booming, construction activities will be on the rise and vice versa.

From Figure 2.14, it is seen that the over the period of 1981 to 1996, the contribution of the sector to the total output was on the declining path. Thus, during this period the economy was badly affected by the crash in world oil price. Specifically, it declined from 7.6% in 1981 to 3.2% in 1985 and then declined further to 1.7% in 1996 and before stabilizing around 1.9% between 1997 and 2006. Periods after 2007, it was observed that the contribution of the construction sector to the total output increased with the passage of time till 2015 before declining slightly in 2016. These periods coincide with the economy recorded impressive average growth rate of 6%.

Although the sector inputs are imported and should be adversely affected by the exchanges in the exchange rate, the pattern of the sector performance revealed that the sector is least affect by exchange rate compared to what was observed in the agricultural sector, the manufacturing sector and the crude oil and solid minerals sector. This might be because the activities carried out involve the rendering of services that support other sectors of the economy. Thus, the sector activities rely on the country economy outcome. A clear evidence of this is the growth rate of the sector output during the harsh economic periods of 1981 to 1986, although, on

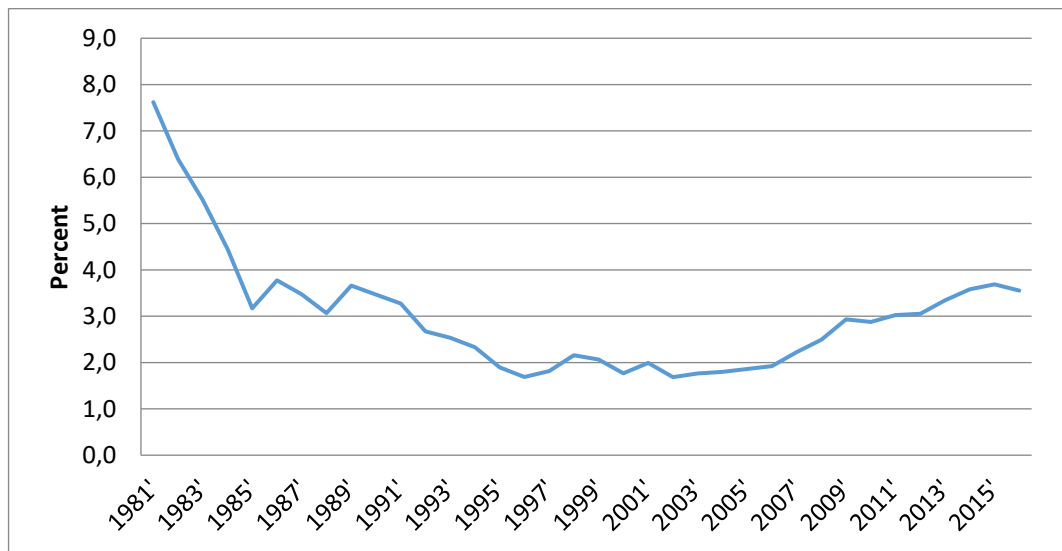
average, the sector recorded a positive growth rate. The implication of this is that over the period of 1987 till 2016 as depicted in Figure 9, the sector output has been growing.

Figure 15: Manufacturing Sector Contribution to GDP (%)



Source: CBN Statistical Bulletin, 2016.

Figure 16: Construction Sector contribution to GDP (%)



Source: CBN Statistical Bulletin, 2016.

Figure 2.17: Construction Sector Growth Rate (%)



Source: CBN Statistical Bulletin, 2016

2.3.2 Trends in the Services Sector in Nigeria

The constituents of services sector in Nigeria include Trade, Information and Communication, Real Estate, Public Administration, Professional, Scientific and Technical Services and Financial Institutions. The services sector has emerged as a dynamic sector whose importance has continued to rise in terms of growth rate and contribution to GDP. Over the years, the growth rate of the sector has been positive and from 1981 to 1988, it was around 7.86 per cent on average before it rose sharply to 43.75 per cent in 1989 (Figure 2.11). It fell in 1990 to as low as 3.01 per cent before it picked up the following year and witnessed a steady growth from 1991 to 1994, where it had the highest growth rate of 51.26 per cent (Figure 2.19). The high growth was largely attributable to improvement in transportation services. The establishment of the mass transit system that year and the increased flow of people and goods resulting in enhanced productivity. (Oyejide and Bankole, 2001). Another stability was witnessed between 1996 and 2003 as the rate oscillated around 20 per cent during the period. There was an upward trend between 2003 and 2006 owing to the expansion in telecommunication services. The introduction of the Global system of Mobile Communication in Nigeria in 2001. Telecommunication did not only lead to increase in the tele-density, it also led to improvement in the productivity of other services. Growth in the sector stabilised at an average growth of 13.29 per cent from 2007 to 2013.

Figure 2.18: Services Sector Growth (%)

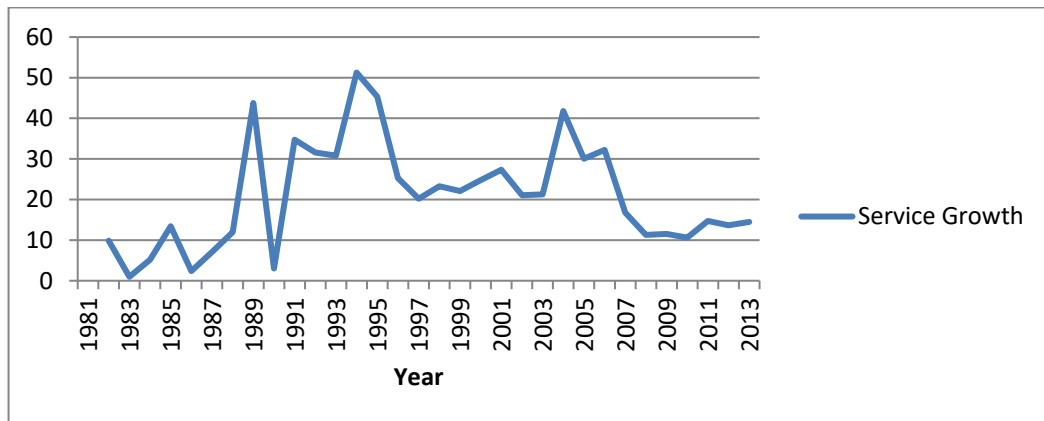


Figure 2.19: Trade Sector Contribution to GDP (%)

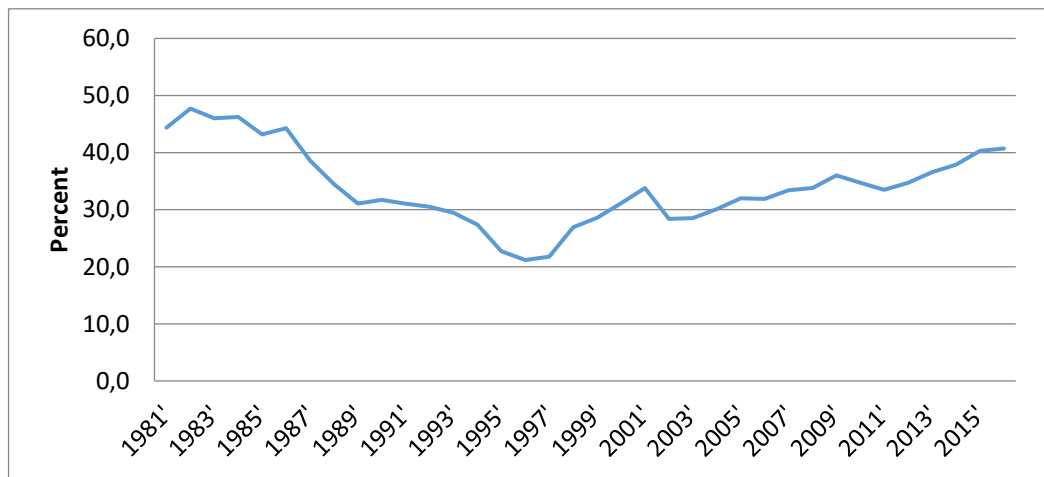
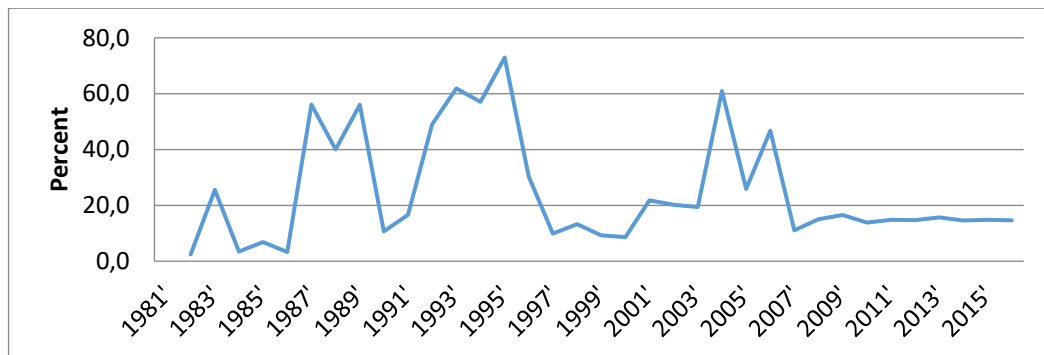


Figure 2.21: Trade Sector GDP Growth Rate (%)



Tourism is not left out in the poor performance syndrome that has continued to characterise the real sector of the economy. Although it has strong potentials for enhancing employment and revenue for the country, such potentials have remained largely underdeveloped. Employment and revenue from tourism have remained low and insignificant while foreign exchange earnings have been virtually nonexistent. The factors responsible for this performance include poor and inadequate infrastructure, political instability, social insecurity, and failure of government to create enabling environment for private sector participation in the industry.

The Nigerian health sector is characterised by brain drain as experienced Nigerian health experts are migrating to other countries in search of better conditions of service. This has led to deterioration of the country's healthcare system. There is high infant and maternal mortality rate as well as the prevalence of diseases in epidemic proportions. Massive immunisation against all vaccine preventable diseases was embarked on by the government to address the issues. Other steps taken by the government include ensuring universal access to primary healthcare, eradication and prevention of epidemic diseases, resuscitating the secondary healthcare system and stepping up enlightenment campaign on HIV/AIDS pandemic. To stem the migration of health workers, the salaries of the health experts were reviewed upward and condition of service was also improved to make working in Nigeria attractive.

2.4 Structure and Behaviour of Labour Supply in Nigeria

The structure of labour supply reflects colonial and cultural antecedents as well as social norms prevailing in the country. Considering the profile of the labour force, the population distribution showed that majority of the population were within the age bracket, 15 to 65 years in 2013. This represents about 52.9 per cent, only 2.5 per cent are above 65 years. The labour participation rate is low. Just about 38 per cent and 52 per cent are for female and male respectively in 2013. Of the employment population, agriculture accounts for 60 per cent and it is usually in small holding farming. The industry accounts for less than 6 per cent, service for 17 per cent and agriculture for 41 per cent of the total working population distribution in Nigeria.

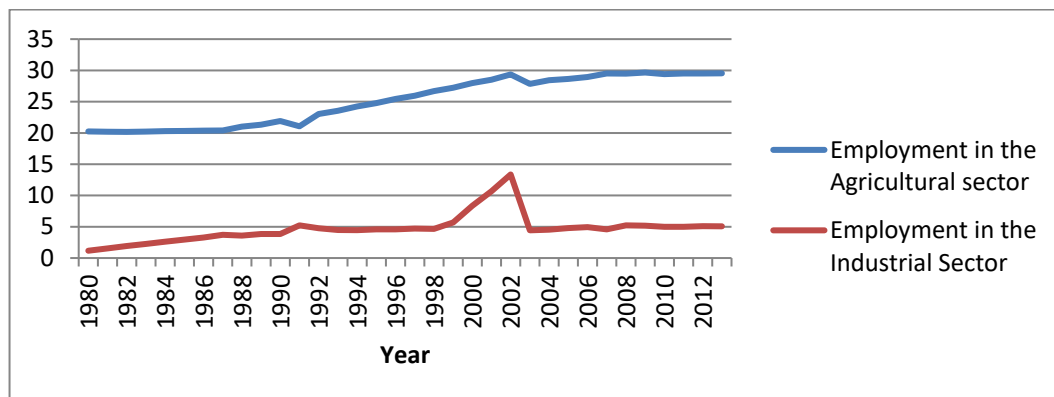
Also, the informal sector is the largest employer of labour. Most people within the working age bracket are either engaged as proprietors, paid employees, unpaid family workers or apprentices. Official estimate of those seeking job but unable to find is about 7.5 per cent of the labour force. The prevalence of informal sector is common to the rural and urban settings. The dominance of the informal sector in the urban centre is quite strong while informal agriculture predominates in the rural areas. Therefore, close to 90 per cent of the agricultural activities are carried out at subsistent level in the rural areas. The largest share of employment in the formal sector is provided by the government; this has led to ballooning of the public sector payroll (Agbodike et al, 2015).

2.4.1 Labour Supply and Unemployment in the Real Sector in Nigeria

The spate of unemployment in Nigeria is very high. Data on sectoral unemployment is hard to find in Nigeria. Since unemployment and employment are mirror image, whether unemployment rate is increasing or decreasing in one sector can be viewed by looking at the employment rate in the various sectors. Nigeria's economy can broadly be classified into three major sectors, namely primary (Agriculture and natural resources); secondary (mainly

Industry) and Tertiary (services as well as wholesale and retail trade) (CBN, 2003). Agriculture is predominant in the primary sector. Agriculture is predominant in the primary sector of the Nigerian economy. Therefore, this section gives the trend analysis of employment rate in the primary and secondary sectors using agriculture and industry, respectively.

Figure 2.22 Employment in the Agricultural and Manufacturing Sectors in Nigeria



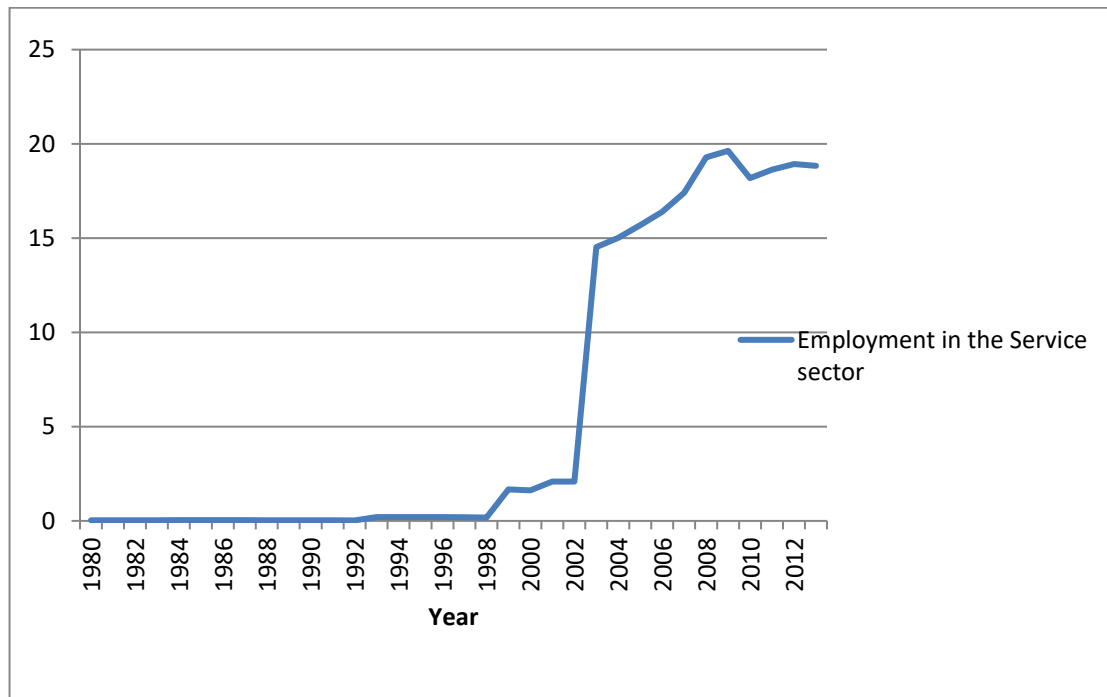
Source: National Bureau of Statistics (2013)

Over the years, the employment rate in agriculture trends upwards and remained the largest employer of labour in the country (Figure 2.12). The reason is because the system of agriculture practiced in Nigeria is still rudimentary and largely labour intensive. Between 1980 and 1987, the rate of employment in agriculture was approximately 20 per cent. Apart from the marginal fall in 1991 and 2005, there has been steady increase in the rate on an average of 1 per cent every year.

For the industry, the employment rate has been very low over the years apart from the major increase of 10.67 per cent and 13.36 per cent in 2001 and 2002 respectively. The employment rate in the industrial sector on the average is approximately four per cent. This is very low compared with other sectors. Manufacturing activities have been on the decline owing to the non-competitiveness of the sector. Poor infrastructure and inconsistencies in government policies have seen several manufacturing concerns close/discontinue their operations.

2.4.2 Labour Supply and Employment in the Services Sector in Nigeria

In recent times, the Nigerian economy can be service-led due to structural transformation taking place in the economy (Alemu, 2015). From Figure 2.13, the employment rate in the service sector was very low between 1980 and 2002 as its value was below one per cent. The major increase started in 2003 when the employment rate in the sector jumped from a low value of 2.1 per cent in 2002 to a high value of 14.5 per cent in 2003. Ever since, there has been a steady increase in the employment rate in the sector. The growth of the service sector can be traced to economic development of Nigeria and the sociocultural changes that have accompanied those environmental forces separately or in combination that created new type of services. It was also revealed that satisfaction of customers' demand, extension of product range, dealing with new competitors at home, improvement of product quality, compliance with Nigeria laws and standards as well as dealing with the challenges of new technology underlined very important motivating factors (Adewole et al., 2012).

Figure 2.23 Employment in the Services Sector

Source: National Bureau of Statistics (2013)

5.0 Conclusion

This paper examined the sectoral performance and unemployment in the Nigerian economy. The Nigerian macroeconomic structure is complex and comprises inter-related sectors and activities. The performance of the various sectors was not impressive despite its high potential for achieving a far-reaching and diversified economy. The spate of unemployment is also very high though the employment level in various sectors increased over the year. This depicts that the growth rate in employment did not catch up with the number of people that joined the Nigerian labour force.

References

- [1] Adeagbo, A. (2014). Overview of the building and construction sector in the Nigerian economy. *JORIND*, 12(2), 349-366.
- [2] Akinlo, A. E. (2012). How important is oil in Nigeria's economic growth? *Journal of Sustainable Development*, 5(4), 165-179.
- [3] Chidozie, F. C., Olanrewaju, I. P., & Akande, O. O. (2014). E-ISSN 2039-2117 ISSN 2039-9340 *Mediterranean Journal of Social Sciences* MCSER Publishing, Rome-Italy *Foreign Megastores and the Nigerian Economy: A Study of Shoprite*. *Mediterranean Journal of Social Sciences*, 5 (1).

- [4] David, O., Umeh, J. C., & Ameh, A. A. (2010). The effect of exchange rate fluctuations on the Nigerian manufacturing sector. *African Journal of Business Management* , 5.
- [5] Fadason, R., Danladi, C., & Jatau, S. (2017). Construction Standard and Regulation in Nigeria. *Surveying the world of tomorrow - From digitalisation to augmented reality*, (p. 15). Helsinki, Finland.
- [6] Federal Ministry of Agriculture and Rural Development. (2000). Nigeria: Agricultural and rural transformation programme - Vision to action.
- [7] Gatawa, N. M., & Mahmud, A. A. (2017). Impact of Exchange Rate Fluctuations on Agricultural Exports (Crops) In Nigeria. *International Journal of Humanities and Social Science Invention* , 6 (3), 7.
- [8] ILO. (2012, December 12). ILO Newsroom. Retrieved January 17, 2018, from http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_195532/lang--en/index.htm
- [9] Isa, R. B., Jimoh, R. A., & Achuenu, E. (2013). An overview of the contribution of construction sector to sustainable development in Nigeria. *Net Journal of Business Management* , 1 (1), 6.
- [10] Mmaduabuchukwu, M. (2003). Service Trade and Non-oil export in Nigeria. *Journal of Business Administration and Education* , 2 (2), 18.
- [11] NBS. (2014). Nigerian Manufacturing Sector: SUMMARY REPORT 2010-2012. National Bureau of Statistics.
- [12] Obayelu, A. E., & Salau, A. S. (2010). Agricultural Response to Prices and Exchange Rate in Nigeria: Application of Co-integration and Vector Error Correction Model (VECM). *Journal of Agric Science*, , 9.
- [13] Odularu, G. O. (2008). Crude oil and the Nigerian economic performance. *Oil and Gas Business*, 1-29.
- [14] Ogundipe, O. M., Ojeaga, P., & Ogundipe, A. A. (2014). Oil Price and Exchange Rate Volatility in Nigeria. *IOSR Journal of Economics and Finance (IOSR-JEF)* , 5 (4), 9.
- [15] Olufayo, M. B., & Fagite, B. A. (2014). Exchange Rate Volatility and Sectoral Export of Nigeria: Case of Oil and Non-Oil Sectors. *Journal of Economics and Sustainable Development* , 5 (10).
- [16] Onwe, B. U. (2015). Implications Of Exchange Rate Variability On Oil Exports Trade Performance In Nigeria. *Global Advanced Research Journal of Management and Business Studies* , 4 (11), 461-468.
- [17] Philip Consulting, (2014). A study of current trends in online shopping in Nigeria. Lagos: PCL Business Advisory Division.
- [18] Rewane, B. (2016, February 11). Reports. Retrieved January 11, 2018, from Proshare: <https://www.proshareng.com/admin/upload/reports/DebateExchang.pdf>
- [19] Sertoğlu, K., Ugural, S., & Bekun, F. V. (2017). The Contribution of Agricultural Sector on Economic Growth of Nigeria. *International Journal of Economics and Financial Issues*, 6.
- [20] Wahab, L. A. (2011). An analysis of government spending on agricultural sector and its contribution to GDP in Nigeria. *International Journal of Business and Social Science*, 2(20), 244-250.

A New Public Policy and Economic Approach to Cultural Sustainable Tourism in the Andes

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Abstract

This research examines the current reality of the sustainable cultural development, in the Cotacachi –Cayapas Ecological Reserve and its surroundings, part of the UNESCO Global Geoparks (2019), as a world heritage sight located in South America, in the inter-Andean region of the Republic of Ecuador. The diverse cultural and ethnic focusing on the situation of indigenous and peasant people, looking at the processes of their self-awareness, validation, and empowerment. The problems faced by this community are diverse in terms of their empowerment, low levels of education, low levels of economic development, and social, cultural and political discrimination. Their relationships are not stable and their incomes are variable, because they depend on farming and producing livestock on their small plots and the precarious nature of available work in their rural environment. The research enables us to conclude that participation in organizational groups and processes has strengthened the capacity of leadership to collaborate more actively and effectively in the progress and development of their indigenous and peasant communities. This, in turn, enhances success of their projects and makes possible the administration of public and private partnerships that permit social and institutional recognition, contributing to improvement in their standard of living and quality of life and to finds and alternative sustainable economy model based on a cultural tourism.

Keywords: Indigenous and peasant people, alternative economy, sustainable cultural tourism, political participatory and human rights

Introduction

Sustainable cultural tourism has received much attention in recent years due to the western belief that indigenous people are the protectors in order to consider a space where the human being is reunited with the past, with a history. Moreover with an infinity of natural, cultural and gastronomic resources, which at first could control as a source of income in which offer important economic benefits, but becomes the exact point where the being human must rethink. However, it has been found that the economic value is seen from the extraction of resources with a capitalist sense, without considering other types of wealth, in which the human being is located.

As a consequence, is necessary to consider valuing a frame beyond the material and the simplicity of the economic and to find a mechanism that allows generating a type of culture that transcends economic expectations and seeks human interest and wellbeing, applying a sustainable transformation through the empowerment and awareness of a new vision of a different economic development.

Undoubtedly, it is evident the neglect of the governments regarding the regulation that drives and supports this historically undervalued sector, as a result , of the null participation in projects, laws that strengthen their communities. Education as an empowering tool might help indigenous and peasant people.

The present paper presents a set of criteria for making a social change and improve their conditions of living by taking action while having knowledge and skills of generate a new value of their Andes culture.



Cuicocha –Lake (Own Resource, 2019)

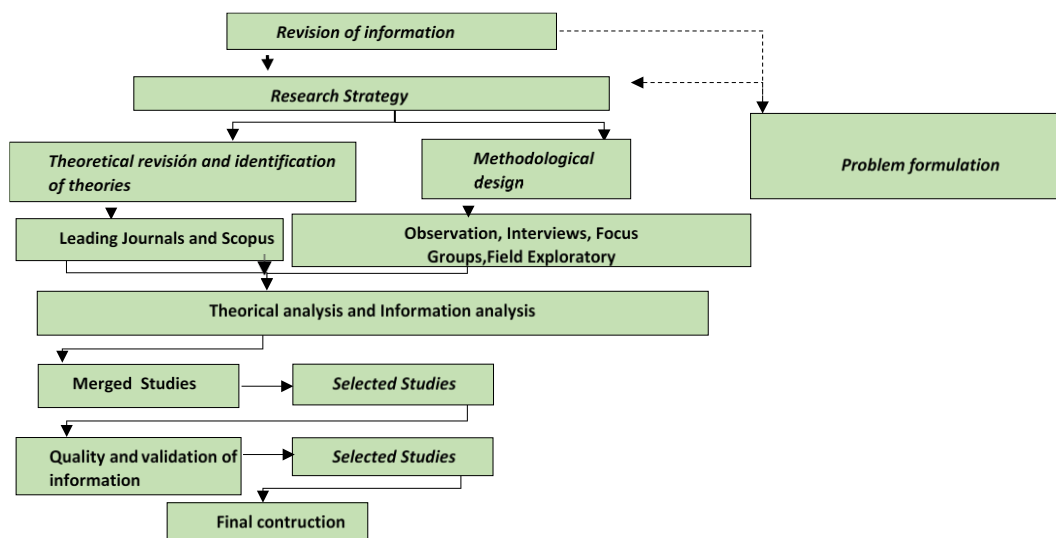
Methodological Procedures

Qualitative research is interested in the perspective of the subjects themselves (Millan 1974: 38). The focus of the research approach allows for a perspective from the subject's point of view and their culture and environment. It is framed in a research model with greater focus on social- cultural change and alternative tourism because it is based on a recognition and acknowledgment of the intrinsic value of the knowledge of the reality in which the subjects

live. It is a systematic process of learning, since it implies that people carry out critical analysis of the situations in which they are immersed.

An approach was made through participant observation, sharing the circumstances, from the daily life of the social subjects, their activities, interests' preferences and environment. Participant observation can be considered the quintessential example of capturing the nature of reality, rather than alternative techniques of qualitative research methods (Callejo, 2002).

Field visits were conducted where the life situation of indigenous and peasant people, their economic, cultural and social conditions, the way of life, working conditions, productive activities and daily life were observed. An in-depth interview was conducted, like an ordinary conversation, with some particular characteristics of participant observation applied (Callejo, 2002). It is about capturing the meanings in an open dialogue that encourages conversation. The interview allows access to the universe of meanings from the perspective of the actors, not only the texts but the situations of the context from the vision and cultural approach of the same. In order to carry out the interviews, it was necessary to establish preliminary contacts, coordinate the times and agree on places, in an attempt to accurately capture the reality of the subjects,



Source: Self-made

This paper is based on the systematic review approach, which has been used to answer the research questions presented above. The aim of this working paper is, therefore, to identify all relevant studies of the sustainable cultural development and according to the current state of the research. Therefore, an evaluation of relevant literature and an examination of the current state of affairs will be undertaken.

Toward a Comprehension of Andean World

In the Andes and in the Amazon, the ethno-peasant populations have their own way of conceiving and ordering their lives. This corresponds to a type of perception, political and legal organization of the world, which has its own roots and it is nourished by pre-hispanic society. Despite the efforts of the hegemonic classes in Latin America to "integrate" in one the

characteristics of western societies, a pre-hispanic spirit remains current and vigorous through knowledge, technologies and values that characterized the pre-hispanic collective organizations called *ayllus*¹. Even tough elements from the West are adopted and adapted, they are always in force because they are applied to processes of constant change. As Arguedas, a Peruvian thinker stated once: "the pre-hispanic society remains in force despite having undergone many changes" (García, 2007, pág. 74).

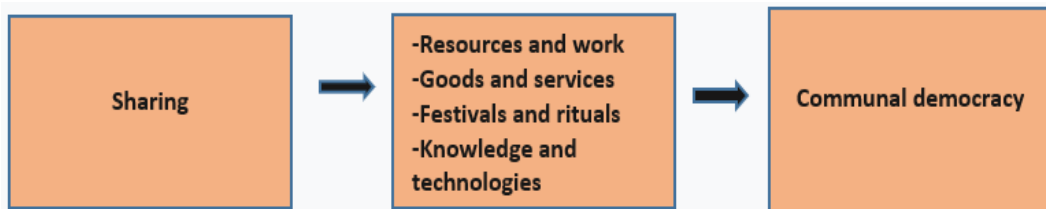
Going beyond this, Andean philosophy is the consciousness of the other, female or male, who has been marginated, alienated, beaten and forgotten. (Estermann, 2006, pág. 13). Andean rationality expresses a serial of principles that constitutes and Andean logic which is its rationality *sui generis*. These principles provoke material manifestations in cosmology or *pachasophia*, anthropology or *runasophia*, ethics or *ruwanasophia* and theology or *apusophia* belonging to the Andean world.

According to Estermann it is possible to talk about an Andean logic meaning a basic structure in the Andean thinking. Following this, Andean rationality reveals, before all, a principle of relation of all with all. Besides, this rationality also implies symbolism, affectivity and integration. (Sobrevilla, 2008, págs. 233-234). If we can feel this way of thinking and relation, it would be easier to comprehend this popular saying from the indigenous world: "*Ruraqman chayaspa, rurapakuna; mikuqman chayaspa, mikupakuna; tusuqman chayaspa, tusupakuna; yachaqman chayaspa, yachapakuna*" (When we get to someone who is working, let us work with him; when we get to someone who is eating, let us eat with him; when we get to someone who is dancing, let us dance with him; when we get to someone who knows, we can learn with him) (García, 2007, pág. 77).

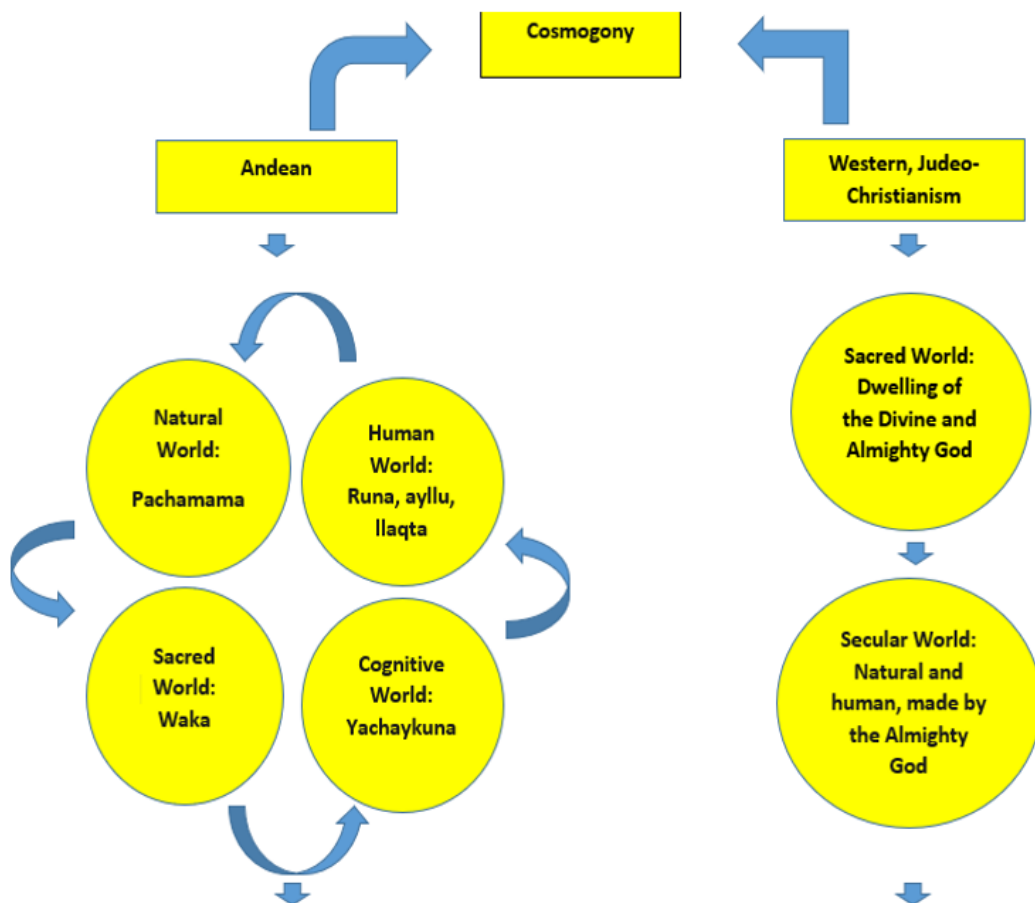
The aim of this essay is the comprehension of sustainable tourism in a world where the indigenous cosmologic thinking predominates. So it is necessary to focus on the Andean thinking first in order to see the way it could be apply to tourism in a sustainable way.

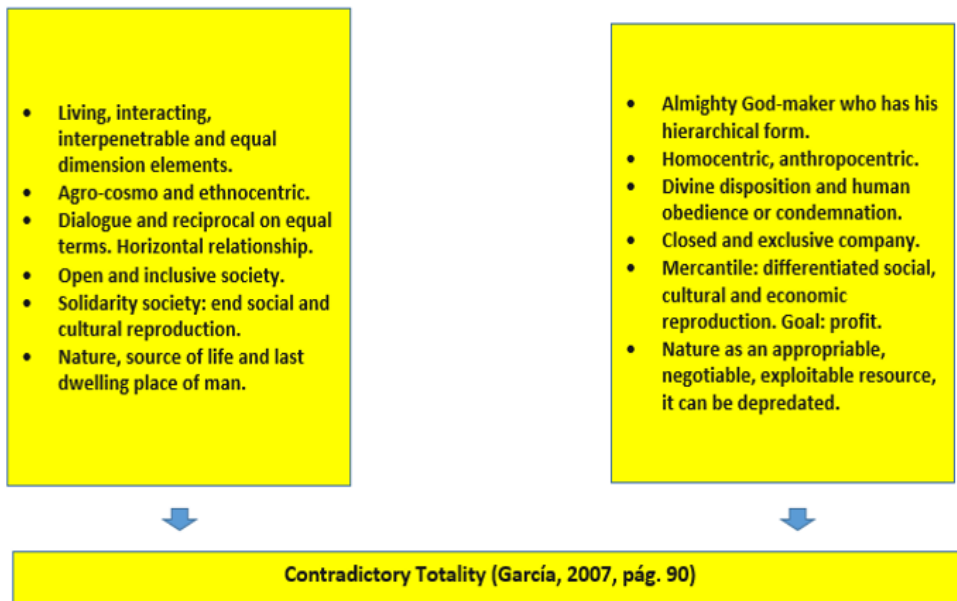
Often in the Andean communities the vision and logic of the *ayllu* are maintained when they refer that the community is a single thought, a single feeling, a single force. That is why the maxim summarizes the tradition of the Andean *ayllu*, which is the product of a millennial experience that gives strength to what Arguedas once suggested: "the forging of a magical socialism that would be built from the Andean culture and without "tracing nor copy". The Andean community now represents that tradition of the Quechua and Aymara *ayllus*. Its historical and at the same time projective meaning seeks the construction of a society with harmony in a changing context, of constant modernization. The following table could establish a line between cosmology and sustainable tourism to make it easier to get:

¹ *Ayllu*: family, kinship system, community. Depending on the characteristics of the natural and sociocultural context, it expands or restricts its meaning. For this reason, it can include from the biological family to the local neighborhood or spiritual affinity. It also encompasses the territory or country that includes soil, subsoil, rivers, lagoons, mountains and domestic upbringing as members of the *ayllu*.



Since every element in the Andean logic drives you to the awareness of the other and nature, it is important to keep it in mind when a project in sustainable tourism appears. As it can be seen, eastern principles come from Judaism and Christianity which let us know others as a part and not as a hole of a reality where everybody builds it up. In a Judeo-Christianity and Greco-Roman vision, the center of cosmogony is man, hence his anthropocentrism, unlike indigenous and native communities, where the worldview is structured from the man-nature identity as a collective entity and, therefore, it is agro-cosmo-ethnocentric. According to this so, the Andean *ayllu* is the center of collective life through community forms of organization and action (García, 2007, pág. 80). A structure of the two worlds and logics before us today could be useful to understand this point:





However, this permanence of the Andean culture does not imply that it has been removed from the global scene, in fact, it is inserted in it due to its ability to contextualize elements and manifestations of others, giving a dynamic character to what we have called contradictory totality. Thus, the elements that have been incorporated go through an adaptation process in which they are recreated, reinterpreted and reinvented (Sobrevilla, 2008, pág. 240). Some call this phenomenon "syncretism" and others "miscegenation", but regardless of the appropriate term to call this cultural process, the truth is that it is about incorporations that do not destroy but preserve, which explains the validity of the Andean culture.

How is it possible to talk about a world order where a sustainable tourism could be appeared? Under which conditions a sustainable tourism takes place in an Andean order? Is it possible to dream an anti-capitalism order where mankind and nature could live together? Let us see a sustainability order in a new logic.

Sustainability Logic for a Tourism of Life

Everyone talks about sustainability all over the world. Most of the countries and their institutions proclaim a real change on this. A sample of this is The World Tourism Organization or UNWTO with 156 countries confederated. UNWTO is the United Nations agency in charge of promoting responsible, sustainable and universally accessible tourism.(OMT, 2020). As a reference to the topic we discuss about, sustainable tourism has objectives (Europraxis, 2007, pág. 19) as it follows:

Economic viability

Local prosperity

Job quality

Social equity

Visitor satisfaction

Local control

Cultural wealth

Physical integrity

Biological diversity

Efficiency in the use of resources

Environmental purity

Besides sustainable tourism, the Millennium Development Goals (Europraxis, 2007, pág. 19) are seen as an opportunity to achieve several macro objectives local and abroad. They are:

- 1: Eradicate extreme poverty and hunger
- 2: Achieve universal primary education
- 3: Promote gender equality and women's autonomy
- 4: Reduce child mortality
- 5: Improve maternal health
- 6: Combat HIV / AIDS, malaria and other diseases
- 7: Ensure environmental sustainability
- 8: Promote a global partnership for development

There is a remarkable aspect where objectives and Millennium Goals meet together. In fact, the objectives for a sustainable tourism fit well when you have to eradicate poverty, help women's autonomy as well as gender equality, protect environment and a global partnership promoting. Focus on this, sustainable tourism for Ecuador presents real opportunities to improve the living conditions of the entire population. First of all, it could be through the articulation of private and community businesses in value chains that directly and indirectly generate employment. On the other hand, the demand for tourist services where you can get authentic experiences becomes a great chance to be satisfied.

Challenges presented by the United Nations World Tourism Organization or (UNWTO) to fight against poverty through tourism are:

1. Tourism promotion as an instrument for poverty reduction through a sensitization of actors in the touristic area.
2. Creative and better ways to reshape the visitor spending outcome to poor and local economies ever visited before.
3. Effectiveness of tourism pilot projects and their escalation against poverty.
4. Pilot projects promotion and their several settings widely spread.

In spite of capitalism and its perverse neoliberalism and the way they cause a great damage in the tourism area as they get accustomed to the highest benefit. Also, and according to sustainable tourism and its principles, different and attractive ways to a new approach to the

phenomenon must be established now. This paper shows a way where it could be possible. This information will be obtained through qualitative analysis of data applied to the representatives of both micro and small businesses, as well as the enterprises of the popular and solidarity economy.

This will allow to identify territorial tourism systems, in order to seek synergies and empower residents through knowledge transfer or specialized training in tourism-related techniques, such as: lodging, food and beverage, customer service, entrepreneurship, financing, etc. taking advantage of the potential of existing natural, landscape and public resources (CEDIA, 2020, pág. 5).

A sustainable tourism, in this proposal should look like Yasuní-ITT Project proposed to let in soil 846 million barrels of oil from the ITT Block in the Yasuní National Park. In exchange, from the International Community, Ecuador would receive half of what Ecuador would have generated by exploiting the reserves of oil from this place in the heart of Amazonas. Thus, Ecuador establishes goals in the creation of alternative energy sources that respect the environment and in social policies. The total to be raised was estimated at 3.6 billion dollars, half the value of the oil not extracted, in a period of 13 years. The other half would be assumed by the Ecuadorian government (Becerra, 2016, pág. 29).

The main objective of this project is to contribute to the fight against climate change and set up a change of production in the country. This unique and unprecedented initiative on the planet would prevent the emission of more than 407 million tons of carbon dioxide into the atmosphere as well. For the first time in history, a mechanism was presented that proposed avoiding CO₂ emissions into the atmosphere instead of reducing them, and was accompanied by one of a specific proposal to combat climate change: Yasuní-ITT Project. Finally, the Yasuní-ITT main proposal is not only to preserve a piece of the lung of our planet, but leaving the oil under the ground to set an example and make the world aware that a change in the energy matrix is necessary. (Becerra, 2016, pág. 29).

According to this model explored by Ecuador, three kinds of people could appear in a new way of sustainable tourism to economies in Latin America. Assets are those who feel and suffer with the community, that is, those who share daily events, assemblies, tasks, burials, festivities and everything that happens in the community. On the other hand, Cooperators are those who feel but do not suffer with the community, that is, those who have emigrated and from their new places of residence long for and support their people or community. Finally, Defaulters are those who do not feel or suffer with the community, that is, the uprooted who do not participate in the vicissitudes of the community, neither inside nor outside. They are the acculturated, those who have chosen to place themselves in anthropocentric positions.

In this way, assets are the people who really want a change in the economic world order and along endogamy people like tribal communities and some interested persons who are really involved in a new and contra hegemonic way of rule and taking advantage of natural resources. Cooperators are so close to assets, in this case would be millions of tourists all over the world who really want to change the world into a friendly and suitable space for living and share. Defaulters are not interested in such a big and important enterprise and they are allies of nature destruction as well as capitalism rule for every human transaction with other humans as well as nature. Extractivism is an incarnation of a model imposed in Latin America, which essentially maintains a pattern which consists in providing natural resources to satisfy

the demands of both the industrialized economies of the North as well as those which are in full growth like China (Chicaiza, 2012, pág. 130).

Following a holistic point of view where Andean logic get into an economic and political sustainable tourism would change upwards the present order. Pachasophia give us a guide to consider both sustainable tourism and economy. Be part of a world where everything is part of everything, a relation of all with all make compatible tourism with nature as well as economy in service of both. Since economic principles take advantage of nature, a new economy can open advantages of sustainable tourism where every gain let them free.

Ways to do it are innovative and rare but a real "new normality" after Covid-19 make it possible if we really want it. This project longs to reach this goal and show a way to do it. All the time reports are declaring the same because political will is engage with a devastating economy that is looking for selfish accomplishments and the highest benefits. This is part of it in a world where sustainability is destined to utopist:

.... Some of these breaches were: that the environmental authority did not verify or require the holder of the concessions, the expansionary environmental impact studies in accordance with current legislation; that the annual programs and budgets were not required, thus limiting the control and monitoring action; nor was it verified that the compliance audit is comprehensive, and that the programs of the Environmental Management Plan are detailed; and finally, that the competent ministries did not develop actions to implement prior, free, and informed consultation processes for the indigenous communities, peoples, and nationalities of the area of influence, in order to obtain their consent for the development of extractive activities. (Chicaiza, 2012, págs. 129-130).

Extractivism, on the root of a neoliberalism that accomplishes goals wherever it can manipulate income out of capitalism strategies works under the following principles:

The territorial reordering based on the commodification of the territories and their integration to the dynamics of financial accumulation of global capitalism

The transfer of macroeconomic decisions to foreign direct investment and investors (especially economic growth, investment and employment).

The geopolitics that integrates extractivism into the new processes of struggle for world hegemony, where the processes of concentration and centralization of capital on a world scale have intensified.

Regulatory convergence towards the definitions of the World Trade Organization (WTO), free trade agreements and the conformation of the investor and foreign direct investment as new subjects of contractuality structured under the rule of law.

Social control and discipline, especially due to conditional cash transfers and the use of social fiscal spending as a political legitimizer.

The integration of territorial infrastructures based on the accumulation of capital and the formation of new power blocks.

The new institutional architecture for regional political integration that alters the blocks of world power (BRICS, UNASUR, BNDES).

Violence, social criminalization and the "heuristic use of fear" as a mechanism for political domination, and the resolution of conflicts across the territories and the control of society by paramilitaries, drug trafficking mafias and terrorism.

Hegemonic and authoritarian political systems supported by election mechanisms.

The epistemological colonization in which universities converge towards market mechanisms (Bologna reforms) and articulate forms of knowledge-power inherent in the accumulation of capital (Verónica Albuja y Pablo Davalos, 2013 , págs. 84-85).

Coming to a Commitment Where a Sustainable Tourism Plan Could Be Joined to An Economic Principle of Responsibility

Tourism could not be longer be part of an industry linked to capitalism. Those called "environmental services" are not only privatization of water, carbon markets, the tourism industry, paying for environmental services, biotechnology; geotechnology, biofuels, among others (Verónica Albuja y Pablo Davalos, 2013 , pág. 83). If ecotourism can become a new economic alternative and a complement to extractive activities with all benefits, conflicts and tensions for indigenous groups, it is not desirable in a context where capitalism has exploited everything (Azevedo, 2007, pág. 198).

Here comes a main principle in the sustainable tourism: "There is no way to conceive ecotourism as a market made up for a group of consumers willing to pay the high prices to satisfy their desire to appreciate wildlife and perhaps experience other cultures, customs and traditions and meet indigenous peoples following the example of indigenous societies" (Azevedo, 2007, pág. 197). Following this perspective, ecotourism initiatives must be prepared with financial, human, marketing, and especially transportation and logistics appropriate resources, in order to achieve the expectations of ecotourists.

Some of the experiences where capitalism takes place over ecotourism ideas and platforms are not good enough to the people they trust in. Those people, especially indigenous ones were able to establish higher levels of control of their territories, in spite of the pressures of the logging, mining, oil and specifically tourism developed by private ecotourism operators. As a matter of fact, they only use indigenous lands and natural resources to take advantage of them as cheap labor in the worst jobs, without bringing them social, cultural and ethnic benefits (Azevedo, 2007, pág. 195). There is no way to talk about sustainable tourism where it is offered as a market -based solutions for sustainable tourism that preserve invaluable social and environmental capital for the well-being of local people around the world as EplerWood International (EWI) declared (Epler, 2020).

EWI provides innovative systems for companies, NGOs and governments to build competitive resource-efficient economies that benefit all members of society. They also provide market research, business plans, financial and investment plans, and other economic and social entrepreneurship tools to help countries or destinations develop the capacity they need to professionally deliver sustainable ecotourism. Finally, initiatives like this oversees the development of sustainable tourism as a tool to economically benefit underserved rural populations and as a means to support the conservation of protected areas and biodiversity (Epler, 2020).

From the perspective that collective initiatives are not viable from the market point of view and in order for them to obtain satisfactory results by generating income through the constant

tourist flow, experiences, under any model of operation and support, need to have the following requirements: the sale of quality and differentiated products, facilitating access to all essential information to visitors such as the nature of the offer, location, type of transport, degree of logistics, prices, guide services regional and bilingual. Furthermore, the absence of technical support and training through agreements with local governments are challenges for the effectiveness of such a competitive market, mainly in the Ecuadorian Amazon.

Market and community failures have occurred in general terms due to the absence of investments for the training of indigenous groups so that they can have the necessary skills to enter a market that is very different from their subsistence economy, their way of life, symbols and worldview of the world. Here, the productive chains could be promoted so that the projects do not use their profits in the importation of food, in this way, the costs will decrease and the economic benefits would be greater for the whole community where the project is located (Azevedo, 2007, págs. 196-197). Those ideals could be representative to a devastated economic world that keep on urging on these topics:

Industry: advice on adventure and ecotourism operations, hotels, tour operators, cruises and transportation.

Environment: managing mainstream sustainable development and ecotourism.

Poverty alleviation: creating income-generating opportunities for the bottom one billion.

Business: development of micro and medium-sized companies in local economies.

Government: advice on regional and national planning of tourism development, growth and policies.

Conclusions

As Ecuador and the Andean countries contemplates and navigates through the growing pains associated with any transition from social invisibility nation to a peaceful claim to their ancient cultural rights and find a place with prosperous rights in economics, education and culture, that lets build a new ways of development and could be Andean tourism with its own cultural, economic, and philosophical identity of Latin American indigenous peoples.

Educational training programs, and education more broadly, can help produce a populace with enhanced skills and abilities to support local, regional and national development strategies as well as to promote democratic values, attitudes and behaviors. It is compelling to argue that both phenomena, increasing education and promotion of democratic ideals, are desirable outcomes for an indigenous society struggling to transform itself and to emerge successfully from its forgotten era transition.

In a forgotten society, the reestablishment and consolidation of democratic values, attitudes and behavior—indeed democratic institutions themselves—are paramount. However, democratic institutions alone are not sufficient to guarantee majority rule with respect for minority rights and democratic stability. It is the values and norms to which the citizens adhere that provide the ultimate guarantee. This means a willingness to tolerate the rights of those who disagree with the majority and hold opposing views. In the absence of such tolerance, democratic stability will be weak at best.

Therefore, in addition to support for democratic institutions, there must be ample public support for political tolerance, and elite and powerful groups must demonstrate tolerance towards the opposition and other minorities for a stable democracy to flourish.

Another key component to any notion of democracy and a fundamental building block of democratic theory is the centrality of participation to the democratic process. Education and training programs can foster, encourage and support indigenous community and political social organizations to build a real multicultural state.

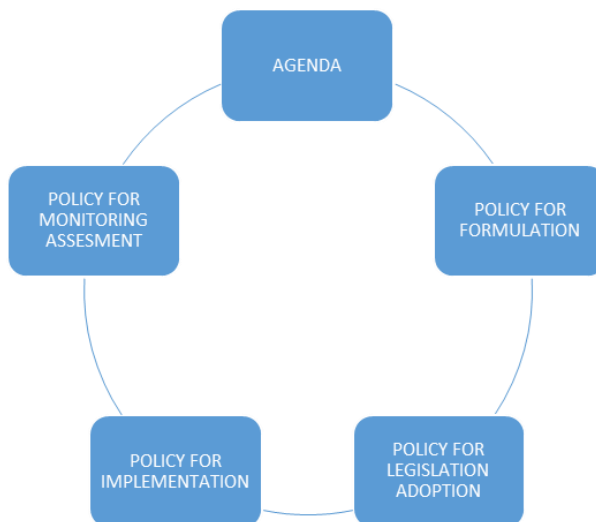
Participation in these training programs and organizations often stimulates innovation and promotion in defense of democratic processes and institutions built upon the notions of trust and reciprocity. It is important to support an alternatives approaches of economic development as both an end in itself and because it is a critical element in promoting sustainable development. This objective is facilitated through the establishment of democratic institutions, free and open markets and an informed and educated populace.

In Ecuador and most of the countries in the Andes, still a restricted political participation by a multitude of factors. Not all citizens have equal access to the political process. Factors affecting access include distance from voting stations, fear of government retaliation, fraud, limit participation and in many cases limitations placed on indigenous and peasant women who are faced with competing obligations in the rural and urban sector, restrictions placed on peasants and indigenous who cannot afford to leave the source of their livelihood, etc. Education has proven to be a powerful predictor of political participation. Specifically, those who have a higher level of education tend to participate more.

Recommendations

Greater and high quality of education for communities of indigenous and peasants definitely equips citizens with the intellectual tools to be able to link their economic, political, social and cultural interests with their behavior in defense of the millenarian natural resources, but, perhaps more importantly, it gives them community respect so that when they participate they will be taken seriously by their peers. Education is directly related to income and those with higher incomes have more free time to participate and find it easier to obtain the resources to participate.

Therefore, future studies that examine the role of the indigenous communities and Pleasants in local, regional and national economic development strategies in society may do well to include a more extensive analysis of the critical roles that increased educational and training programs can have on the institutionalization and consolidation of democratic stability and processes of a new way of economic development based on a cultural tourism for the Andes.



Political process to make a project into reality. Source: Self-made

The visibility for a political project immersed in social interests and sustainable tourism must be directed through a strong platform for decisions. For this reason, it is considered a relevant organization in the region as the Andean Nations Community (ANC). As it could be inferred from the graphic, an agenda is required to bring about a necessity in order to formulate a first policy in charge of contemplate and analyze reality. This is driven to a formal legislation to create a law and public policies for the Andes countries, integrated as a one community to be implemented in real life and make improvements for its members, and can be determined a new way of social structure with a given order. Furthermore, the whole process is monitoring through a permanent evaluation to check the integrated community of countries and to check the progress and correct procedures.

An example could be given to illustrate the process. An agenda could determine the lack of promoting tourism in the Andes through the governments and its diplomacy services it can be the link between tourism of the Andes and international relation of Colombia, Ecuador, Peru and Bolivia. The configuration of the respective proposal must be written and supported by theoretical and technical criteria. Once a project is discussed and considered by specialists, it goes to be presented and approved by authorities in charge of legislation on this matter. They could declare it as a law to be considered and widely diffused among citizens in order to apply its contents in the problematic area. Moreover, it is strictly revise periodically to improve eventualities.

According to this insight of the political procedure to get a relevant social product, the neglect of the governments regarding the regulation that drives and supports this historically undervalued tourism sector could be come to its end. The participation in social projects and laws that strengthen a sustainable tourism community could be leaded by the ANC in the region and every nation belonging to it. No more delays, no more particular initiatives, no intermediaries but several proposals from diverse points of view of the ecotourism and its real participants in the field.

Besides, educational new perspectives would be spring out to empowering indigenous communities and peasant people. They will be able to create formational spaces by regular institutions as universities or colleges or be qualified in different areas in order to fulfill old and empty spaces to grow in leadership and local protagonism. Ways to do it are innovative and they compelled to call a "new normality" in order to make it possible if we really want it.

That's why this project longs to reach this goal and show a way to a new order with an Andean cosmivision as it has been declared before. Nowadays, socio-political aims are engaged with a devastating economy that only look for selfish accomplishments and the highest benefits of some power groups and their interests.

Finally, the role of the indigenous communities and peasants in local and regional has been deplored for years and it is necessary new economic and development strategies to support western civilization. Critical analysis of social and economic phenomena should be increased through these new educational and training programs by new educative institutions raised by the Andean world. Consolidation of real democratic stability and processes of a new way for economic development are required to break old premises as well as prejudices on indigenous and peasant peoples and their protagonic role in a sustainable tourism.

References

- [1] Azevedo, L. (2007). *Ecoturismo indigena*. Quito: Ediciones Abya-Yala.
- [2] Barretto, M. (2005). *Turismo etnico y tradiciones inventadas [Ethnic tourism and invented traditions]*. In A. Santana & L.L. Prats (Eds.), *El encuentro del turismo con el patrimonio cultural: Concepciones teoricas y modelos de aplicaci on* (pp. 3956). Sevilla: FAAEE- Fundacion El Monte
- [3] Barreto, M. (2007). *Turismo y Cultura. Relaciones, contradicciones y expectativas [Tourism and culture: Relationships, contradictions and expectations]*. La Laguna: Pasos. Retrieved 9 May 2020 from <http://www.pasosonline.org>
- [4] Barth, F. (1969). *Ethnic groups and boundaries*. London: Allen and Unwin.
- [5] Barth, F. (2003). *Tematicas Permanente e Emergentes na Analise da Etnicidade [Current and emerging themes in ethnic analysis]*. In H. Vermeulen & C. Govers (Eds.), *Antropologia da Etnicidade. Para Alem de "Ethnic Groups and Boundaries"* (pp. 1944). Lisboa: Fim de Seculo.
- [6] Becerra, T. (2016). *¿Por qué fracasó la iniciativa Yasuní-ITT?* Madrid: Instituto Universitario de Desarrollo y Cooperación IUDC-UCM .
- [7] Blangy, S. (1999). *O despegue do ecoturismo [The takeoff of ecoturism]*. *O Correo da Unesco*, AugSept, 3233.
- [8] Bricker, K.S. (2001). *Ecotourism development in the rural highlands of Fiji*. In D. Harrison (Ed.), *Tourism and the less developed world: Issues and case studies* (pp. 235249). Wallingford: CABI Publishing.
- [9] Bruner, E.M. (1995). *The ethnographer/tourist in Indonesia*. In M.F. Lanfant, J.B. Allcock & E.M. Bruner (Eds.), *International tourism. Identity and change* (pp. 224241). London: Sage.
- [10] Carla Barbieri, Sandra Sotomayor & Claudia Gil Arroyo (2020) *Sustainable Tourism Practices in Indigenous Communities: The Case of the Peruvian Andes*, *Tourism Planning & Development*, 17:2, 207-224, DOI: 10.1080/21568316.2019.1597760

-
- [11] CEDIA. (2020). Gestión integral del turismo en las comunidades del Parque Nacional Cotacachi-Cayapas, Imbabura. Quito: www.cedia.edu.ec.
- [12] Chicaiza, G. (2012). Extractivismo minero: Motivo de violación a los derechos humanos y de la naturaleza. *Horizonte de los derechos humanos*, 129-136.
- [13] Epler, M. (25 de junio de 2020). EplerWood International. Obtenido de EplerWood International: <http://www.eplerwoodinternational.com/>
- [14] Estermann, J. (2006). Filosofía andina. Sabiduría para un mundo nuevo. La Paz: ISEAT.
- [15] Europraxis, E. C. (2007). Diseño del Plan Estratégico de Desarrollo de Turismo Sostenible para Ecuador "Plandetur 2020". Quito: TOURISM & LEISURE ADVISORY SERVICES (T&L).
- [16] García, J. J. (2007). La etnonormativa andina . En C. Zapata, *Intelectuales indígenas piensan América Latina* (págs. 74-95). Quito: Ediciones Abya-Yala.
- [17] OMT, O. M. (25 de junio de 2020). UNWTO. Obtenido de UNWTO: <https://www.unwto.org/tourism4sdgs>
- [18] Sobrevilla, D. (2008). La filosofía andina del P. Josef Estermann. *Solar*, n.º 4, año 4, 231-247.
- [19] VALLEJO, Jaime Rodrigo Moreno; KERCHIS, Donald E.. Household Economy in the Rural Sector of the Border Region between Ecuador and Colombia and Alternatives to Overcome Poverty. *European Journal of Economics and Business Studies*, [S.l.], v. 5, n. 2, p. 106-117, aug. 2019. ISSN 2411-9571. Available at: <<http://journals.euser.org/index.php/ejes/article/view/4545>>. Date accessed: 10 july 2020. doi: <http://dx.doi.org/10.26417/ejes.v5i2.p106-117>.
- [20] Verónica Albuja y Pablo Davalos. (2013). Extractivismo y posneoliberalismo:el caso de Ecuador. *Estudios críticos del desarrollo*, vol. iii, núm. 4, 83–112.
- [21] Weaver, D. (2010). Indigenous tourism stages and their implications for sustainability. *Journal of Sustainable Tourism*, 18 (1), 43-60.
- [22] Wilson, T.D. (2008). Introduction: The impacts of tourism in Latin America. *Latin American Perspectives*, 160(35), 3-20.
- [23] Yang, L., & Wall, G. (2009). Ethnic tourism: A framework and an application. *Tourism Management*, 30, 559-570
- [24] Zoettl, P.A. (2010). *Capa del Indio [Indians in disguise]*. Anthropological documentary on DVD. Lisboa: Peter Anton Zoettl.
- [25] Zorn, E., & Farthing, L.C. (2007). Communitarian tourism. Hosts and mediators in Peru. *Annals of Tourism Research*, 34(3), 673-689.

Changing Health-related Behaviour Leveraging Data Analytics

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Abstract

This paper explores the potential of Data Analytics in Behavioral Epidemiology and Changing Health Behavior (CHB), especially amongst the youth with regard to biomedical and well-being informatics, which plots the essential attributes of Big Data and delineates the relations among restorative and well-being informatics. The translational bio-informatics, sensor informatics and clinical diagnosis help a person in effective management of their wellness and prosperity. Data Analytics has the potential to harness diagnostic information not only to obviate morbidity to a great extent, but also bring down the expenses on therapeutic and/or clinical diagnosis, intervention and management.

Keywords: Changing Health Behaviour, Health Enhancing Behavior, Health-Compromising Behavior, Big Data, Data Analytics, Behavioral Epidemiology, Health Informatics.

1. Introduction

A person's behaviour is a primary determinant of his or her health status. Behaviour is responsible for 50% of a person's health status followed by environment (20%), genetics (20%) and access to care (10%) (*Institute for the Future, Centre for Disease Control and Prevention, US*). Eight unhealthy behavioral patterns and risks lead to fifteen costly chronic medical conditions that drive 80% of the cost for all chronic disease worldwide (*The World Economic Forum, 2010*).

The youth, adolescents or teens, are the future of this planet and their health-related behavior reflects a pattern different from others. However, the health-related behavioral pattern in the youth has received only limited empirical attention. Therefore it needs due attention and investigation as the lifestyle of the youth may have significant implications not only on their morbidity and mortality, but also on the general costs to society. Morbidity refers to the condition of being ill, diseased, or unhealthy; while mortality

refers to the death rate. Hence, both morbidity and mortality have significant implications for adolescent health-related behavior (*Kimm, S.Y.S., Glynn, Nancy W. et al, 2002*). Many of the most significant challenges in healthcare such as smoking, bad-eating habits, and poor adherence to evidence-based guidelines can be resolved, if we can influence behaviour (*Vlaev, Ivo et al, 2016*).

Changing Health-related Behaviour (CHB) refers to the motivated and voluntary acts of gradual withdrawal from Health-Compromising Behaviors (HCBs) and subsequent adoption and continuation of Health-Enhancing Behaviors (HEBs). Some prominent health compromising or risky behaviors are Usage of Tobacco and Tobacco products, Lack of Physical Activity/Regular Exercise or Yoga, Bad Dietary Habits, Not having close to recommended Body Mass Index (BMI), Irresponsible waste disposal, Not using Disposable Syringes, Unsafe Sex, and the like. Changing Health-related Behaviour (CHB) is thus the effort

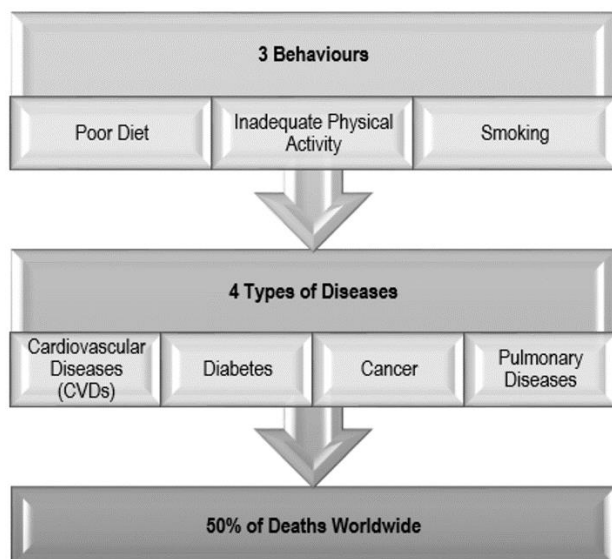


Exhibit-1: The 3-4-50 Framework

made by an individual to change one's habits to prevent diseases. According to the "3-4-50 Framework" (*Exhibit-1*); originally developed by the Oxford Health Alliance in response to global concerns about chronic disease; 3 behaviors (poor diet, little to no physical activity and smoking) alone lead to 4 types of diseases (heart disease/stroke, diabetes, cancer, pulmonary disease) that in turn account for 50% of the deaths worldwide.

With appropriate intervention, the healthcare costs as well as the general costs to the society-- morbidity and mortality--- may be brought down drastically. As much as 36% of health care spending could be eliminated by just focusing on three key areas: Consumer behaviour that contributes to unnecessary care, Inefficient or unnecessary clinical care, and Operational inefficiency related to health care delivery (*Mathews, Christopher J., 2013*). Even modest improvements in preventing and treating disease may, by 2023, avoid 40 million cases of chronic disease and reduce the economic impact of chronic disease by 27 percent, or \$1.1 trillion annually (*Robillard, Jean, 2010*). It is for this reason that in public-health interventions, emphasis has been on changing behaviors so that the negative or harmful consequences that follow such health compromising or risky behaviors get minimized.

2. Big Data in Healthcare

The term "Big Data" is used to refer to the massive high-speed, complex and inconstant information that need advanced techniques to enable its capture, storage, dissemination, management and analysis of information (*Agrawal, K., 2015*). Big Data are huge and complex electronic data-sets that are practically not manageable with traditional software or hardware or common data management tools and techniques or methods (*A Frost & Sullivan White Paper, 2012*). The volume of Big Data generated globally may be estimated by the fact that in 2011 alone, 1.8 ZB (Zettabytes) of data (1ZB= 10²¹ Bytes or 1 Trillion GB) were created globally which equates to 200 billion, 2 hour-long HD movies, which may need 47 million years to watch. Surprising enough as it may seem, this volume of data is expected to double and every year going forward (*TechAmerica Foundation, 2012*).

Although Big Data has existed for a long time, its application in healthcare research and management has been a recent phenomenon. In healthcare industry, Big Data is enormous due to its volume, diversity of data types and the speed at which it needs to be managed (*A Frost & Sullivan White Paper, 2012*). In healthcare, Big Data may be generated from diverse sources which may be clubbed into the following broad categories:

1. *Human Interventions (HI)*: Electronic Health Records (EHRs), Physicians' Prescriptions/Notes/Emails, Clinical Decision Support Systems (CDSS), Computerized Physician Order Entry (CPOE), Buying behaviour, exercise (Gym memberships), government sources and reports, emergency-care data, articles in medical and other journals, etc.
2. *Digital Platforms (DP)*: Web pages; blogs and social media posts such as tweets, status updates on Facebook and other platforms like WhatsApp, Instagram, LinkedIn; Smartphone Apps, news feeds, and the like.
3. *Biometrics*: Finger prints, retinal scans, handwriting, genetics, diagnostic images, blood pressure (BP), pulse-rate and pulse-oximetry readings, and the like.
4. *Machine-to-Machine (M2M)*: Readings from remote sensors, sensors, GPS tracking, meters and other clinical and diagnostic devices at diagnostic centers and laboratories.
5. Business Operations' Records (BOR): Pharmacies' billing records, Medical Insurance Claims, etc. (available mostly in semi-structured and unstructured formats).

3. Data Analytics in Healthcare

The term "**Data Analytics**" is used to refer to a set of qualitative and quantitative techniques and processes used to enhance productivity. It involves a set of processes--- inspection, [cleansing](#), [transformation](#) and [modeling](#) of [data](#)--- to elicit useful information and support decision-making. In **Data Analytics**, **data** is extracted and categorized to identify and analyze behavioral **data** and patterns. The potential advantages of application of Data Analytics in the healthcare sector can be viewed from the developmental changes. Gradual digitalization of various activities in this digital era is making access to information viable at various levels, ranging from single-doctor operating independently to multi-doctors operating at a clinical set-up.

Healthcare industry generates huge amount of data through clinical examination, personal records, genomics, diagnostics and medical or surgical interventions. Earlier, these data were

stored in hard copies; however, with massive inflow of data the need for digitization is imperative. This systemization of data through **Data Analytics** gives a support in terms of an effective health management. **Data Analytics** has the potential to identify healthcare issues before they become ungovernable. Information derived from **Data Analytics** is conducive for professionals to come up with effective and dependable diagnosis and analysis. The outputs may help taking informed decision-making and develop the healthcare systems and processes more effectively and efficiently. **Data Analytics** therefore lends an immense opportunity to manage essential health data, early detection/identification of diseases; thereby providing pre-emptive diagnosis, bringing down cost of treatment and save lives.

The Big Data generated in the healthcare industry from diverse sources can be harnessed to gain a more thorough and insightful diagnoses and treatments, leading to higher quality healthcare at lower costs. For example; by analyzing a patient's profile (demographics, symptoms, lifestyle, behavioral patterns, etc.), cost and outcomes of medicare the most appropriate medical intervention--- the optimal clinical-care required and the most cost-effective treatment--- may be identified. Advanced analytics (e.g., segmentation and predictive modelling) may be applied for patient profiling and proactive identification of individuals who may be the beneficiary of predictive or preventive medicare or lifestyle changes. Data Analytics may also be used for Broad-spectrum profiling of diseases to identify predictive events and support preventive interventions. Medical procedures' data may be collected and published, thereby helping the patients in determining the care protocols that offer the best value. Advanced analytics may also be applied for detection of incidences of fraud and verifying the accuracy and consistency of claims. There also lies a tremendous potential for **Data Analytics** to facilitate the identification of new drugs which could be a boon for the pharmaceutical industries and of course the users (*Ramadas, Amutha & Fatt, Quek Kia, 2018*). **Data Analytics** may also be used to address the mobile health and lifestyle issues like nutrition, physical activity, and sleep. Availability of contextual information is an essential aspect to access influence of the process. **Data analytics** tools can comprehend the existing relation between social and physical behaviors, genetic factors, nutrition and development of any mental/physical diseases. Further, using *mHealth* in the form of mobile apps, it may be possible to help patients manage their healthcare, locate healthcare services providers and improve their health. By application of Data Analytics, it may be possible to monitor such patients vis-à-vis their adherence to prescribed drugs and treatment regimens and help detect trends that may lead to individual and population wellness benefits. Thus, Data Analytics may be used to change one's health-related behaviour and promote and induce health enhancing behaviour (HEB) amongst the masses; especially the youth; by prevention, early detection, timely intervention and optimal management in an efficient and sustainable way.

4. Behavioural Epidemiology and Data Analytics

Epidemiology is the branch of medical science that deals with the incidence, distribution, and possible control of diseases in a population. The term "Epidemiology" is derived from the combination of three [Greek](#) terms--- "epi" which means 'upon' or 'among', "[demos](#)" which means 'people' and "[logos](#)" which means 'study' or 'discourse'. Thus literally, Epidemiology means "the study of what is upon the people". The behavioral epidemiology constructs explore two major issues; first, the issue of physical activity amongst children and adults and second, the physical activity during childhood and adolescence has an impact upon their adulthood health. These issues can be studied under the factors of disease and risk of disease. The major results are Obesity, Cardiovascular Disease (CVDs), Psycho-social

Outcomes, Type-II Diabetes and Skeletal Health. (*Biddle, Stuart J.H., Gorely, Trish & Stensel, David J., 2004*)

Cardiovascular Diseases

Though Cardiovascular Diseases (CVDs) are usually evident at the adulthood or at the old age, its emergence sets in during childhood, primarily during adolescence, due to inappropriate behavioral factors like unhealthy food habits, lack of physical activity and exercise. It is important to stop the occurrence of CVD at an early age. During adolescence, CVD exhibits risk factors such as High Blood Pressure and Cholesterol. The influence of exercise and physical activity helps in limiting the blood pressure. In addition, behavioral scientists argue that adequate physical activity is essential for maintaining a conducive health behavior.

Obesity

Obesity in the youth is related to their wellbeing conditions, for example, Dyslipidemia and the primary cause of the danger of Type-II Diabetes (*Stensel, D. J., King, J. A. and Thackray, A. E., 2016*). Youth obesity is additionally considered as a solid indicator for it (*Whitaker, R. C., Wright, J. A., Pepe, M. S., Seidel, K. D., Dietz, W. H., 1997*) which, therefore is related with the medical issues during their adulthood (*Must, A, Jacques, P. F., Dallal, G. E., Bajema, C. J., Dietz, W. H., 1992*).

Inadequate physical activity is linked to the incidences of diagnosis of obesity in children and young adults. Evidence suggests that children are having significantly less energy these days as compared to youth 50 years ago. (*Durnin, 1992*). Recent evidences also indicated comparatively lower level of physical activity (*Kimm et al., 2002*). Researches have also indicated that exercise and adequate physical activity during childhood and adolescence are the most effective remedy to counter obesity with proper dietary habits (*Epstein, Leonard H., Meyers, Michelle D., Raynor, Hollie A. & Saelens, Brian E., 1998*). Physical activity and exercise can be seen as an effective remedy to stop the rising incidences of obesity and other related diseases.

Psycho-Social Outcomes

There is a well-established conviction that physical activity is characteristically best for the youngsters with encouraging psychosocial results. These include confidence, balanced state of mind and cognitive functions. Generally, any sort of sports or activity is viewed as conducive for psychological well-being of an adolescent stepping into adulthood. Exercise apparently also impacts the self-esteem. The probability of a physically fit person suffering from psychiatric disorders is found to be low. *Steptoe and Butler* (1996) in a report emphasized that more than 5,000 British teenagers acknowledged mental prosperity with physical health.

Skeletal Health

Skeletal Health refers to the health of the Skeletal System of the body and the bones and is reflected by the bone density, a low bone density condition clinically being referred to as Osteoporosis. Though Osteoporosis is predominantly under the hereditary control of individuals, there are some behavioral and ecological factors too that regulate its incidences; for example, diet and physical activity (*Ralston, 1997*). In this way, physical activity is significant for the youth and delayed maturity that might be advantageous for catalyzing bone development and consequently forestalling Osteoporosis further down the timeline. Weight-

bearing activities like strolling, hopping and weight-lifting, etc. enhance bone mineral thickness in children and adults as it has been shown in intervention trials.

Data Analytics offers an ideal platform to analyze, secure and render informative solutions for such behavioral and life-style generated diseases and their possible control. Big Data meta-analysis is substantially used to analyze the sedentary behavior and physical activity of the youth. Big Data captures the complex determinants for evaluation of this behavioral change. Information extracted involves details regarding sample size, age, gender, socio-economics and ethnicity, etc. Thus, complex data information and its efficient management form an essential aspect to analyze the correlation between sedentary life-style and physical activity in the youth (*Pearson, N., Braithwaite, R. E., Biddle, S. J. H., Sluijs, E. M. F. van & Atkin, A. J., 2014*). The possible control of behavioral and life-style generated diseases like CVDs, Obesity, Skeletal Health, Psycho-social issues and Type-II Diabetes need considerable informative background for which the enormous amount of Big Data available from various sources may be of great help for a thorough diagnostic insights and preventive and predictive treatment or possible control, leading to higher quality healthcare at lower costs. Thus, **Data Analytics** can have immense potential and importance in Behavioral Epidemiology, holding essential data of adolescent health in the identified population, and possible control of diseases in that segment.

5. Changing Behaviour Leveraging Data Analytics

A conceptual framework for Changing Health-related Behaviour Leveraging Data Analytics has been illustrated under Exhibit-2. Raw healthcare data generated from various sources and often available in multiple formats (flat files, .csv, relational tables, ASCII/text, etc.) needs to be pooled and aggregated for the purpose of Data Analytics. This raw data needs processing or transformation for which various options are available. One option may be a service-oriented architectural approach combined with web services (*Raghupathi, W et al, 2007*). Another option may be data warehousing, wherein data from various sources is aggregated and made ready for processing; although the data is not available in real-time. The data from diverse sources may be cleansed and readied through ETL (Extract, Transform and Load). Several data formats can be used, depending upon whether the data is structured or unstructured, as input to the Data Analytics platform.

In the next step of the conceptual framework, appropriate data input approach, design, tool selection and analytics models, etc. may be

decided depending upon the requirements. After that, Data Analytics may be applied for generation of queries, reports, MDA (Multi-

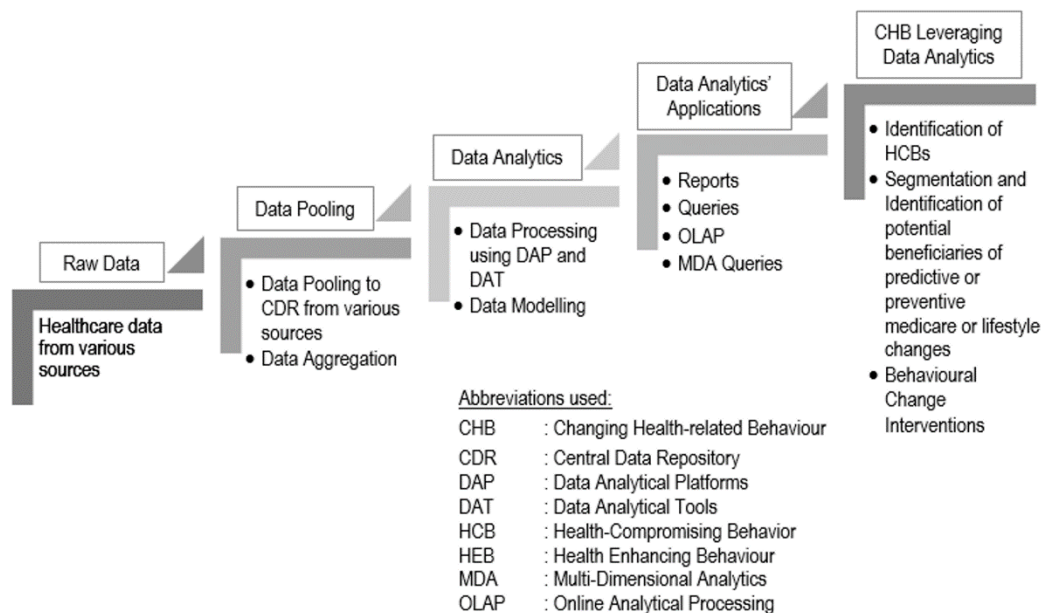


Exhibit-2: A Conceptual Framework for Changing Health-related Behaviour Leveraging Data Analytics

Dimensional Analytics) queries, OLAP (Online Analytical Processing) and Data Visualizations. Appropriate techniques and technologies are available for aggregation, manipulation, analysis and visualization of big data in healthcare. Powered with these applications, Health Compromising Behaviors (HCBs) of individuals and the individuals indulging into HCBs as well may be identified by analyzing their profile (demographics, symptoms, lifestyle, behavioral patterns, etc.). Similarly, through segmentation and predictive modelling, individuals who may be the beneficiary of predictive or preventive medicare or lifestyle changes may be identified. Predictive events and supporting preventive medical interventions may also be identified through broad-spectrum profiling of diseases.

Once HCBs of individuals and the individuals indulging into HCBs are identified, appropriate behavioral change interventions may be made; once again leveraging Data Analytics; using Location-based Social Marketing Interventions by sending them frequent preventive or predictive flash messages, SMS and emails on their mobile phone. In the same way, appropriate behavioral change interventions may be made for individuals who may be the beneficiary of predictive or preventive medicare or lifestyle changes. In case a large number of individuals with HCB or individuals having potential for predictive or preventive medicare or lifestyle changes are found in a certain population or geographical area through Data Visualization, behavioral change interventions may be appropriately up-scaled using advertisements and celebrity endorsements on print and electronic media, campaigns, etc. in that location to promote Health Enhancing Behaviour (HEB). Thus, Data Analytics may be leveraged to change one's health-related behaviour and promote and induce health enhancing behaviour amongst the masses; especially the youth; by prevention, early detection, timely intervention and optimal management in an efficient and sustainable way.

6. Conclusion

In spite of the immense potential for application of Data Analytics to change Health-related Behaviour of the people in a big way and promote and induce health enhancing behaviour (HEB) amongst the masses, it faces several major challenges also. Some of the most prominent challenges may be data ownership, reliability, fragmentation, standardization, governance, use and its security; data protection regulations; interoperability; information reconciliation confinements, industry preparedness; architectural issues; lack of infrastructure and the like. The dynamic availability of various data analytics algorithms also need to be made accessible at a larger scale.

To reap out its optimal benefits, Data Analytics and its applications need to be a user-friendly, transparent and secure. Now that Data Analytics has become more prevalent, issues like privacy, security and data governance, improving the tools and technologies, etc. also need urgent attention. Although **Data analytics** potentially offers an incredible prospect of data management, there needs to be further efforts in making sure data collected is devoid of any error. The data in fact needs to be dependable, for its long-term application. Though, application of **Data Analytics** in healthcare is still at a nascent stage, rapid developments in platform and tool techniques may boost it which ultimately may be beneficial for the healthcare.

References

- [1] Robillard, Jean (2010), "Changing behaviour can change health", *Corridor Business Journal*, June 7 - 13, 2010.
- [2] "The price of excess: Identifying waste in healthcare spending," (2012), *The PricewaterhouseCoopers Health Research Institute*.
- [3] Vlaev, Ivo & King, Dominic *et al* (2016), "The Theory and Practice of "Nudging": Changing Health Behaviours", *Public Administration Review*, July | August 2016.
- [4] Mathews, Christopher J. (2013), "Strategies for Changing Members' Behaviour to Reduce Unnecessary Health Care Costs", *Benefits Magazine*, September, 2013.
- [5] Bian J, Topaloglu U, Yu F, Yu F, "Towards Large-scale Twitter Mining for Drug-related Adverse Events", *Maui, Hawaii: SHB*; 2012.
- [6] Agrawal, K. (2015), "Investigating the Determinants of Big Data Analytics' Adoption in Emerging Economies", *Academy of Management Proceedings*, Vol.2015, No.1, pp.11290.
- [7] Raghupathi W, Raghupathi V, "An Overview of Health Analytics", *Working paper*; 2013.
- [8] **"Drowning in Big Data? Reducing Information Technology Complexities and Costs For Healthcare Organizations" (2012), A Frost & Sullivan White Paper.**
- [9] "Transforming Health Care through Big Data: Strategies for leveraging big data in the healthcare industry" (2013), *Institute for Health Technology Transformation, New York*.
- [10] Biddle, Stuart J.H., Gorely, Trish & Stensel, David J. (2004), "Health-enhancing physical activity and sedentary behavior in children and adolescents", *Journal of Sports Sciences*, Volume-22, Issue-8.

-
- [11] Raghupathi, Wullanallur & Raghupathi, Viju (2014), "Big Data analytics in healthcare: Promise and potential", *Health Information Science and Systems*, 2014, 2:3.
- [12] Stensel, D. J., King, J. A. and Thackray, A. E. (2016), "Role of physical activity in regulating appetite and body fat", *Nutrition Bulletin*, 41, 314–322, British Nutrition Foundation.
- [13] Whitaker, R. C., Wright, J. A., Pepe, M. S., Seidel, K. D., Dietz, W. H. (1997), "Predicting Obesity in Young Adulthood From Childhood and Parental Obesity", *The New England Journal of Medicine*, 1997 Sep 25;337(13):869-73.
- [14] Must, A, Jacques, P. F., Dallal, G. E., Bajema, C. J., Dietz, W. H. (1992), "Long-term Morbidity and Mortality of Overweight Adolescents. A Follow-Up of the Harvard Growth Study of 1922 to 1935", *New England Journal of Medicine*, 1992 Nov 5;327(19):1350-5.
- [15] Durnin, J. V. G. A. (1992), "Physical activity levels--- past and present" in N. G. Norgan (Ed) *Physical Activity and Health*, Cambridge University Press, pp20-27.
- [16] Kimm, Sue Y.S., Glynn, Nancy W., Kriska, Andrea M., Barton, Burce A., Kronsberg, Shari S., Daniels, Stephen R., Crawford, Patricia B., Sabry, Zak I., Liu, Kiang (2002), "Decline in physical activity in black girls and white girls during adolescence", *New England Journal of Medicine*, Vol. 347, No.10, pp.709–715.
- [17] Epstein, Leonard H., Meyers, Michelle D., Raynor, Hollie A. & Saelens, Brian E. (1998), "Treatment of Pediatric Obesity", *Pediatrics* (ISSN 0031 4005), Official Journal of the American Academy of Pediatrics, 101 (Supplement 2) 554-570.
- [18] Steptoe, A. S. & Butler, N. (1996), "Sports participation and emotional well-being in adolescents", *The Lancet*, [Vol.347, Issue 9018](#), pp1789–1792
- [19] Ralston, Stuart H. (1997), "Science, Medicine, and the Future: Osteoporosis", *British Medical Journal*, [Vol. 315, No. 7106 \(Aug. 23, 1997\)](#), pp.469-472.
- [20] Ramadas, Amutha & Fatt, Quek Kia (2018), "The Usefulness and Challenges of *Big Data* In Healthcare", [Journal of Healthcare Communications](#), 3:21. doi: 10.4172/2472-1654.100131.
- [21] "Big Data Technologies in Healthcare: Needs, opportunities and challenges" (2016), *Big Data Value Association*
- [22] Pearson, N., Braithwaite, R. E., Biddle, S. J. H., Sluijs, E. M. F. van & Atkin, A. J. (2014), "Associations between sedentary behaviour and physical activity in children and adolescents: a meta-analysis", *Obesity Reviews*, 15, 666-675, August 2014, published by John Wiley & Sons Ltd on behalf of International Association for the Study of Obesity.
- [23] Raghupathi W, Kesh S (2007), "Interoperable electronic health records design: towards a service-oriented architecture", *e-Service Journal* 2007, 5:39–57.

The "Fusion" Between Direct Democracy and Representative Democracy Towards a Concept of Participatory Democracy

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Abstract

Democracy is an ancient institution that takes us back to ancient Greece, despite its age-old age, has been the center of many philosophical debates several times. Without any doubt this form of government, although very critical, has an extraordinary ability to survive, persist and preserve over the centuries. Perhaps because it has been able to take different forms according to the historical needs of a country. Many authors have focused on the theme of democracy, and argued for ideas other right on its potential survival in the modern, globalized world as we know prevails more representative system of democracy. Today it seems that there is a claim of direct democracy but also there is a certain difficulty of the citizen committed to a life with unbridled pace of being able to reconcile social life with the public life. With the birth of new national and supranational institutional dimensions, such as those of the European Union, there is also a need for a new model of legislative participation, and here we see the birth of a different form of democracy, a middle ground between direct and indirect democracy, that is, participatory democracy. The latter presents itself as a push from below to bring its voice to political, decision-making and legislative institutions. The goal of this analysis, is first of all investigate and reason about what is the best form of democracy, that is direct, or to representative and participatory. To get to these considerations, the argument need for a historical and philosophical journey reaching out to a legal definition. Therefore, the topic will need to be compared with the institutions that are linked to it, such as the European Citizens' Initiative. The ambition is to understand also the democratic challenge of the European institutions, this through a historical, legal and philosophical investigation, with the aim of better understanding the legal reality of an instrument as important as that of democracy, where individuals are primary.

Keywords: direct democracy, representative democracy, participatory democracy, European Citizens' Initiative.

Introduction

As we have already stressed, democracy takes us far back in time, and on this aspect scholars are all in agreement, we see its birth in the city-state of Athens, (5th-6th century BC).

Its true etymology also grasps its true essence, in fact democracy means government or strength of the people.

Scholars believe that the classical democracy known in Athens had the characteristics of a direct form of democracy, in that the citizens could personally participate in the important decisions for the community.

These assemblies were called *ecclesia*, and it was the place where citizens could debate and discuss issues affecting the whole of society.

It is noted that these assemblies could only make sense in not very large societies, since bringing together all the individuals, or agreeing on a large number of individuals, became very difficult. Here the moment of the decision needed a not very high and contained number of citizens (H. Kelsen, 2010).

This is a reality that can be found even today in modern states, in truth it seems that direct democracy also works much better today in small states, such as Switzerland.

The question that naturally arises is, when does direct democracy become a representative democracy? Understanding this historical passage is very important for our analysis as the key to understanding the evolution of this governing mechanism so influential for our times.

It would seem that, the power of the State has snatched the directed democracy at the population, and instead it is not so, it was the citizens who gave up their democracy as they were taken up and occupied in other social and economic affairs.

In fact, with the economic development of the Greek city-states, and with the ever-growing form of a free market, the citizen prefers to be represented in government affairs. Here is the moment we see the birth of representative democracy.

It is believed that one of the facts that transformed the form of democracy is the abolition of slavery, so that having to do so many jobs alone for the ancient Athenian citizen, there was not much time left for political affairs. The representative model arose precisely as to help the individual in the exercise of his public and political functions.

In this case, democracy from direct becomes indirect, from participatory it becomes representative. Here the political representation is recognized by the citizen himself, the latter entrusts it with his choices and the management of his freedoms.

We also see this model of representative democracy, that is indirect, in other historical moments, and the French Revolution that adopts it, considering it a form capable of reflecting the demands of citizens. Democracy becomes a method, a system for returning sovereignty to the people who delegate it to their representatives. The sovereignty of the people as a principle is an important novelty in the modern order and is still a cardinal principle (J. J. Rousseau, 1970).

This concession is made precisely through the so-called social contract, and here democracy becomes a modern institution which is regularized not according to customary norms, but with important norms, such as constitutional ones and that affect the entire legal framework. Democracy thus presents itself as a superior principle, capable of affecting the rules that must be produced by the legislator, and capable of also being used by the constitutional judge.

Also, in the English legal system it is believed that the most effective model is that of representative democracy, where today it is still thought to be the only possible and functional form.

The concern of ancient scholars, who estimated that democracy was a form of government that could not have long life, this consideration did not come true. It has proven itself, not only capable of resisting the times, but also capable of influencing other forms of order, taking different shapes and appearances, adapting to the needs of modern, European and globalized society.

Democracy, even today in united Europe, is a form through which decisions can be made in such a way that the modern European citizen does not feel out of the choir.

Today in the era of globalization, democracy, one of the oldest institutions, transpires more modern than ever, it also seems that it will be able to influence the systems of the future, as through democratic systems it is possible to continue and make global decisions.

The holders of democracy

As we highlighted in the previous pages, from its etymology, democracy means government of the people, its definition makes it clear from the outset who are the owners of it.

In particular, following the universal suffrage, the debate on who are the real holders of democracy seems to have passed. On the other hand, it is noted that democracy has always been linked with the notion of citizenship, that is, the citizen of a given state, is the holder of the democracy which is granted to it by the provisions of the Fundamental Charter. In this perspective, the foreigner, excluded from many participation rights, such as the right to vote, cannot be subject to that particular democracy (C. Chmitt, 1982).

Today, with the phenomenon of economic globalization and with the union of the old continent, this theory seems outdated or at least needs to be revised, re-examined and reviewed in a different light. Since citizenship is European and why not, also global.

Cosmopolitan citizenship has often been criticized by scholars, such as Sartori who believed that democracy must be defended from contamination of multiculturalism, that is, a pure democracy (G. Sartori, 2001).

Contrary to this doctrinal vein, we find Ferraioli, the latter highlights how democracy is the means for integration and must serve to defend multiculturalism (L. Ferraioli, 1994).

Instead, democracy must belong to all those who are subject to its rules, that is, to the democratic rules laid down in the various fundamental charters (F. J. Bastidia Freijedo, 1998).

Direct democracy and indirect democracy, essential traits.

A minimal definition outlines democracy as, *"Those regimes characterized by the real guarantee of political participation of the adult male and female population, and of the possibility of dissent, opposition and even political competition"* (M. Cotta, D. della Porta, 2001).

It is noted that democracy as an instrument of government is a multidisciplinary topic. Since it was born it has evolved together with the life of the company.

Thus, we can seize a participatory form of democracy, that is, the need for direct citizen involvement in decision making. In this case the representation of the formally elected is no longer a required form.

It is the legal rules that dictate the moment and the tools when a citizen can use his person as a means of social decisions. But despite this, there may also be voluntary means of democratic

participation, that is, instruments not provided for by legal norms. Because voluntariness is an important element of the direct form of democracy.

But that we can talk about democracy we need four essential elements. The first is undoubtedly universal suffrage, that is, both men and women must vote. The second element is free elections, while the third is political pluralism which in turn makes the elections competitive. Instead the last element is the source of information. Last but most important element because without it the vote can be conditioned by the tyranny of disinformation (M. Cotta, D. della Porta, 2001).

Citizen decisions through this form are a significant contribution to making decisions that impact the whole community. This is why the state must create the conditions so that all members of a certain political ideology can access the decision-making process.

On this occasion we must underline how the jurist plays a very important role as he must always update himself on social reality, on economic and political phenomena (F. Viola, 1994).

Le decisioni dei cittadini tramite questa forma sono un contributo significativo affinché sono delle decisioni che hanno un impatto in tutta la comunità. Ecco perché deve essere lo Stato a creare le condizioni in modo che tutti i membri di una certa ideologia politica possono accedere al processo decisionale.

But is participation a reality, or just a utopia?

If you want to give a realistic answer to this question, you must first understand what the level of trust of the representatives is, how much they conquer their decisions and what are the boundaries of such representation and participation. In this case, democracy takes on different levels in each country. Here is another side of democracy, that of multilevels, and that there are different levels of democracy in different countries, disparate, different and unequal levels. (E. Dagnino, Paris, 2007).

Representative democracy, today is the most used form, the representative represents the interests of the nation, but in particular it represents the particular interests of citizens.

Bobbio points out that, "the only way of understanding when we speak of democracy, as opposed to all forms of autocratic government, is to consider it characterized by a set of rules, primary or fundamental, which establish who is authorized to take the collective decisions and with what procedures." (Bobbio, 2005).

Also, it is noted that the birth of political parties played a very important role in the representative form, since the representative is above all a specialized official who in the name of the citizens questioned debates on important legislative and political issues. Here the political party takes this responsibility and becomes a means of representation, and a plural means of social communication. Hence the reason why pluralism is an important principle of fundamental charters and liberal states.

The principle of political pluralism is necessary for the institution of democracy. Consequently, even the deprivation of the representative's activity is only negated by the failure of the voters to send a mandate. Here the vote takes an important meaning as through it someone assumes our clothes, and asks for our rights, so that our freedoms are respected and guaranteed through the production of the laws.

For many philosophers, as also for Rousseau, direct democracy cannot exist, because it is impossible that most of the people are always willing to take care of political issues, gathering in assembly and always discussing the *res publica*.

Direct democracy indicates that public affairs must be administered by all citizens or most of them because in reality democracy does not need unanimity, but only and only the majority. Therefore the minority is not excluded from the decision-making part as it plays an important role in the democratic system, but the thought of the minority is not taken into consideration in the democratic system. In reality, no system cannot take the minority into consideration. The latter always remains underappreciated or unrepresented when it comes to indirect democracy. Thus the *res publica* is in the hands of the majority of the sovereign people.

Bobbio points out that, in order to exist direct democracy but "in the proper sense of the word, that is, in the sense in which direct means that the individual participates in the deliberation that concerns him, it is necessary that between the deliberating individuals and the deliberation that it concerns no intermediary" (N. Bobbio, 1984).

This lack of an intermediary poses modern societies, moreover states with a certain number of citizens, facing a huge problem in being able to give life directly to the democratic system. Well, it is impossible for democratic doctrine to take place without unions, parties or other intermediate bodies, at least in the "big states". This is also the reason why many scholars believe that direct democracy can only be real in small states, that is, with a small number of citizens. Only in this case are individuals the protagonists of the democratic system.

Rousseau also believed that, in order to be pure, direct democracy must "housing" outside political structures and democracy must be based on the social contract, that is, in the undamental Charters (J. J. Rousseau, 1995).

It is relevant to note that the right to vote is an obligation in this system, because if citizens do not approach the polls and boycott the democratic system this implies the non-functionality and failure of the system itself. Here participation in public life becomes a necessity, a requirement of democracy, and voting a civil obligation. It turns out that democracy, even when it is representative, needs politically active and non-passive citizens.

On the other side, it must be highlighted that, not only in Europe but throughout the world, popular consensus is an important moment for those who govern. Consent gives strength and stability, however dissent can lead to disorder and weakness of the state (J. J. Rousseau, 2012).

What most sums up the direct form of governing is that it, "*differentiates the relative institutions from the elections as the main way of choosing the representatives*", is that which allows the people in comparison between the system of direct democracy and the representative one, it is central in the discussion, bearing in mind that in the second type, decisions are made "*by organs composed of elected representatives*" (G. Morbidelli, 1997).

It also states "*the term direct democracy describes a new relationship between citizens and their representatives, an evolution of the democratic system rather than its overcoming. The current democracy operates on the principle of delegation, not of direct participation: with the vote the voters' relationship with the candidates and with the choices that they will implement*" (G. Casaleggio, 2014)

Participatory democracy

Article 21 of the Universal Declaration of Human Rights states that "Everyone has the right to participate in the government of his country, both directly and through freely chosen representatives". This article highlights a link between the two forms of direct democracy and participatory democracy. The goal of our analysis will be precisely to understand which of these two forms of democracy best meets the needs of modern politics and the needs of a modern society, in the light of a united and tight-knit Europe around its European citizens.

As we have mentioned several times, indirect democracy requires sovereign power to be delegated by means of specific rules, predicted in the fundamental charters, where the people are expected to elect their deputies, i.e. representatives, through the vote. Instead, as regards the existence of direct democracy, it seems increasingly difficult to find a mechanism to bring it to life, even more difficult to divine this process when multiple states come together around a supranational organization such as that of the European Union.

What means, and what tools can be given to citizens to realize democracy directly?

The question seems to have a "digital" answer, as through these means it is possible to find a way to exercise this institution directly.

The last few years have seen a "return to fashion" of the direct form of democracy, both at the level of the European Union and internally in the countries, where the citizens themselves seem more careful to express their opinions and want to be part of the decision-making that they concern them, such as through referendums or through legislative initiatives.

An intermediate, hybrid form between direct and indirect democracy can be a solution, where in a sort of complementarity they balance and complement each other.

Another tool, modern and much discussed in recent years, is the institution of democratic partnership or better known as participatory democracy. This little-known tool seems to be able to respond well to the need of European citizens to participate in important choices.

In particular, it better known as the European Citizens Initiative, this procedure has existed for eight years and through it one million euro-citizens, from at least a quarter of the Member States of the European Union, can invite the European Commission to present a draft law in one of the areas of its competence. These sectors in particular are: agriculture and rural development; banking and financial services; borders and security; budget, business and industry; climate action; competition; consumers; culture and media; customs, digital economy and society; economy and finance and the euro; education and training; employment and social affairs; energy; environment; EU enlargement; European neighbourhood policy; food safety; foreign affairs and security policy; fraud prevention; home affairs; humanitarian aid and civil protection; institutional affairs; international cooperation and development; justice and fundamental rights; maritime affairs and fisheries; migration and asylum; public health; regional policy; research and innovation; single market; sport; statistics; taxation; trade; transport.

As can be seen, the sectors of the so-called "citizens' initiative" are limited, but they are not few, they are enough to embrace almost the entire life of citizens.

It should be noted that before launching an initiative, an organizational committee must be formed, which must be composed of at least seven citizens, the latter must be resident in at

least seven Member States of the European Union. Another important requirement is that the initiative must come from a minimum of 1 million citizens. If the initiative meets all the conditions here, the Commission can take it into consideration. A meeting between EU officials and the organizing committee is expected within three months of the popular initiative. The latter also has the opportunity to illustrate the initiative during a public hearing in the European Parliament. This is an opportunity through which the citizen's voice can reach supranational institutions.

Furthermore, it is expected that the Commission will give a formal positive or negative response where it should also explain the reason for the presentation or non-presentation of the law proposed by citizens.

Despite this, the European Citizens Initiative has never borne regulatory fruit, so this modern participatory initiative seems to be more pressure on the European legislator, as a rule that obliges the Commission to legislate on the proposed opinions of European citizens is not seen. Without a doubt, this appears to be a deficit of levels of democracy that exists in the European Union.

Conclusion

So classical democracy is based on the idea that citizen participation is not a *conditio sine qua non*, that is, it is not a condition without which it cannot occur. Participation takes on a secondary role because the citizen is engaged in private affairs. The representation was born as the voice of citizens who do not find the material time to be present in the form of direct democracy, also as a specialized representation, that is, a qualified *vox populi*.

Democracy therefore presents itself in multiple forms, where all its different nuances lead to a single objective, that of governing with, or in the name of, the sovereign people. Thus, the democratic principle and the principle of the sovereignty of the people are sides of the same coin.

Over the years, it seems that people feel the need to claim this sovereignty, and to be present again in making important decisions. Even more so when the European Union seems to be in crisis and solidarity is lacking. The participatory model of democracy best responds to these new European needs and beyond, in that it presents itself as a form of collaboration between power and the people and not as a delegation by the people to be represented. The latter model, that is, representative democracy, is not to be excluded, since participation also needs representation. That is, the representative model is a middle ground between the direct and indirect democratic model, that is, between direct democracy and representative democracy, in a sort of collaboration between public subjects and civil society.

We note that participatory democracy has an important impact in political life but also in institutional life, since it allows the citizen to be present and takes the initiative from the formation of laws, to planning, programming, up to the final moment, that is, the evaluation of results.

In this way participatory democracy translates into juridical norms capable and efficient to give life to the same participation (U. Alledretti, 2010). Through these rules, the citizen has the opportunity to decide firsthand on important issues affecting civil society.

It is always pointed out that participation requires a certain number of citizens and that decisions are always made according to the standard formula of democracy, that is, according to the rule of the majority and where unanimity can only be required in certain delicate situations.

Another characteristic is that the impulse to participate in democratic life must always come from below, that is, from the citizen himself, that's why 'both national and European institutions must give voice and means through which the people can participate in a democratic process that we can define as sharing. This can be achieved through a process of consolidation of the political awareness of national and European citizens, of increasing the democratic regularization of institutions and, finally, of combating abuses to ensure that the democratic process of participation is not corrupted.

Bibliography

- [1] AA.VV., *La filosofia politica di Rousseau*, by G. CHIODI, R. GATTI, Franco Angeli, Milan, 2012.
- [2] ALLEGRETTI U., (by) *Democrazia partecipativa*, Firenze, 2010.
- [3] BASTIDIA FREIJEDO F. J., *La soberanía borrosa: la democracia*, Published in *En Fundamentos: Cuadernos monográficos de Teoría del Estado, Derecho público e Historia constitucional*, no. 1, 1998.
- [4] BOBBIO N., *Il Futuro della Democrazia*, Einaudi, 1984.
- [5] BOBBIO N., *Il Futuro della Democrazia*, Einaudi, 2005
- [6] CASALEGGIO G., *Web ergo sum*, Sperling & Kupfer, Milan, 2004.
- [7] CHMITT C., *Teoría de la Constitución*, Alianza, Madrid, 1982.
- [8] COTTA M., DELLA PORTA D., MORINO L., *Scienza politica*, il Mulino, Bologna, 2001.
- [9] DAGNINO E., *Participation, Citizenship and Democracy. Perverse Confluence and Displacement of Meanings*, in C. NEVEU (by), *Cultures et pratiques participatives*, L'Harmattan, Paris, 2007.
- [10] FERRAIOLI L., *Dai Diritti del cittadino ai diritti della persona*, in Various authors, *La cittadinanza. Appartenenza, identità, diritti*, Laterza, Rome-Bari, 1994.
- [11] KELSEN H., *La democrazia*, 1929, il Mulino, Bologna, 2010.
- [12] MORBIDELLI G., PEGORARO L., REPOSO A., VOLPI M., *Il Diritto Costituzionale Italiano e comparato*, II edition, Bologna, 1997.
- [13] ROUSSEAU J.-J., *Il contratto sociale o Principi di diritto politico* (1762), in J.-J.ROUSSEAU, *Scritti politici*, Turin, Utet, 1970.
- [14] ROUSSEAU J.-J., *Lettera sugli Spettacoli*, translation in Italian, Aesthetica, Palermo, 1995.
- [15] Sartori, G., *La sociedad multiétnica. Pluralismo, multiculturalismo y extranjeros*, Taurus, Madrid, 2001.
- [16] VIOLA F., *Nuovi percorsi dell'identità del giurista*, in B. MONTANARI (a cura di), *Filosofia del diritto: identità scientifica e didattica, oggi*, Atti del Seminario di Studio - Catania, 8-10 maggio 1992, Giuffrè, Milan, 1994.

Structural and Functional Changes in Bosnian Family - Disappearance of the "Sofra"

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Abstract

The 'sofra' and 'me'edeba' are places where not only physiological needs of food consumption which are necessary for physical life are fulfilled, but they are also places where we prepare on fundamental, intellectual, emotional and social levels for participation in the society, adoption of basic knowledge about ways to satisfy own and others' needs for safety, belonging, recognition, love, (Self) respect, and living of aesthetic and intellectual values. Before we sit at the 'sofra', we participate in serving of the food, and we learn to listen to and look at each other, to educate all senses by exchanging impressions and opinions about tastes. If all meanings of 'sofra' and 'me'edeba' are satisfied, we always happily go back to that place, but we also know how to transfer that knowledge to the next generation. Therefore, we learn to adopt culture through enculturation processes. *The most explicit changes in dimension of adaptability and cohesion suggest that Bosnian family, besides social, economy, and political changes, passes through unprecedented and unique transformation, which could be connected to far more complex cultural changes – what we assume to be – transformation of normative / relational collectivism and individualism, increased migrations, different / changed role of religion, and a new paradigm of identity definition.* In that sense, this article represents an attempt to determine in what way different custom, forms and functions of Bosnian family, above all, the dominant structure and functions, changes throughout the past three decades.

Keywords: Bosnian family, tradition, family changes, the concept of the "sofra"

Introduction

The word 'tradition' has old linguistic roots. The English word originates from the Latin word 'tradere', which meant 'to transfer' or to 'entrust something to someone for safekeeping.' 'Tradere' was originally used in the context of Roman law, more specifically of inheritance laws. Property ownership which was transferred from one generation to another was given away with confidence – heirs were to protect it and take care of it (Giddens, 2005). The term 'tradition' is a product of modernity and it has been used in Europe for the past 200 years; there was no need to use it earlier, considering that people lived it, and that it surrounded them everywhere. It was popularised by enlighteners because they were enchanted by everything that was new, and the enchantment made them identify tradition with dogma and ignorance.

In the Arabic language, the term *turas* (تراث) is most commonly used for tradition, especially in the sense of Islamic tradition (التراث الإسلامي), whereas the term *taklid* (تقليد) refers more to

imitation, (blind) following, following one's footsteps. Interestingly, in that sense, the same root is also contained in words *mukalled* (مقلد), which means the one who follows somebody (e.g. madhhab), and *kalladetun* (قلادة) which means necklace, existence of a mutual connection and mutually correlated elements. What is blindly followed nowadays in contemporary societies?

According to Anthony Giddens (2005), the contemporary civilisation and transition to industrial and post-industrial societies represent a man's transition from the era of external risk to the era of manufactured risk, while the intention of enlightenment was to destroy the authority of tradition. This applies to societies that can be described as completely detached from nature. Following the accelerated cultural changes, nowadays we can conclude with great certainty that a tradition which loses its contents and becomes commercialized, in the hands of the heritage industry, becomes either heritage or kitsch, and heritage is tradition repackaged into a spectacle. Transfer of values from generation to generation is decreasing, and there is an increasing level of cultural recoding, especially of 'small' and 'inferior' cultures, the cultures that are distant from the centre of today's global nucleus. What does this mean?

Key changes that occurred globally can be explained through Anthony Giddens's ideas of the character of living in detraditionalized societies. Some of these changes imply that, in detraditionalized societies, the following is increasingly happening: Increase of produced risks, unlike former natural risks; production of coercions and addictions; changed definition of reproduction, sexuality and intimacy; moved position and definition of limits (physical, emotional, behaviours, opinions); life in non-nature; jeopardized culture of leisure and relaxation; and fundamental breakup between modern and post-modern family.

Almost without an exception, every today's culture could be analysed from the aspect of cultural reprogramming and de-traditionalization of 'cultural or developmental niche'. All meanings derived from the concept of 'cultural niche' are inseparable from nature. However, there is less and less nature in our lives, which undermines certain meanings of culture that imply that culture is a bridge between nature and the spirit. All of this was reflected in science as well, so one can speak of a simultaneous crisis of postmodern knowledge (Bajramović, 2010). These processes are directly reflected in the concept of health, diet, exposure to stressors and search for the meaning of a man who lives in contemporary and, as Anthony Giddens (2007) would characterize it, de-traditionalized societies.

The Concept of "Cultural Niche"

What determines the cultural model of bringing up and of typical family organization of life on the basic level is strongly dependent on characteristics of the environment as well. The importance of interaction of the environment and the way of everyday functioning of the family became the subject of serious consideration in mid-twentieth century, when the concept of ecological niche was introduced – as a sum of resources used within certain environment. Namely, different people can exploit different ecological niches within the same environment, and the concept of 'cultural niche' is derived from bio-ecological observation of one's life habitus. According to Çiğdem Kağıtçıbaşı, there are three development components of a cultural niche surrounding a child: eco-cultural context, features of parental ethno territory, and characteristics of educators in that culture that are determined by ethno territories (Kağıtçıbaşı, 2007). Drew Westen (1999) mentions one of the meanings of the ecological niche using the example of a correlation between the ruling type of economy and social relations that dominate in a culture. Societies that celebrate wealth, possession and

power in the context of own cultural niche encourage individuals to develop properties that will enable them to achieve the possession ideal themselves. On the other hand, some cultures derived from the values such as modesty and abstinence as ideals of decency the norms that even prescribe social punishment for excessive piling up of fortunes above the amount of material goods needed for life (or proper subsistence, survival) as determined by that culture and belief.

Such different understanding of possession within the ecological niche of a culture results in completely different socialization and education objectives that strive to develop properties that are viewed as ideal and that lead to the fulfilment of humanity – the main objectives of existence. A change of a cultural model most frequently follows the opposite direction: from customary harmonization with nature – towards conquering the nature; from the value of giving – towards possession... As stated above, in traditional societies (within the ecological and cultural niches), stability of social position and related roles influenced the stability of identity and the view of oneself as opposed to others. In traditional societies, humans lived in stable and clearly defined identities and roles, respected the nature and waited for the fruit to mature, thereby preparing to respect the final product which was ready for the dining table, for instance; therefore, all risks were completely natural. Introduction of the new comprehension of risk – manufactured risk – is closely related to the insurance flood, and insurance is justified if we believe that humans determine the future. We witness the detachment from nature on our dining tables, menus, in bosnian culture – '*sofra*' (derived from Arabic language), and then, through family and the increasingly dynamic life, everything we consumed as material and spiritual food is manifested through our behaviour. And this behaviour irresistibly reminds of the everyday 'real life mess' (Bauman, 1991, after: Chaney, 2003) in large cities: it is aggressive, fast, overwhelming, egotistical, focused on achievement and possession...

This is a summarized description of societies that can be described as completely detached from nature. The detachment from nature despiritualized contemporary man through the despiritualized science as well, and we uncritically adopt understanding of the health concept from magazines and websites dealing with health and 'beauty', instructions for bringing up children from summarized popular texts that offer instant solutions based on the 'three in one' principle, and skills for coping with stress from experts on duty who summarize the whole life philosophy in five to ten steps that widely open the door to happiness and optimism, giving us amnesty from the process, and too often from the responsibility which implies spiritual inventory of our everyday life. During all this time, we have less and less time for each other. Particularly for a joint dining table / *sofra*. Therefore, we have less and less joint moments filled with meaning and symbolic contents.

Methodology and researches useful for monitoring familial changes

During the past decades, theories of family changes and theories of family modernization approached from different angles the research of the family transformation phenomenon in contemporary societies. Particularly interesting is the research of changes that have overtaken societies marked as those located on the 'periphery of global cultural nucleus', which experienced dramatic transformations of structure, organization and of all forms of family functionality due to acceptance of numerous social reforms imposed from the (geographical, political and economic) West. The research of family changes is important because culture can

be understood through understanding of the family structure and organizations, and they were a special subject of research of numerous social disciplines.

Since in the paper of this format we do not have enough space for broader elaboration of all the most important concepts important for this analysis, we will emphasize only a few the most significant ones here. Thus, for instance, Jullian H. Steward (1955) who is deemed one of the precursors of ecological anthropology, presents the thesis that the environment and technology have a decisive importance for the definition of social organizational culture, and that they are directly related to the development and changes of culture, by which he lays the foundations of what is nowadays called ecological anthropology. Influences of ecological factors were researched within regional comparisons and regional traditions, and Alan Barnard (2000) differentiates three types of comparison in anthropology: illustrative, global and controlled (which includes regional comparison). Multinational comparative research presents a search for typical descriptions of different cultures and joint properties and value orientations of members of those cultures, considering national dimensions of culture. One of the most complete research of features of national dimensions of cultures within global comparisons is the one offered by Geert Hofstede (2001, 2005) who subsequently expanded the understanding of national dimensions of cultures to different standards of everyday behaviour and functioning in family bringing up, school, and society in general. Applying the correlation and factor analysis, Hofstede has managed to collect and compare results for almost 90 cultures, and talking about features of cultures based on research he performed since the late 60es to date, Hofstede presents the thesis that all cultures can be placed on bipolar scales: Power Distance (high and low), Uncertainty Avoidance, Individualism versus Collectivism, Masculinity versus Femininity values and Long-term versus Short-term Oriented Cultures.

A significant contribution to understanding of the characteristics of persons from different cultures was offered by the Israeli psychologist Shalom Schwartz (2007). By culture he implies a wide spectrum of meanings, beliefs, practices, symbols, norms and values that prevail among members of a society. A dominant value in a society can be the most important feature of that culture (Hofstede, 2001, 2005; Schwartz, 2007). When considering the cultural values, the author starts from three universal requirements that every culture strives to fulfil: Defining individual's attitude towards the society; Maintaining of the society; and defining the society's attitude towards natural environment. Schwartz believes that societies approach these requirements differently, which results in the establishment of a common group of main prejudices and beliefs about preferable state of affairs or preferable behaviour of individuals in every society. Based on research of 57 cultures, Schwartz et al. singled out seven foundational value dimensions, and the theory of cultural orientations which is developed by Schwartz classifies cultural responses to the three key issues facing all societies to three bipolar dimensions: *embeddedness versus autonomy (intellectual and affective)*, *hierarchy versus egalitarianism*, and *mastery versus harmony*.

The next large study of this kind is the one offered by a group of authors in the book: *Culture, Leadership and Organizations – The GLOBE Study of 62 Societies* published in 2004 (House et al, 2004). In the GLOBE study, authors grouped and classified cultures in view of different measures of cultural values. Based on the extensive research of cultural values that includes 62 societies, the GLOBE (*Global Leadership and Organizational Behaviour Effectiveness*) study classifies cultures to ten clusters considering their climate and regional characteristics. These clusters were developed based on inclinations of countries to similar or identical value

orientations and, according to authors of this study, there are nine such inclinations: *institutional collectivism, in-group collectivism, power distance, uncertainty avoidance, gender egalitarianism, assertiveness, humane orientation, future orientation, and performance orientation.*

As a reaction to methodological deficiencies with regard to laboratory-experimental results of research, and especially the approaches that focused on the linear causality in understanding the development of individuals, one of the most significant concepts from the second half of the 20th century arose - the one offered by Urie Bronfenbrenner within a cross-cultural project entitled *Ecology of Human Development*, which arose from the general system theory (Bronfenbrenner, 1997).

Bronfenbrenner establishes the concept of a developed system of eco-circles which characterize the position of every person in mutual interaction with others, exposed to different influences, with the person and their family in the middle. Urie Bronfenbrenner observes the functional inter-dependence which continuously exists between living organisms and the natural environment, and introduces a series of unavoidable variables in the construct of systemic causality, which recognize the cultural context of a child and of every individual.

The eighties and nineties of the last century can be described as the decades of individualism - collectivism. According to Çiğdem Kağıtçıbaşı (2007), a fuller understanding of the oppositeness of individualism and collectivism is not possible without an analysis of normative - relational categories within these dimensions. Normative individualism - collectivism relates to social norms, values, conventions (social, generally accepted agreements) and rules. In both dimensions, normativity describes to what extent an individual subordinates their individual interests or supports them, or submits them to serve group or social interests. Self-orientation implies relational dimension of individualism - collectivism, shedding light on the type and quality of relations that an individual establishes with others. Normative collectivism emphasizes interests of a group or team that the individual serves, which always have the priority. On the other hand, normative individualism supports and encourages individual interests, needs, rights and priorities (Kağıtçıbaşı, 2007). This is why 'normative' serves to describe dominant rules and values, and 'relational' serves to describe relations that are established within family in a culture.

We can use all listed researches within regional and global comparisons for an analysis of cultural recoding that the Bosnian-Herzegovinian society undergoes.

Changes in Bosnian familial structure and functionality

The attempt to verify previous theses through research can be found in the extensive study of *Value of Children Study* (Kağıtçıbaşı, 2007), which was performed in two occasions: the first study during 1970, and the second study, which compared the effects of social changes that affected family, during 2000. This study is important also because it enables monitoring of changes that have affected Bosnian-Herzegovinian society and family as well, within the concept of global and regional comparisons. The study included 20,000 respondents, mostly parents, mothers in reproductive age in Korea, the Philippines, Singapore, Taiwan, Thailand, Turkey, Indonesia, United States and West Germany.

According to Kağıtçıbaşı, the study shows that economic values are in a high correlation with fertility, son preference is highly correlated to societies dominated by collectivism and care

for elderly parents (given that the son is in charge of providing economic support to parents, whereas daughters marry and join husband's family), and that life in the city significantly affects all three value groups, considering that life in the city is expensive, and that children are an additional 'expense', even in dominantly collectivist cultures. Comparison between results of the two studies points to dramatic changes in the observed societies. Whereas in Turkey, for example, the utilitarian value of son preference was very strong during the seventies, and thirty years later, under the influence of urbanization, industrialization, and migration of population from rural to urban areas, the utilitarian values changed with time in favour of daughter preference. Namely, in the changed life circumstances, parents are clearly much more supported both economically and emotionally by daughters, which can be attributed to new types of family organization that was developed under the influence of all aforementioned social changes. Daughters' share in financial support to family and parents has increased, not only because of the way of dominant family functioning, but also due to the fact that the women's education and employment rates have been on the rise. At the same time, the percentage of psychological values has increased, considering lower child birth rates than in the past, and parents are facing new social expectations in terms of expressing satisfaction, pride, love, and finding more time in qualitative and quantitative terms for joint activities that parents provide to their children and receive from their children, and all these changes were strongly influenced by changed conditions of life organization as well.

These changes have been present in BiH society for a long time, too. The research we performed in 2017 (Pašalić-Kreso, Alić, 2017) on a sample of elementary school children established a substantial increase of permissiveness in parental behaviour. In this research, children described their parents as highly emotional, and very low-controlling, while descriptions in previous researches were the opposite – children mostly described their parents as highly-controlling, high controls were constant and expected, and this strong control pointed to different outcomes in terms of low or high level of emotionality. Obviously, our family changes very dynamically and quickly, and moves towards the increasing autonomy of its members. Another research (Alić, Cerić, Habibović, 2018a) of students' lifestyles shows that hedonism is the most preferred style (26.6%), and this lifestyle is equally lived by both male (23.7%) and female respondents (27.6%). It is interesting to note that more than one-fourth of students currently live a hedonistic lifestyle, which points to the dominant concept of youth, preferable state of affairs, but also to value orientations of youth that dominate in our society on individual and collective levels within the youth subculture. The very low preference of family-sentimental lifestyle points to the conclusion that family here experiences an unimaginable crisis. Official statistics show that young people increasingly delay marriage, they become financially independent from parents at an older age, and divorce rate has visibly increased. In the past decades, familial structure has transformed from hierarchical and multi-generational organization to dominantly nuclear organization, and due to increased divorce rate and remarrying of former spouses, the number of aggregated, reconstituted and blended families has been on the rise.

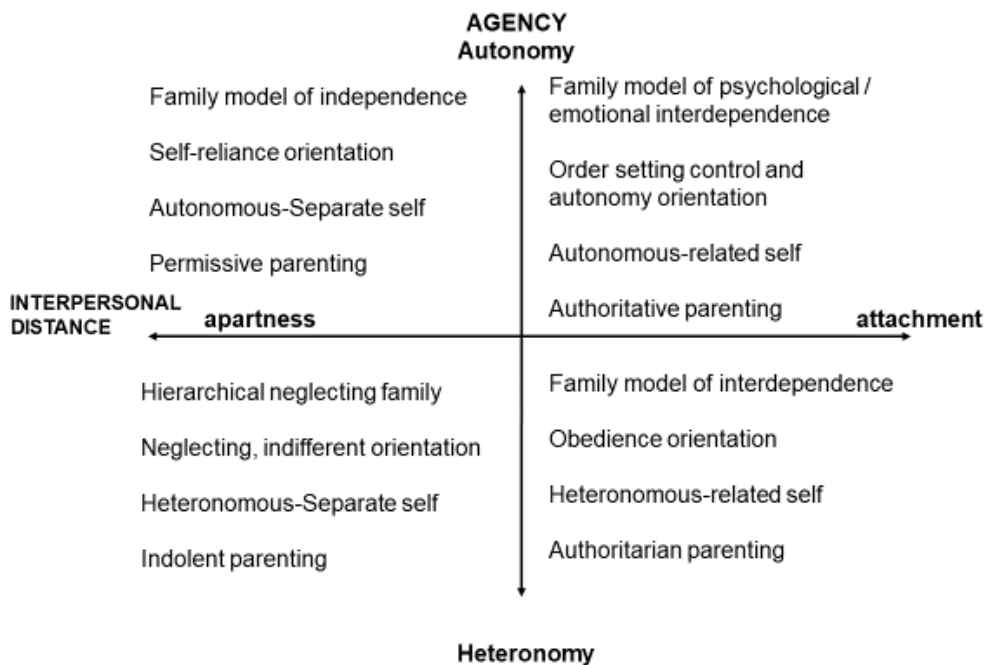
Our research performed on a sample of 457 students of the University of Zenica and University of Sarajevo (Alić, Cerić, Habibović, 2018b) shows that optimism correlates with higher level of empathy, intercultural sensitivity, and preference of the following lifestyles: religious-traditional, family-sentimental, cognitive style, hedonistic orientation and utilitarian style. Variables of higher assessment of father's and mother's emotionality proved to be important for the higher level of optimism. Favourable emotional climate in the family proved to be an

important factor for development of a mature and stable personality, and such individuals have the potential to develop new, emotionally literate generations. In a society like Bosnian-Herzegovinian, the importance of fostering a functional family proved to be evidently important for a higher level of optimism.

All these changes, be it uncontrolled or planned, eventually affected the dominant type of family organization in today's contemporary societies. Namely, according to Çiğdem Kağıtçıbaşı (2007), all forms and family types of functioning and organization could be presented in four ways (Figure 1):

- High level of connection and heteronomy (dependence),
- High level of connection and autonomy (preparation for independence),
- High level of separation and autonomy (preparation for independence), and
- High level of separation and heteronomy (dependence).

Figure 1. Agency, Interpersonal Distance and the Type of Selves and Parenting in Cultural Context (adapted according to: Kağıtçıbaşı, 2007:186)



This way of presenting the differences in child upbringing and parental treatment of children surpasses to some extent the one-dimensional understanding of individualism / collectivism, complementing the descriptions of normative and relational dimensions of these opposite cultural poles. Autonomy and connection could be viewed as basic human needs, considering that all of us express the need to belong, but also to confirm our individuality and originality at the same time. It is very difficult to balance these two needs, especially if the social context in which we develop contests these two needs, or encourages fulfilment of one need at the

expense of the other. Also, cultures of attachment / connection and cultures of apartness / independence affect the dominant type of family organization, division of roles, way of establishing the family hierarchy of relations, but also the self-development on the individual level.

This description of four simplified family organization types offered by Çiğdem Kağıtçıbaşı (2007) was created on the basis of inter-crossing of two key dimensions:

Activities of older generation towards autonomy (independence) and heteronomy (dependence), and

The way of building an interpersonal distance, in terms of attachment / connection (low distance) and apartness / separation (low distance).

Obviously, considering the autonomy / heteronomy and attachment / apartness, the general model of familial context and types of familial organization should be appreciated, not only in terms of the research of characteristics of a culture, but also of differences that occur within the scheme of causal chain between different families within the same culture, in view of numerous factors, such as: demographic features of a family, educational level, employment of parents, socioeconomic status of parents and of the family, number of children, sibling positions, presence of older generations in a joint household, encouragement to education, utilitarian values, psychological-pedagogical values, and socioeconomic values.

The practicality of this model is reflected in the fact that changes that occur in a society and affect changes in the family and vice versa can be followed and compared from time to time. Even without referring to researches, a handful of such examples can be found in the way of raising children in our part of the world. The most evident practice which was present until a few decades ago, when all close relatives, but also neighbours could take certain "disciplinary measures" against not only their own children, but also against children of their relatives and neighbours if they found them engaging in pranks and un-allowed behaviours. Nowadays, such practice may even end up at the court. Obviously, based on the model developed by Çiğdem Kağıtçıbaşı, referring to features of a Bosnian-Herzegovinian family arising from results of our research, one can conclude that our family transformed itself from the area of heteronomy and high attachment (dependence), towards the model of distance and autonomy.

Changes in lifestyle and housing conditions

The correlation between the state of the family and state of the society is identical to the principle of communicating vessels, and it is also reflected in the violent character of living which rises against the nature around us and within ourselves. Observing the life of modern man through the prism of bioecological model, which is mostly organized in complex city centres, one can see that life increasingly goes on in non-nature. We also identify superficiality in the lack of willingness to analyse the unconscious import of violence and of non-nature in our homes that are, in most cases, claustrophobic little apartments, piled up on one another in a reinforced-concrete unit called a building or a skyscraper. Aggressive and robust concrete complexes are places where anger and dissatisfaction are generated on everyday basis, and most people import the features of such ecological niche into themselves and transfer them to others (primarily children).

Who will persist in this robust architecture and return to it joyfully, calling it a warm home? This question is followed by questions about where children can play nowadays, streets and

traffic lights they have to cross every day, and the time we are willing to dedicate to each other both in qualitative and quantitative terms, and to what extent are we able to see the violence that sneaked into our lives? Jeopardizing the nature ecosystem, humans started jeopardizing the family ecosystem as well (Alić, 2012).

Such examples are also known in our culture, considering that a traditional human did not build settlements in places where nature could be jeopardized, or where underground waters were found. Also, a traditional house and a concept of urban and rural ghettos (in Bosnian tradition 'mahala') reflected spiritual needs and overall philosophy of human life, they were built of natural materials, as a reminder and a form of celebrating the God's gift – life. These houses also had their functional and social dimensions through which humans constantly established communication with the nature. Residential space also constitutes a kind of "regions" that divide social space in terms of time and space. Time-space convergences are adopted in this space, and they can have a significant impact on our interactions with other people. Rooms, hallways, kitchen and floors are not only physical spaces, but they mark special time zones. While we use kitchen and living room during the day, we use bedroom at night. We furnish the guest room in the spirit of 'forward' region, as a kind of a 'show' or 'presentation' of our life, while we decorate other rooms as 'back region', intimate areas reserved for daily routines (Giddens, 2007). Functional and social components of living in a traditional Bosnian house actually integrated residential regions and spatial-time convergences, defining specific interactions, movement, work, leisure and overall life of household members, but also relationship with neighbours (Čamo, 2005).

It is certain that we start developing attitude towards time and space in these residential 'regions', and that we can recognize consequences in the domain of health, building of attitudes towards others, adoption of symbolic notions of the world, but also in perceptions of own effort and responsibility, and of what constitutes happiness and fulfilment of life goals.

Changes of diet habits

The health topic which attracts increasing levels of attention relates to diet disorders and obesity, which are directly related to previous examples, and to the flood of the so-called 'fast-food', unhealthy food produced through completely 'unnatural' procedures. A series of studies point to the negative connection between weight and income in the USA: As people become wealthier, they tend to lose weight and become thinner / slenderer. In many other countries, the correlation is quite the opposite: as people become wealthier, they tend to gain weight more and more; actually, in those cultures, body weight is connected to fortune and wellbeing. Numerous studies actually found significant cultural differences in the perception of, and stereotype on satiety and obesity, and correlation with the perception of an ideal body, that can be connected to previous factors. Cogan, Bhalla, Sefa-Dedeh and Rothblum (1996, Matsumoto and Juang, 2003) asked students in Ghana, Japan and the United States about their weight, frequency of diets, social activities, perception of an ideal body, eating disorders and stereotypes of slenderness and obesity. They discovered that respondents from Ghana viewed obese bodies as more ideal in their society. Americans, particularly women, followed various diets in the highest percentage; they abstained from food more than others, had the largest number of registered eating and diet disorders, and expressed negative views of obesity.

Crandall and Martinez (1996, Matsumoto and Juang, 2003) obtained similar results. These researchers compared views of obesity between American and Mexican students. Results have shown that Mexican students are less concerned about own weight and acceptance by others,

compared to American students. Besides, views of obesity in the USA are obviously an integral part of the social ideology which says that every person is responsible for their own life outcome. Attributes of control and responsibility were less important in predicting the views of obesity in Mexico, where the antipathy for obese people could not be correlated to any ideological framework. This stereotype of preferable physical appearance also brought an important change in our culture as well, imposing the stereotype of slenderness and the 'forever young culture'.

Although medicine nowadays frequently labels particularly vulnerable populations as 'genetically predisposed', inclination to diabetes, lactose intolerance or to alcoholism should be actually sought in the stored memories of ancestors that were developed and are still developing in interaction with the environment and traditional dietary habits. Now we know that some persons are predisposed to alcoholism by certain genes on 4th and 11th chromosomes that control the metabolism of dopamine and alcohol dehydrogenase. This is why the same amount of alcohol can cause entirely different reactions in different people; for example, native Americans and Asians (Taiwan, China, Korea, Japan) react more strongly to small doses of alcohol than Americans of European origin, and the percentage of Asians suffering from strong reactions to small alcohol doses can be five to eight times higher than among Europeans or Americans of European origin (Nabhan, 2007). It is interesting that ethnic populations that produce too many alcohol dehydrogenase enzymes in liver and tolerate fermented drinks better because of that have a long history of cultures in which they were engaged in agriculture and livestock farming, with a long tradition of alcohol production and consumption. Some nations clearly developed biological adaptations to certain plants and other food they depended on during long time periods. The domination of packaged 'fast-food' full of additives in contemporary diet and sedentary lifestyle produced generations of people who are in the worst physical shape ever in the entire history of human kind (Nabhan, 2007). This wave of changes affected the Bosnian-Herzegovinian society as well.

Our family dining tables / *sofras* lost their dimension, contents, meaning and charm of a kind of family spiritual meeting place and refuge a long time ago. Under the influence, particularly of Islamic teachings, special attention was paid to paying respect to the food, even to crumbs that remain after a meal (*ni'met*). People nowadays eat in a rush more and more, while 'passing by', swallowing large bites and dispersing crumbs along the way. In the context of everyday differences that can be recognized between individuals who develop within individualist and collectivist cultures, Hofstede (2005) also mentions the following facts: namely, it was found that members of individualist cultures walk faster, but also that they are more inclined to eat or drink as they move.

In the past, much more importance was attributed to what people eat, sources of food, and to who prepares the food and in what (emotional) state in this region. The Bosnian-Herzegovinian tradition knows the term '*sofra*', which originates from the Arabic language, through Turkish language – *sofraya buyurun*, and in different meanings it refers not only to the place of having a meal, but also to a trip (سفرة ج سفرات), preparation for a journey, meal for a trip, travel / passenger (سفري), journey, drive, excursion (سفرية)... It is interesting to note that the word *sofra* has the same root like words passenger, travel, preparation for a journey, and it makes us think about what kind of journey we are preparing for at the *sofra* (dining table)?

In that regard, it should be noted that our tradition included a custom for people to plant fruits by the road so that passengers-passers-by (or travellers) can use the fruit during their journey.

Another term which is used with the same group of meanings, the word *me'edeba* (مأدبة) refers to the meaning of feast / *'sofra'* (مأدبة, تآدبة), but also to well-raised, decent, polite / *'muteddib'* (متآدب) and upbringing / *'edeb'* (آدب). Morphologically, it denotes the noun referring to a place, and it can denote a place of upbringing (Alić, 2018).

As if these related terms and meanings that those terms convey want to point to the importance of a house, fireplace, *'sofra'*, the central place where culture is adopted and put in the function of socially-acceptable behaviour through socialization, and of talk which resulted in cultivation i.e. good upbringing in the process of enculturation and socialization (Tufekčić, 2012, 2014). This central place of upbringing developments seems to be inevitable in the process of adopting symbolic perceptions and meanings of culture, the place of production and transfer of all spiritual capitals (connected to intellectual, emotional, wilful, moral, social, spiritual... capitals).

Obviously, *'sofra'* and *'me'edeba'* are places where not only physiological needs of food consumption which are necessary for physical life are fulfilled, but they are also (maybe even more) places where we prepare on fundamental, intellectual, emotional and social levels for participation in the society, adoption of basic knowledge about ways to satisfy own and others' needs for safety, belonging, recognition, love, (Self) respect, and living of aesthetic and intellectual values. We wash our hands before and after *'sofra'*, not only for hygienic reasons, but also for the purpose of adopting values and developing awareness of the fact that the supply / *'nafaqa'* (in the Islamic tradition) comes from God's mercy, and that we should not attribute it to ourselves. In one place, in his *Kitab of Sayings*, hafiz Husni efendi Numanagić (2018) mentions the example of all beautiful tastes and smells of food that come from soil which is saturated in tears of repentance of Adam and Hawa (Adam and Eve).

This is why there was always enough space at the *sofras* of our older generations... *'bujrun'* (welcome) to everyone... and an extra cup of coffee... for an unannounced guest (in Bosnian tradition, such a visit is called: *'to come out of the blue'*).

Before we sit at the *sofra*, we participate in serving of the food, and we learn to listen to and look at each other, to educate all senses by exchanging impressions and opinions about tastes. If all meanings of *'sofra'* and *'me'edeba'* are satisfied, we always happily go back to that place, but we also know how to transfer that knowledge to the next generation. Therefore, we learn to adopt culture through enculturation processes. It is not by chance that the accelerated philosophy of living and the *'fast food'* eating culture conquered the world by spilling over from the geographical and cultural space which is described as the world of individualistic cultures. As opposed to this concept, walking and eating at the same time will be deemed inappropriate in collectivist cultures, and a series of rituals related to the eating culture, socializing, and movement in intimate and non-intimate groups will be observed. These accelerated processes of lifestyle changes have also brought about a change in the field of understanding, both ethics and aesthetics in our daily lives.

Here, we can remember only one of the numerous rituals that characterize our culture – the coffee drinking ritual. This ritual exceeds the mere enjoyment in the favourite black and warm drink at the times of leisure – it actually depicts a fragment of a whole value system of intimation, socialization and introduction to the space of cultural standards. This is why we don't drink coffee with those who *'don't know how to drink it'*.

Discussion and conclusion

Following the accelerated cultural changes, nowadays we can conclude with great certainty that a tradition which loses its symbolic contents becomes commercialized and reduced to kitsch. Societies that live separately from nature and tradition (which is specific for most Western countries nowadays) make daily decisions which carry a dark side - increase of addictions and coercions. This is a feature of living outside of traditions, and detraditionalized societies witness constant increase of coercions and addictions, and of general anxiety as a result of the undermined freedom of choice (Giddens, 2005).

Summarizing the results obtained from a series of research of the Bosnian family, we can conclude that family here is being culturally recoded, obtaining the features specific for individualist cultures, the cultures of the decreasing *power distance*, with *short-term orientation* and *family distance model* (Hofstede, 2001; Kađitćibašić, 2007). This is a family which transforms itself from the *harmony zone* to *mastery value orientation* (Schwartz, 2007), from the area of *high context* to the area of *low cultural context* (Meyer, 2014), and from *humane orientation* towards *orientation to achievements / Performance Orientation* (GLOBE study, 2004). Life increasingly goes on in non-nature, and unlike traditional settlements that reflected the spiritual needs and arose from the overall human life philosophy, the contemporary housing space is an aggressive and unnatural environment where time-space convergences are adopted which are completely opposite to the traditional philosophy of life. Considering that we learn how to interact with others in that space, all social relations irresistibly remind us of the narrow environment of an apartment, the micro-prison setting which completely distanced itself from nature. Given that the '*sofra*', the space and time of a join meal was a particularly important ritual of adopting the contents of culture and time-space convergence, the disappearance of the '*sofra*' from our homes resulted in gradual disappearance of the symbolic contents of culture, which is why this is less and less of a ritual, and more and more becomes a routine.

References

- [1] Alić, A. (2018). *Kulturalni modeli odgajanja – uvod u antropologiju porodice*. Sarajevo: Perfecta.
- [2] Alić, A. (2012). *Struktura i dinamika obiteljske kulture*. Dobra knjiga.
- [3] Alić, A., Cerić, H., & Habibović, M. S. (2018a). Youth Culture Features in the Light of Preferred Role Models and Life Styles. *European Journal of Social Science Education and Research*, 5(2), 163-174.
- [4] Alić, A., Cerić, H., & Habibović, S. (2018b). Interdisciplinary View into Optimism and Pessimism in Emic Perspective. *European Journal of Interdisciplinary Studies*, 4(1), 7-17.
- [5] Alić, A., & Habibović, S. (2013). Approaching to Immigrant Families–The Scope of Transgenerational and Culture Shock Model. *Procedia-Social and Behavioral Sciences*, 84, 144-148.
- [6] Bajramović, M. (2010). *Bosanskohercegovačka metaproza*. Sarajevo: Bookline.
- [7] Bajramović, M. (2005). Ogledalo etike i naličje estetike. *Zeničke sveske-Časopis za društvenu fenomenologiju i kulturnu dijalogiku*, (02), 140-145.
- [8] Barnard, A. (2000). *History and Theory in Anthropology*. Cambridge University Press.
- [9] Beck, U., Beck-Gernsheim, E. (1995). *The Normal Chaos of Love*. Cambridge: Polity Press.

- [10] Bronfenbrenner, U. (1997). *Ekologija ljudskog razvoja*. Beograd: Zavod za udžbenike i nastavna sredstva.
- [11] Chaney, D. (2003). *Životni stilovi*. Beograd: Clio.
- [12] Čamo, M. (2005). *Kultura stanovanja u Sarajevu*. Sarajevo: Semerkand.
- [13] Doubt, K., & Tufekčić, A. (2019). *Ethnic and National Identity in Bosnia-Herzegovina: Kinship and Solidarity in a Polyethnic Society*. Rowman & Littlefield.
- [14] Giddens, A. (2007). *Sociologija*. Zagreb: Globus.
- [15] Giddens, A. (2005). *Odbjegli svijet*. Zagreb: NakladaJesenskii Turk.
- [16] Giddens, A. (2005). *The Global Revolution in Family and Personal Life*. In: Skolnick, A.S., Skolnick, J.H. (13th Ed.) (2005). *Family in Transition*. Boston: Pearson Education, Inc.
- [17] Hofstede, G.H. (2005). *Cultures and Organizations – Software of Mind*. New York: Mc Graw Hill.
- [18] Hofstede, G.H. (2001). *Culture's Consequences: Comparing Values, Behaviors, Institutions and Organizations Across Nations*. London: SAGE Publications, Inc.
- [19] House, R.J., Hanges, P.J., Javidan, M., Dorfman, P.W., Gupta, V. (2004). *Culture, Leadership and Organizations – The GLOBE Study of 62 Societies*. London: SAGE Publications.
- [20] Kağıtçıbaşı, Ç. (2007). *Family, Self, and Human Development Across Cultures*. London: Lawrence Erlbaum Associates Publishers.
- [21] Kottak, C.P. (2002). *Anthropology – The Exploration of Human Diversity*. Boston: McGraw Hill.
- [22] LeVine, R., New, R.S. (2008). *Anthropology and Child Development – a CrossculturalReader*. Blackwell Publishing.
- [23] Matsumoto, D., Juang, L. (2003). *Culture and Psychology*. Oxford: Oxford University Press.
- [24] Meyer, E. (2014). *The Culture Map*. New York: PublicAffairs.
- [25] Muftić, T. (2004). *Arapsko-bosanski rječnik*. Sarajevo: El-Kalem.
- [26] Nabhan, G.P. (2007). *Neki to vole ljuće*. Zagreb: NakladaJesenskii Turk.
- [27] Numanagić, H. (2018). *Kazivanja dervišima*. Sarajevo: Dobra knjiga.
- [28] Pašalić-Kreso, P., Alić, A. (2017). Obilježja kohezivnosti i kompetentnosti porodičnog sistema u međugeneracijskom djelovanju. *Sarajevo Social Science Review, Vol.VI, broj 1-2*
- [29] Schwartz, S.H. (2007). *A Theory of Cultural Value Orientations: Explication and Applications*. In: Esmer, Y., Pettersson, Th. (eds.) (2007). *Measuring and Mapping Cultures: 25 Years of Comparative Value Surveys*. Boston: Leiden.
- [30] Segrin, C., Flora, J. (2005). *Family Communication*. London: Lawrence Erlbaum Associates, Publishers.
- [31] Skelić, Dž., Alić, A. (2009). Postignuća učenika u kontekstu porodičnih prilika. U: *Sekundarna analiza TIMSS 2007 u Bosni i Hercegovini*. Sarajevo: Agencija za predškolsko, osnovno i srednje obrazovanje
- [32] Steward, J.H. (1955). *Theory of Culture Change: The Methodology of Multilinear Evolution*. University of Illinois Press.
- [33] Tufekčić, A. (2012). *Osnove etnopedagogije*. Dobra knjiga.
- [34] Tufekčić, A. (2014). *Growing up and upbringing in a traditional Bosnian-Herzegovinian family*. Zakład Historii Edukacji Instytutu Pedagogiki Uniwersytetu Wrocławskiego.
- [35] Turkyilmaz, U., Alic, A. (2012). Localism or Globalization: In Which Direction will the Bosnians go?. *Insights to a Changing World Journal, (1)*, 26-37.

- [36] Westen, D. (1999). *Psychology – Mind, Brain and Culture*. Harvard University: John Wiley & Sons, Inc.

Teaching and Learning Through Laboratory Experiments in the Area of Nuclear Technology

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Abstract

Simulated laboratories are an effective tool to complement teaching and learning processes, in this case, in the area of nuclear physics and related sciences. They can be used in universities, schools, and research centers for personnel ramp up and training. This work presents the development of a simulator of a nuclear radiation counter and the elements used in experiments alongside it, such as simulated radioactive sources, absorbing materials and dispersing materials of radiation. This simulator allows us to verify the scientific laws that are involved in the interaction of radiation with matter, in a safe and reproducible way. The simulated laboratory experiments include determining the plateau curve of a Geiger-Müller tube, beta particle absorption and backscattering, and radioactive background. The data obtained from the simulations is based on the real experiments, eliminating the inherent risks of the manipulation of radioactive materials. This also allows to verify theoretical concepts in practice, strengthening the learning process and incentivizing research, interpretation, integration and communication of the obtained results. By incorporating this simulator in the multidisciplinary teaching and learning processes in STEM fields, it is possible to run these laboratories in a simple manner using non-radioactive materials.

Keywords: teaching, learning, technology, experimentation, simulator, nuclear, simulated education

Introduction

Laboratory experimentation on Science, Technology, Engineering and Mathematics (STEM) subjects allows students, professors and professionals to apply interdisciplinary concepts where the theoretical aspects of scientific developments can be applied to a real-life activity. In these experiments, schools, scientific communities and the industry come together as a cohesive unit.

At the same time, the usage of simulators in teaching and personnel training is becoming wider in all stages of academic and/or professional career developments, especially on fields where the experiments are either complex, expensive or dangerous. Simulating these experiments transforms them into simple, cost-effective and safe experiments, through the use of the data obtained from real experiments. By doing this, the student can qualitatively and quantitatively verify the scientific laws that interact with the real world, in an environment with the aforementioned benefits (Perez Lucero et al., 2015).

Nuclear physics, in particular, is one of those fields. Most of the experiments involve the manipulation of radioactive material, which means that experiments must be done on nuclear laboratories with the proper protection to use them. This poses an accessibility problem for schools and universities who do not have a nuclear laboratory and want to teach about Nuclear Physics, as they would be unable to provide a valuable laboratory experimentation for their students.

In the upcoming sections, we present a project of a Geiger counter simulator, as a part of a broader project (Chautemps et al., 2019). This simulator puts the user in a similar environment as the real experiment environment, where the user can develop skills, learn operative procedures, and reinforce knowledge of theoretical and practical aspects from the real experiments. All of the simulations can be done an unlimited number of times, which also allows to adjust to the user's own learning process. The simulator presented in this work is the second iteration of said project, adding data for an additional experiment, and updating the user interface in order to simplify future upgrades, and extend the lifespan of the simulator.

Background

Geiger counters are instruments used for detecting and measuring ionizing radiation. They consist of a Geiger-Müller tube, a cylinder filled with ionizing gas, and electrical components that count the amount of ionizing pulses that come from inside the tube. A basic scheme of the Geiger counter can be seen on figure 1.

Whenever a charged particle (such as α or β particles) goes into the detector, the gas gets ionized. This produces a chain reaction that lasts for a fraction of a second which, in turn, produces a pulse, which is processed by the pulse counter. The pulse occurs due to the power supply, as it forces electrons to accumulate on the anode, and positive ions on the cathode.

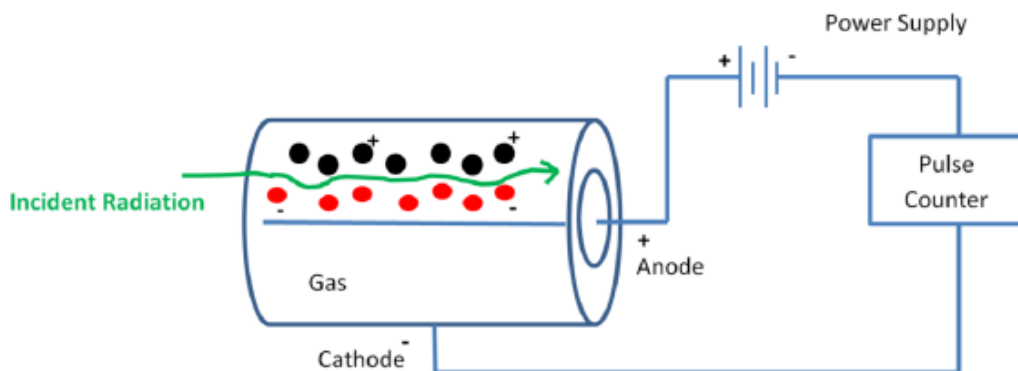


Figure 1: Geiger Counter Scheme

Simulator description

This section explains in detail the different laboratory experiments and how the user should operate the simulator in order to obtain the results from each experiment. The simulated elements include the electrical supply voltages of the Geiger counter, radioactive sources, absorbent elements and particle dispersers. These values are used to determine the Plateau curve of the aforementioned instrument, the values of the absorption and backscattering of charged particles by different materials exposed to the selected radioactive source, and the effects of background radiation.

This iteration of the simulator adds the capabilities for all measured data to variate according to known statistical distributions for each piece of data, unlike its predecessor which has fixed values for all data types (Lazarte et al., 2016). This variation of data allows the simulator to resemble the real experiment more closely, as there is always some degree of error and variation when measuring in the real-life experiment.

Laboratory 1: Determining the plateau curve of the Geiger Counter

The plateau curve indicates the appropriate supply voltage for a Geiger counter. If the voltage is too low, radioactive activity will not be equally distributed along the cathode; if the voltage is too high, the tube may be damaged by the continuous discharges. An appropriate supply voltage will be in a zone from the curve in which the amount of counts per minute grows linearly when increasing voltage, with the optimal point being in the middle of this zone, to reduce the effect of variations in the voltage (Knoll, 2000). The graph shown in figure 2 shows a graphical representation of the plateau curve.

In order to experimentally obtain the aforementioned curve, the user would need to vary the supply voltages used on the tube, measuring on every variation the amount of counts per minute returned by the pulse counter. Using this data, the user will be able to plot the curve and graphically determine the optimal supply voltage.

In the simulator, the user is able to select the supply voltage from a set of pre-loaded data on the simulator, which has been obtained from doing the real experiment.

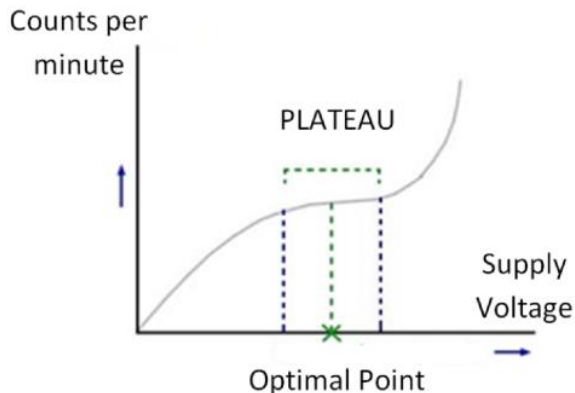


Figure 2: Plateau Curve of the Geiger Counter

Table 1 shows the measured activity (in counts per minute) as a function of the supply voltage of the detector. The values displayed on the simulator are slightly modified following a statistical normal distribution, in the same fashion as in the real experiment.

| <i>V (voltage)</i> | <i>Am – Background (cpm)</i> |
|--------------------|------------------------------|
| 550 | 0 |
| 600 | 0 |
| 625 | 0 |
| 650 | 695 |
| 675 | 1537 |
| 700 | 1592.333 |
| 725 | 1557.4 |
| 750 | 1590 |
| 775 | 1626 |
| 825 | 1759.333 |
| 850 | 2037.666 |

Table 1: Activity according voltage source

The simulated elements are shown on figure 3.



Figure 3: Simulated plateau curve of the Geiger counter

Laboratory 2: Absorption

The next laboratory focuses on two aspects of nuclear experimentation: on one hand, determining which radioactive material is acting as the radioactive source (that is, to

determine whether the source is Cobalt-60, Sodium-22, Strontium-90, etc.); on the other hand, determining the minimum thickness of an absorbing material so that it can block incoming radiation from the radioactive source. To block incoming radiation, the required material depends on the type of radiation that the user would want to block. α radiation is blocked by paper, β radiation by metals and γ radiation by concrete and/or lead, as shown in figure 4. This laboratory focuses on blocking β radiation.

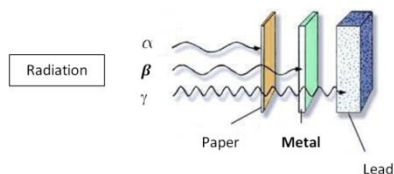


Figure 4: Radiation types and blocking materials

In order to obtain the minimum thickness of the radiation-absorbing metals, the student will have the superficial density of the piece of metal, and the density of the metal, which is always constant. Using these data, it is possible to obtain experimentally the thickness of the absorbing metal.

On a real experiment (as shown on figure 5), the required elements include a β particle source, absorbers of various thicknesses, and a Geiger counter (Parks, 2001).



Figure 5: Real absorption experiment setup

The simulated elements are shown on figure 6. The simulator returns activity count values corresponding to the radioactive source and the thickness and type of the absorbing material being simulated, with the radioactive source being on the third slot of the tower, and the absorbing material being on the second slot. The data obtained will be a value based on the results of a real experiment shown on table 2.



Figure 6: Simulated absorption experiment setup

The user of the simulator should take note of the activity count values displayed by the simulator. These values can then be plotted and, through an approximation technique (on most cases, minimum squares), it is possible to obtain an exponential fit to the

obtained data. An example of this curve is shown on figure 7. The fit of the curve will be of the form $y = a e^{-bx}$, where the absorption coefficient can be calculated by obtaining the value of b (Martinez Alonso & Losada Ucha, 2000).

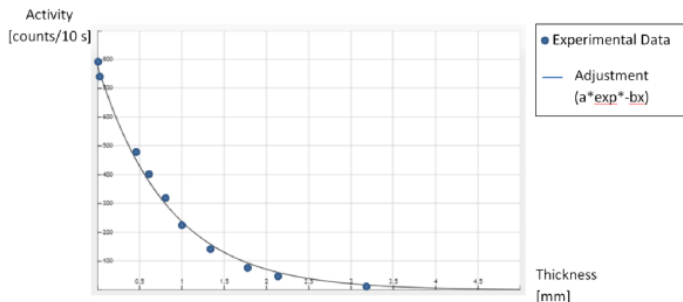


Figure 7: Simulated absorption experiment curve fitting

The next step on the experiment is to obtain the maximum energy before β -decay. This can be done using the thickness of the material that resulted in the lowest amount of counts per second, and then mathematically obtaining the maximum energy with this data.

Finally, comparing the maximum energy with known β -decay patterns (as shown on figure 8 (Knoll, 2000)), the user can determine the radioactive being used.

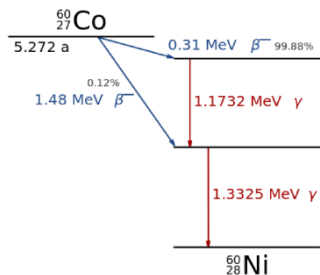


Figure 8: b-decay of Cobalt-60

| Co-60 Source | | Na-22 Source | |
|-------------------------|-------------------------|-------------------------|-------------------------|
| Absorbent material | Measured activity (cpm) | Absorbent material | Measured activity (cpm) |
| Without absorbent | 2861 | Without absorbent | 16962 |
| Paper | 2632,12 | Paper | 15605,04 |
| 45 mg/cm ² | 1773,82 | 45 mg/cm ² | 10516,44 |
| 290 mg/cm ² | 572,2 | 290 mg/cm ² | 3392,4 |
| 1100 mg/cm ² | 28,61 | 1100 mg/cm ² | 169,62 |

Table 2: Activities from radioactive sources

Laboratory 3: Backscattering

This laboratory experiment analyzes the radiation from the radioactive source when the incident β radiation scatters when going through different materials. This

experiment shows that the materials used as scattering materials exhibit this behavior, and that the scattering effect is more prominent on materials with a higher atomic number.

When a β particle coming from a radioactive source interacts with a material, its trajectory may deviate depending on its initial energy. This produces a dispersion effect on the particle. Depending on the relative orientation of the impact between the β particle and the core of the material's atoms, there is a chance that the β particle exits the material on the same spot where it entered the material. This phenomenon is called backscattering.

In this experiment, the user first measures the radiation activity count when there is no scattering material in between. After that, the user adds different materials at the end of the source and measures the activity count once again. The difference between the two allows to determine which is the scattering material being used. A schematic of the experiment setup is shown figure 9.

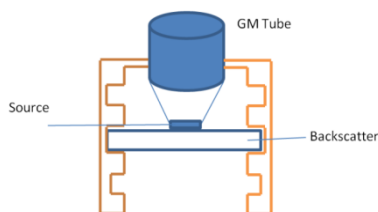


Figure 9: Backscattering experiment schematic setup

In the simulator, the setup is shown in figure 10. The different simulated elements (the radioactive source and the backscattering material) are placed in a tower similar to the one used on the previous experiment. The position of the simulated elements resembles the real experiment.



Figure 10: Backscattering experiment simulated setup

In the practical work of interaction of radiation with matter, for the study of the dispersion of charged particles, the real data shown in table 3 is stored in the simulator.

| Backscatter | Average measured activity (cpm) |
|---------------------|---------------------------------|
| Without backscatter | 2899,666 |
| Aluminum | 3276,62258 |
| Iron | 3537,59252 |
| Zinc | 3624,5825 |
| Cadmium | 3914,5491 |
| Lead | 4204,5157 |

Table 3: Backscatter

Laboratory 4: Background radiation

This laboratory focuses on the radiation that exists on the environment, without the deliberate introduction of a radioactive source. This radiation is also called background radiation. On a laboratory setting, figure 11, if the objective is to measure the radiation counts of a specific radioactive source, the Geiger counter will inevitably count the background radiation, the latter should be measured beforehand to appropriately subtract the background component from the measurement.

This laboratory is an expansion made to the previous iteration of the simulator, which did not have this experiment implemented (Lazarte et al., 2016).

The experiment consists in measuring the amount of counts measured by the Geiger counter over a short period of time, without any radioactive source nearby to prevent noisy data (Mera, 2015). This measurement should be done a number of times. Based on a real experiment (Suárez, n.d.), the simulated experiment simulates a measurement every 2 seconds, doing this a total of 100 times. The measured counts can be plotted in a histogram, which should resemble a Poisson distribution frequency histogram, with parameter $\lambda = 1.06$ as the average amount of counts every 2 seconds, as shown on figure 12. A table 4 with the measured counts and the histogram of it are plotted on the display.



Figure 11: Setup for background radiation measurement

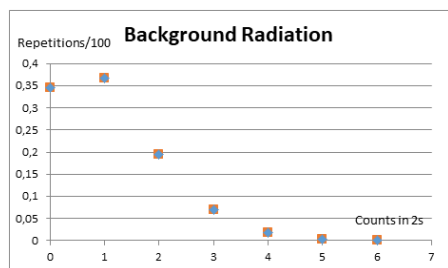


Figure 12: Background radiation

| <i>Conts/100</i> | <i>Value</i> |
|------------------|--------------|
| 0 | 0,346 |
| 1 | 0,367 |
| 2 | 0,195 |
| 3 | 0,069 |
| 4 | 0,018 |
| 5 | 0,004 |

Table 4: Radiation counts/100 values

Validation and results

The improvements made on the simulator for this iteration were developed during the COVID-19 pandemic. As on-site lectures and laboratory work went virtual, the changes were not able to be validated with students. For this reason, this section will be based on the results obtained with the previous iteration of this simulator; which was used on late 2019, on a course of "Methodology and Application of Radionuclides", taught by the University Center for Nuclear Technology (CUTeN), of Faculty of Exact, Physical and Natural Sciences, part of the National University of Cordoba, Argentina.

The course consisted of 30 students, where as part of the laboratory practice exercises, they used the presented simulator. At the end of the corresponding exercises, the students were asked to answer a survey that focuses on the effectiveness and the overall reception of the simulator and the experiments conducted with it.

The table 5 indicates the questions asked to the students on the survey, and the figure 13 and figure 14 indicate the results obtained from the survey. The first two questions refer to information about similarity to the real experiments and understanding the real phenomena; the other three questions ask the user to rate the degree of learning that they have achieved of various concepts taught with the help of the simulator.

The results from the survey indicate that students perceived positive effects on the learning process of different topics related to the usage on the simulator, and they also showed a high degree of acceptance of the tool.

| Question | Options |
|---|---|
| Q1: The simulator is similar to its real counterpart | Greatly agree, |
| Q2: Using the simulator helped me understand the physical phenomena | Agree, Slightly agree, Do not agree |
| Q3: Rate your learning achievement of the working mechanisms of the instruments | Achieved, |
| Q4: Rate your learning achievement of radioprotection (distance-time-protection) | Partially achieved, Not achieved |
| Q5: Rate your learning achievement of the behavior of radionuclides (decay, half-life period) | |

Table 5: Questions and possible answers asked on the survey

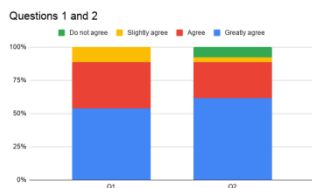


Figure 13: Answers to Questions 1 and 2

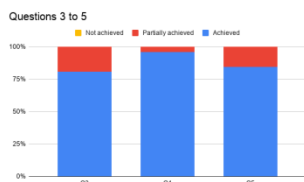


Figure 14: Answers to Questions 3 to 5

Future work

This simulator is part of a broader project. As part of the scope of the extended project, it is planned, in the near future, to upgrade the prototype of the simulator to allow usage both physically and remotely through the internet. The implementation done in this iteration can, in the future, be extended more easily than in the previous iteration to enable remote usage.

Another feature under consideration is to add new tables for the radioactive activity values for other radioactive sources, absorbent materials and dispersers.

Finally, adding new simulations for other experiments not implemented already is also under consideration.

Conclusion

The simulator presented in this article has as its main objective to improve laboratory activities on schools, universities and laboratories. Laboratory experiments develop students' skills in dealing with laboratory instruments and physical processes with the objective of reinforcing the understanding of the investigated subject (Malkawia & Al-Araidahb, 2013).

This prototype of a simulator of a nuclear radiation counter was designed and built having as main purpose allowing to obtain real data using simulated elements. This simulator has four modes related to real-life experiments: obtaining the plateau curve that shows the basic behavior of a Geiger counter; obtaining curves that show the radioactive activity in relation to the thickness of the absorption materials which can, in turn, be used to estimate the energy of the particle-emitting source; evaluating the behaviour of radiation as it goes through dispersers; and finally, measuring the background radiation of an environment.

As the radioactive activity data provided by the simulator is based on real experiment, the usage of this simulator allows to manipulate radioactive sources, absorbing materials and particle dispersers in a safe, simulated environment that resembles the real world experiments.

This simulator is the second iteration of a broader project. This part adds usage through a touchscreen that, even though the interface deviates from actual instruments due to the lack of buttons, it makes the simulator more durable and does not compromise the validity of the data. In addition, this simulator adds the capabilities to return data based on statistical parameters in order to more closely resemble an actual experiment. Finally, this simulator is easier to extend in the future for remote usage.

The remote experiments will be introduced to students gradually in three planned phases: in the first phase, in preparation for a typical remote laboratory experiment, the students are tasked with re-familiarizing themselves with the underlying physical principles, the experimental equipment and procedure of the particular experiment to be performed. In the second phase of the laboratory experience, will use the supervision of an instructor and in the third stage, the students will continue more detailed experimental studies in a remote fashion (Nickerson et al., 2007).

References

- [1] Chautemps, N. A., Lazarte, G., & Perez Lucero, A. L. (2019). Desarrollo de instrumentos para laboratorios remotos
- [2] de protección radiológica. *Revista de enseñanza de la Física*, 31 (Extra), 189–194.
- [3] Knoll, G. F. (2000). *Radiation detection and measurement (3rd)*. Wiley.
- [4] Lazarte, G., Perez Lucero, A., Chautemps, N. A., & D'íaz, L. C. (2016). Simulador prototipo de contador de
- [5] radiación nuclear. XI Congreso de Educación en Tecnología y Tecnología en Educación.
- [6] Malkawia, S., & Al-Araidahb, O. (2013). Students' assessment of interactive distance experimentation in nuclear
- [7] reactor physics laboratory education. *European Journal of Engineering Education*, 38 (5), 512–518.
- [8] Martínez Alonso, G., & Losada Ucha, R. (2000). Laboratorio de alcance de radiaciones nucleares basado en
- [9] microcomputadora. *Ingenierías*, 3 (6), 15–21.
- [10] Mera, E. (2015). Experimento: Radiación. Universidad Tecnológica Metropolitana de Chile.
- [11] Nickerson, J. V., Corter, J. E., Esche, S. K., & Chassapis, C. (2007). A model for evaluating the effectiveness of
- [12] remote engineering laboratories and simulations in education. *Computers Education*, 49, 708–725.
- [13] Parks, J. E. (2001). Attenuation of radiation. Department of Physics and Astronomy, The University of Tennessee.
- [14] Pérez Lucero, A., Chautemps, N. A., Bertone, R., & Díaz, L. C. (2015). Simuladores aplicados en laboratorios de
- [15] energía nuclear. XXI Congreso Argentino de Ciencias de la Computación.
- [16] Suárez, P. M. (n.d.). Estudio de la radiación con un detector geiger müller. Universidad de Oviedo.

The School Library as An Active Support for Educational Achievements: A Survey Led in Secondary Schools

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Abstract

Several things have been said in the field of pedagogy. But, this does not prevent the appearance of new educational concepts. The world of pedagogy has practically no limit. In our study, we attempted to identify the impact that school libraries could have on educational achievements. The statement of the problem was strengthened by two main questions: Could school libraries play a fundamental role in improving educational achievements? Could school libraries integrate their resources as pedagogical supports in the educational process? In our visits to thirty school libraries in the city of Constantine, we were able to conduct a descriptive study and collect interesting data that we analyzed through a qualitative approach. Significant results were obtained. The latter globally showed via several indicators that the school library, on the one hand, contributed concretely to educational achievements, and, on the other hand, played an efficient role in the learning process by providing a variety of supports and services to the users.

Keywords: education, school library, learning process, educational achievements, secondary schools

Introduction

Educational theories evolve continually. Teachers' and pupils' tasks and roles have known a pedagogical change. Pupils are considered at present as the actors of their own learning. Moreover, technological development has a role in the educational progress by offering new means, materials and tools for improving pedagogical techniques and activities. "We live today in a society permeated by the digital, where our actions are frequently mediated by digital tools, and the objects we encounter are frequently shaped by digital intervention" (Martin, 2008). Education enhances the importance of innovation by encouraging the pedagogical actors to be active and creative in the teaching process. The school library can assume a key role in participating actively in this pedagogical activity through its imaginative aptitude. Some issues constituted a problematic situation that pushed us to conduct a study: Could school libraries play an important role in educational achievement? Could school libraries integrate their resources as active supports for educational success? We visited thirty school libraries in the city of Constantine. That helped us to lead a descriptive study. The qualitative approach was adopted. The observation was the instrument on which we relied to collect interesting

data for analysis. In this study, we attempted to check whether the school library could really be introduced as an efficient device for educational achievements and for contributing to the development of the educational process in a complex society.

Methodology

The statement of the problem was strengthened by two main questions: Could school libraries play a fundamental role in improving educational achievements? Could school libraries integrate their resources as pedagogical supports in the educational process? In our visits to thirty school libraries in the city of Constantine, we were able to conduct a descriptive study and collect interesting data that we analyzed through a qualitative approach. Significant results were obtained.

Literature review and discussion

The evolution of pedagogy

Makarenko defined pedagogy as "the most dialectic science, the most moving, the most complicated" (Deldine, Demoulin, 1975). We know that pedagogy has a relation with teaching and learning. Pedagogy underlines the importance of the relation between the teacher and the learner. A lot of writers have written on the subject of pedagogy showing the evolution of this concept. We may discover through literature the appearance of various new educational theories and modern pedagogical concepts. In pedagogy, we encounter a wide terminology such as programs, techniques, methods, interactions, programs, syllabus, means, devices ... The evolution of pedagogy is really rapid and this is proved through the great number of publications around this topic. Authors from various domains have written about the subject of pedagogy and they will certainly continue writing about it. Literature in this discipline is really rich and varied, and that makes documentary activities interesting (Fondin, 2002). In pedagogy, we may introduce a variety of methods that evolve speedily. Specialists in this discipline endeavor to adapt their methods to the development of progress and the evolution of society. Pedagogues no longer rely just on their aptitudes. They can be helped by the availability of methods, materials and devices to develop their techniques and achieve their pedagogical objectives. "We continue to live in a hierarchical and unequal society dominated by the ideology of free market capitalism, and the 'digital divide' merely adds another dimension to inequalities which have already long existed" (Martin, 2008). But specialists in pedagogy can overcome the problem of inequality if they are imaginative and intelligent in conceiving adequate pedagogical activities. They know that the new environment presents opportunities for pedagogical improvement and learning achievements. They can benefit from multiple technological devices that permit new behaviors from the part of the learner and educators via the conception of new ways of learning and acquiring knowledge. In this context, the school library can interfere as an efficient active pedagogical support that can contribute partially to educational achievements.

School libraries as innovative supports for education

When the school library becomes an educational support, handling library techniques will no longer be sufficient on their own for library managers. The latter should have knowledge in the field of teaching. Using technology has become a must for them in order to be able, on the one hand, to manage their institution efficiently and, on the other hand, to respond to their users' needs in terms of learning. School librarians should understand that their users' needs are nowadays varied, different and multiple. A new mode of communication is then necessary

in this modern environment. School librarians are obliged to know their users and be ready to help them when there is any need for that. They have to be cooperative with all their users. They should participate in conceiving teaching programs for their institution. They select in collaboration with teachers the most suitable documents for reading and for pedagogical purposes (Duspaire, 2004).. School librarians share their responsibility concerning the quality of education in their institution. In collaboration with the other teachers, school librarians can help users in learning better. They can also provide a favorable environment that stimulates learning. They have the responsibility to push their users exploiting the school library and its resources independently. School librarians should not be passive spectators. They should be considered as the 'fuel' of learning in their institution. They should be proud to be appreciated as educators in society (Trehan, Malhan, 1980). "Innovation in education is stepping outside of the box, challenging our methods and strategies in order to support the success of all students as well as ourselves. This transformation may be small or a complete overhaul, but it is done with purpose and supports the whole student" (Innovation in Education, 2020).

The student: An independent learner inside the library

The evolution of education has shown that the teacher is no longer in the center of the learning process. For years, the teacher has been the 'master' who knows everything. He was practically the unique source of information for pupils. "There is nothing more rewarding for a teacher than to see his or her students... grow, improve, or increase" (Innovation in Education, 2020). At present, the learner is the main actor in the learning process. The teacher has other tasks. He / she is the guide who accompanies the learner by giving orientations and general guidelines for learning. The library can intervene as an innovative device and greet learners in its spaces. All the resources are around. Learners receive helpful instructions from librarians and teachers inside the library. Then, it is up to learners to turn around in the library looking for suitable documents that may respond to their needs. Having the skills to think critically and analytically is an absolutely minimum need in order that people take their own freedom (Lankshear, 1987). Learners feel completely free and independent. They become the 'masters' of their own learning. School library spaces are real gardens with a variety of delicious fruit and Learners can serve themselves from what is generously offered.

Moreover, educationalists have discovered that it is quite impossible to get complete homogeneity between the learners. There are always learning differences between pupils and it is important to respond to the learners' individual needs. The school library can play this task. As an innovative device, it is able to provide organized and classified resources that respond to the users' individual wants, needs and expectations. Appropriate documents can be suitable for each user. Librarians provide documents to users according to their levels, tastes and interests. Each user learns according to his / her personal rhythm. The school library respects this heterogeneity that naturally exists between learners. We know that what motivates one learner may not motivate another: The school library respects this new principle.

The school library challenging technological progress

During the last decades, new information and communication technologies expanded at an incredible speed in society. They generated an exceptional upheaval in all fields (Morizio, 1997). Education did not escape from the impact of this technological flood. Moreover, these technologies contributed to the development of the educational process. These institutions and their staffs were obliged to cope with change and adapt themselves to technological

progress which was modifying their traditional ways of working. The school library which found itself in front of a new changing environment accepted the challenge and decided to confront the impacts of technological change. "a digital library can be thought of as an interactive system with an organized collection of digital objects and a catalog or other support for access. Timely and wide availability of up-to-date, high-quality multimedia resources" (Edward, Marcos, Gonr, Kipp, 2008). As an educational device, it began acquiring the new and modern documentary products such as the electronic information resources. School library managers endeavored in introducing new types of management. They assured the availability of new information search devices, electronic catalogs and supports, digital documents, data-bases, documentary software, electronic platforms...They anticipated conceiving these new documents displayed by modern libraries as fruitful resources that would prepare learners for the future. In gaining digital literacies, digitally involved situations are rendered understandable and, hence, more controllable than they might otherwise be (Martin, 2006).

The school library a support to teaching programs and to new teaching methods

In education, it is important to introduce changes in the teaching programs, so that they can cope with the evolution of society and its development (Bouderbane, 2018). That can be considered as an innovative principle. As a matter of fact, this principle is applied by school libraries in their management. One can notice that information resources acquired by school libraries respect the evolution and the changes of the teaching programs. These institutions select and acquire documents that support the new teaching programs. "*This diversity in the work of school librarians is likely to continue and develop in the future as the role of the school library evolves to support broader changes within education and the curriculum*" (Icke, 2017). Library collections are continually updated according to the evolution of teaching subjects, syllabi and programs. Collaboration between librarians and the teaching staff is pre-requisite for the sake of selecting new acquisitions that enrich library collections and teaching programs. "This partnership went beyond teachers encouraging students to read widely from the library, to teachers processing some of the reading stock – and even re-shelving books. Pupils saw teachers in the library, so there were lots of opportunities to discuss reading material and teachers gained a genuine familiarity with the books, thus being able to provide more targeted and appropriate advice to students and their colleagues" (Icke, 2017).

In education, specialists in pedagogy suggest teaching methods that evolve and respond to the learners' needs in terms of acquisition of knowledge and aptitudes. Teaching methods at present encourage the focus on individual learners and on small groups of learners. School libraries can innovate by providing the appropriate conditions for the introduction of the most suitable teaching methods. These institutions have enough spaces for organizing equipments, resources and learners, so that the latter can work individually or in group work activities. "Libraries play a central role in any educational environment, whether informal or formal. Many of the leading educational institutions worldwide have excellent libraries whose collections support their teaching and research activities" (Edward, Marcos, Gonr, Kipp, 2008). School libraries may, then, respond to the notion of flexibility in teaching and training activities. Librarians just need to be informed about the evolution of the educational theories and, then, they will be imaginative in the organization of users and spaces, and in introducing the information resources for the adequate activities in collaboration with teachers.

The school library as a space for entertainment and training

At present, educators are convinced that the factor of 'leisure' can be very useful in the learning process. This is the result of scientific research in the field of education. Shaffer shows how computer and video games can help children learn to think like innovative professionals in various disciplines, providing them with the tools they need to integrate the complex moving society (Shaffer, 2007). Using games for acquiring knowledge and new skills is possible now in educational institutions. If games enhance motivation for learning, there will be no right for rejecting such a teaching method. In this matter, we may notice that school libraries can be innovative. In fact, their collections can offer this pedagogical opportunity: A variety of documents offering leisure can be available and used appropriately to achieve learning. Library users are free to use these resources via suitable techniques in order to get knowledge and acquire new useful competences. Varied resources in school libraries offer specific printed, electronic, digitized and audio-visual documents that provide leisure, and help in achieving learning.

At present, nobody can survive in society without information. It has become a pre-requisite factor for any activity or any success (Unesco, 1993). The first task of any educational system is to make citizens aware about the importance of information, know how to get access to it, and know how to use it. As an active efficient device, the school library helps its users in handling the techniques of information search which is an essential step for any project that individuals undertake. If the need for information is a fundamental pillar in education, the school library is an important source that feeds learners with information. Resources in different shapes and in varied languages are available in school libraries (Library association, 1997). Learners can exploit their library spaces in company of their teachers or individually. They may need some training and orientations from the part of librarians. Learners are free to borrow documents that respond to their needs in their school library. At present, they can benefit from diverse digital library services. Learners may use them just for reading, for recreational purposes or for pedagogical matters. "School librarians are still supporting reading, writing and research skills, but with a co-focus on digital literacy as well" (Vercelletto, 2018).

Conclusion and analysis

School libraries can be considered as efficient supports that contribute to educational achievements since they participate in developing teaching programs and new teaching methods. Their cooperation with teachers is fundamental. School libraries have a pedagogical role when they care about the factor of leisure in the learning process and consider the learner as the essential element in the learning process. School librarians are conscious that it is crucial for them to reinforce their knowledge in terms of teaching techniques, methods, strategies and approaches. School libraries do not consider technological progress as a barrier, but rather as a challenge. The digital knowledge society is complex and rigorous. It requires institutions and staffs with high competencies, so that they can innovate. "There is enormous benefit in regularizing an area of potential chaos, and the development of understanding of digital technology and its meaningful deployment, enabling individuals to map their own relationship to the digital, can be an important vehicle for empowerment, for both individuals and whole societies" (Martin, 2006). One can mention that these institutions' task does not consist in teaching information to the learner, but it rather consists in providing around him / her the conditions that allow him / her to acquire knowledge. Their new role in the digital era contributes to the improvement of the pedagogical process. Several indicators prove the capacity of school libraries in innovating when accepting learners to come to the library and

to move freely inside it. There, they will be surrounded by varied resources which respond to their needs and expectations. School libraries accept to integrate library resources as suitable pedagogical supports in the educational process. We used to speak just about teachers in the field of education, but school library managers too are important actors who can participate in the educational process. Collaboration between librarians and teachers in developing the school library services is very important. Discussions between them around teaching objectives and library resources generate an added-value in the institution. Teaching programs can be improved and developed thanks to the availability of suitable and adequate instructional resources and materials in the school library. The latter should not be a peripheral element to the learning process. Libraries can be totally integrated in the educational process. They may generate dynamism in teachers who, in their turn, should make efforts to let their libraries be entirely active. The school library has the power to animate the whole institution: "it is not a museum, it has become a dynamo" (Australian school library association, 1994). One can notice that the action of school libraries is essentially orientated towards learning and towards the educational process. These institutions take an important pedagogical dimension that will have an impact on the learning process. The school library may be considered as a learning laboratory that can "stimulate thought, the aptitude in learning efficiently and the attitudes that generate the desire for reading, learning and searching" (Lanier, 1998). Innovators make tremendous efforts to be perseverant all the time because they look for efficiency, reliability and quality. They endeavor to satisfy their users' needs, expectations and aspirations. "'digital competence for everyone' ... deals with how information and communication technology (ICT) influences the quality of education, incentive for learning, forms of learning and learning outcome" (Soby, 2008).

At the end of this work, I recommend the following suggestions about the situation of school libraries:

Decision-makers have to introduce appropriate school library legislation.

The promulgated statutes should define clearly the school libraries' functions, tasks and missions. They also clarify their role in schools, precisely in the teaching-learning process..

School libraries' staffs should have their specific statute.

Librarians, educators and pedagogues have to show practically the value and importance of school libraries in the educational process.

School libraries should be provided with the necessary human, material and financial resources to promote their situation.

School libraries should be integrated in the curriculum, and part of it.

School librarians must be part of the pedagogical team in their school.

Teachers should have the will for modifying their pedagogy and accept to integrate the school library in the teaching-learning process.

The staff in charge of education should deploy tremendous energies and have objective ambitions in their efforts for promoting school libraries.

Any action that endeavors to develop teaching and that is not accompanied by an action towards the development of school libraries will undoubtedly fail in its path.

References

- [1] Australian school library association, 1994. The teacher-librarian: curator or innovator? Quatrième conférence nationale des bibliothécaires scolaires, Sidney, 13-17 Mai.
- [2] Bouderbane, A. 2018. Integrating Knowledge Society: A Survey Led in Three Universities. **European Journal of Education**, [S.l.], April, vol. 2, n. 1, p. 37-42.
- [3] Deldine, R., Demoulin, R., 1975. Introduction à la psychopédagogie. Bruxelles: De Boeck.
- [4] Duspaire, J.L. 2004. La documentation : une fonction essentielle du système éducatif. *ARGOS*, 36.
- [5] Edward A. Marcos A. Gonr, A, and Kipp, N.A.. 2008. Digital Libraries.
- [6] https://link.springer.com/chapter/10.1007/978-3-662-07682-8_39
- [7] Fondin, H., 2002. L'activité documentaire : représentation et signification. *BBF*, 47 (4), p. 84-90.
- [8] Innovation in Education: What Does It Mean, and What Does It Look Like? 2020.
- [9] <https://resilienteducator.com/classroom-resources/educational-innovations-roundup/>
- [10] Lanier, G.D., 1998. The transformation of school libraries into instructional materials' centers. Chapel Hill: University of North Carolina.
- [11] Lankshear, C. 1987. Literacy, schooling and revolution. London: Falmer Press.
- [12] Icke, A. 2017. School libraries in the digital age.
- [13] <https://www.infotoday.eu/Articles/Editorial/Featured-Articles/School-libraries-in-the-digital-age-115963.aspx>
- [14] Library association, 1997. Library resource provisions in schools : guidelines and recommendations. London : L.A.
- [15] Martin, A. (2008). Digital Literacy and the "Digital Society". In C. Lankshear, & M. Knobel (Eds.), *Digital Literacies: Concepts, Policies, and Practices* (pp. 151-176). New York: Peter Lang.
- [16] http://pages.ucsd.edu/~bgoldfarb/comt109w10/reading/Lankshear-Knobel_et_al-DigitalLiteracies.pdf#page=19
- [17] Martin, A. , Madigan, D. 2006. Digital literacies for learning. London : Facet Publishing.
- [18] Morizio, C. 1997. Les technologies de l'information au CDI : une mutation documentaire et professionnelle. Les dossiers de l'ingénierie éducative. Dec. P.9-10.
- [19] Shaffer, D. 2007. How computer games help children learn. New York: MacMillan.
- [20] Soby, M. 2008. Digital competence-From education policy to pedagogy: The Norwegian context
- [21] http://pages.ucsd.edu/~bgoldfarb/comt109w10/reading/Lankshear-Knobel_et_al-DigitalLiteracies.pdf#page=19
- [22] Trehan, G.L. , Malhan, I.V., 1980. School library management. New Delhi : Sterling Press.
- [23] Unesco, 1993. Former et apprendre à s'informer : pour une culture de l'information. Paris : ADBS.
- [24] Vercelletto, C. 2018. School libraries transforming to stay relevant in digital age.
- [25] <https://www.educationdive.com/news/school-libraries-transforming-to-stay-relevant-in-digital-age/525181/>

Criminal Proceedings Law Improvements for Justice Witnesses in Albania

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Abstract

In the framework of the constitutional¹ justice reform² of year 2016, "Constitutional reform in Albania of year 2016 determined fundamental amendments by improving justice system." (Balla, 2017, p. 368), there are undertaken to be improved important justice laws. Therefore, fundamental amendments are made on the Criminal Proceedings Code (CPC) on year 2017³. These amendments consisted in general and specially to enable the implementation of government policy, for the establishment of new institutions and the strengthening of existing ones, in the fight against corruption and the consolidation of the justice system. At the same time, the amendments aim to address the most obvious issues and problems encountered in practice. Correspondingly, the constitutional amendments and the adoption of other laws, necessary to implement them, brought the need to unify and harmonize these amendments in the CPC. In particular, the new regulations aim to determine the prosecutor's independence in the criminal proceedings, the establishment of the Special Prosecution Office, the jurisdiction of the High Court and the change in the subject matter jurisdiction of the Court of Corruption and Organized Crime. Through this paper it is addressed the treatment of new standards and institutes that are regulated in the CPC. How do they stand compared to European standards such as the jurisprudence of the ECtHR and international law, as well as the jurisprudence of International Criminal Court (ICC). The paper aims to address issues related to the rights of defendants, the legal position of the victims and especially the treatment of the most favorable legal status of protected witnesses⁴ and collaborators of justice.

Keywords: justice witnesses, collaborators of justice, the rights of defendants, victims of crime, criminal proceedings.

¹ Constitutional Law Amendments (2016) published on Official Journal year 2016.

² Balla, R. (2017). Constitutional Reform, Criminal Justice Reform on Prevention of Organized Crime and Corruption, Proceedings of International Scientific Conference at Faculty of Law, Tirana University, Albania. p. 368.

³ Amendments to the Criminal Proceedings Code CPC have been adopted by law no. 36 dated 30.03.2017. <https://alblegis.com/Legjislacioni/Ligji-Nr.36-Dt.-30.03.2017-Kodi-Penal-i-ndryshuar.pdf>, (March 16th 2020).

⁴ Balla, R.. (2007). Witness and Justice Collaborators Protection. The Journal "E Drejta Parlamentare dhe Politikat Ligjore". Tirane, Albania. No 39, p.17-57.

Introduction

The new amendments to the CPC have been proposed by the Ministry of Justice¹, according to the process of drafting and reviewing a proceeding that has lasted more than a year. EURALIUS² has contributed on providing legal assistance. CPC is also included in the Criminal Justice package within the Justice Reform. In particular, it is important to mention the change in the jurisdiction of the High Court, which led to the reformulation of the provisions on the limits of review of this court and the transfer of other powers, such as requests for review, or trial of officials of other courts etc. One of the most important issue is the establishment of the decentralization of the prosecution institution. This decentralization is accompanied by determining the role and functioning of the pretrial judge to guarantee the control of the prosecution activity and proceedings during investigation procedure. The other important issue is the establishment for the first time in the justice system in Albania of the special Court on Corruption and Organized Crime.

Based, directly on the analytical document of the justice system and the national strategy for justice reform, as well as judiciary decisions so far, it is determined the need for amendments of some e institutes of CPC, aiming at its approximation with the best European standards and the best international ones foreseen by international instruments ratified by the Republic of Albania and the ones aiming to adhere, such as: European Convention on Human Rights (ECHR), standards established by European jurisprudence for Human Rights and Justice Court (ECtHR), the Acquis Communautaire of the European Union, the Convention on the Protection of the Rights of the Children, etc.

Amendments of the CPC represents the recently constitutional amendments based on the point of view of the normative acts, and in the same time they represent harmonization with other approved laws, in the framework of the Justice Reform at the criminal field such as: the Law on the Organization³ and Functioning of Prosecutions, the Law on Organization and Functioning of Institutions to Fight Corruption and Organized Crime⁴, draft law on juvenile Code, and other draft law of the legal package discussed and agreed to be changed at the High Level of Experts Group. These amendments of the provisions are intended, inter alia: to present the concept of the victim as an important subject in the criminal proceedings; to guarantee the protection of the human rights of juveniles by regulating in a special manner every court proceedings related to juveniles; expanding the rights and protection of the of the defendants in the criminal proceedings in compliance with the best international⁵ standards, introducing for the first time into the criminal justice system the concept of the letter of rights, to guarantee the testimony of protected witnesses or with a hidden identities, etc.

¹ Information is published at Ministry of Justice web page <http://www.drejtesia.gov.al/njoftime-teministrise-se-drejtetise/> (March 16th 2020).

⁶ EURALIUS is an EU funded project. The project is implemented by a Consortium composed of the German Foundation for International Legal Cooperation (IRZ) as Lead Partner.

³ Law No. 97/2016 "On Organization and Functioning of Prosecution in the Republic of Albania", published on Official Journal no. 209, year 2016, p. 22305.

⁴ Law on Organization and Functioning of Institutions to Fight Corruption and Organized Crime published on Official Journal no. 209, year 2016.

⁵ Damaska, M. (1975). Structures of Authority and Comparative Criminal Procedure. Yale Law Journal, 84, p. 480-544.

Inter alia the amendments indent to regulate the reinforcement of the role and position of the prosecutor¹ on directing, controlling, and conducting preliminary investigations. Guaranteeing procedural instruments and reasonable deadlines for conducting investigative actions, in accordance with the complexity of the court case. Conducting uninterruptedly trial. Increasing the authority of the court in the normal discipline and development of criminal proceedings. Involvement of new types of special trials that influence the reasonable time for judgment of simple issues and help the investigation, such as the criminal order of condemnation and judgment by agreement. Regulation of special current trials. Forecasting the necessary legal mechanisms that enable the participation of the defendant and / or his defense counsel in the trial to avoid trial in absentia. Improving the arrangements for notifying the parties in the criminal proceedings. Improvements of appeals that will impact the process of trial and will decrease the court cases at Appeal Courts. Review of the powers of the High Supreme Court in the criminal process after the constitutional amendments.

Legal provision of defendants, collaborators of justice and victims

II.1- Defendant's Rights

At the general provisions section, of the CPC the amendments consist to the principles of the criminal process by reflecting the accepted international standards and the jurisprudence of the European courts. Article 2 is amended by adding paragraph 2 with the main objective to implement the provisions of the juvenile Code. It is determined that the verdict of guilty will be given only in cases of its probationary, beyond any reasonable doubt, based on the common law² standard, which is further identified and elaborated by the ECtHR, in all its jurisprudence, which is also accepted and applied by the domestic courts of almost all European Union countries. This principle guarantees the observance of the principle of the presumption of innocence and the charge of the accusation with the burden of proof in the criminal³ proceedings. This principle is foreseen at Article 4 point 2.

This article is improved with the aim to be in accordance and harmony with article 30 of the Constitution. The implementation of this principle is depended directly on the judiciary system on how they understand and apply it, that will be the main warranty that the rights of the defendant will be protected during the whole criminal proceedings from the investigations to the trial. The principle of presumption of innocence⁴ releases the defendant from the burden of proving his innocence, gives him the right not to respond to accusations and not to be responsible for the statements performed. The first paragraph of this article symbolizes the presumption of innocence principle. This presumption is already part of the constitutional presumptions, as well as part of Article 6, paragraph 2, of the ECHR. This presumption must be respected before the trial, during the trial, and even in case the defendant pleads not guilty. The statement is elaborated clearly based on the ECtHR's Decision Minelli⁵ vs Switzerland 25.3.1983.

¹ Vogler, R. & Ashgate, K. (2005). A World View of Criminal Justice, London, England. p 27-140.

² Cassese, A. (2003) International Criminal Law, Oxford University Press England. p. 52-107.

³ Vogler, R. & Ashgate, K. (2005) A World View of Criminal Justice, London, England. p. 20-30.

⁴ Palazzo, P & Giappichelli. (2000) Lezioni di diritto penale comparato Torino, Italy. p.220-270.

⁵ ECHR's Decision, Mineli vs ZSwitzerland 25.3.1983;

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57540%22%5D%7D>; visited on (March 19th .2020).

With regard to this universal principle, the proposal is based on the Directive¹ of the European Parliament and of the Council (2013) 821 "On the strengthening of certain aspects of the presumption of innocence and the right to be present at a trial in criminal proceedings". In accordance with its Article 5 "The burden of proof and the standard of proof are required", paragraph 3 provides as follows: Member States must guarantee that in cases where the court makes a judgment on the guilty of a suspect or accused person and if there is a reasonable suspicion of the guilt of the defendant then this must be considered in favor of the defendant and he should be released as not guilty.

The standard of presumption of innocence principle has been developed over the years. The ECHR sets out this principle in Article 6 (2). The ECHR provides for three key requirements: the right not to be publicly presented as convicted by public authorities prior to the final decision. The fact that the burden of proof is on the public accusation. In Albania, the accusation is represented by the prosecutor and the accused benefits and has the right to be informed about the accusation of any reasonable suspicion of his guilt. The ECtHR also acknowledges the existence of a clear relation between the presumption of innocence and other rights related to a fair trial, in the sense that when such rights are violated, the presumption of innocence is inevitably at risk.

The right not to be incriminated², the right not to cooperate and the right to remain silent and the right to liberty (and not to be held in custody before trial). The ECtHR ruled that one of the basic aspects of the principle of presumption of innocence is the fact that a court or public official may not publicly present the suspect or accused as guilty of an offense if it is not proven and they are not found guilty, by means of a final decision. Furthermore, such a decision must be implemented by all public authorities. Both situations may encourage the public to believe that the person is guilty and to prejudge the assessment of the facts by the judicial authority.

The second paragraph amended represents the principle *in dubio pro reo*. The provision represents a reason as well for innocence. This means that the judge finds not guilty, not only when there is no convincing evidence for the defendants, but also in cases where there is insufficient evidence. From this point of view, it is important to note the above-mentioned amendment, in relation to the arguments set out in Article 4 in which is determined that "The burden of proof and the standard of proof are required." This provision stipulates that: The presumption of innocence presupposes that the burden of proof remain on the prosecutor³ and the suspect or accused must benefit from any suspicion of guilt (*in dubio pro reo*). The presumption of innocence presupposes that the burden of proof is on the prosecutor and the suspect or accused must benefit from any suspicion of guilt (*in dubio pro reo*). This presupposes that a court's decision should be based on the data presented before it and not simply on statements or assumptions. This fact is very important for our paper because this is one of the fundamental justice principles. Therefore the value of the protected witness is

¹ Directive of the European Parliament and of the Council (2013) 821 "On the strengthening of certain aspects of the presumption of innocence and the right to be present at a trial in criminal proceedings".

² Frase, Richard, S. (1995) German Criminal Justice as a Guide to American Law Reform, Weigend,; Similar Problems, Better Solutions?" USA, Boston College International and Comparative Law Review, 18. p. 317-360.

³ Pradel, J. & Cortens, G. & Vermeulen, G. & Papialis, (2009). European Criminal Law. Tirane, Albania. p. 224-251.

precious if the testimony will be performed in harmony with this principle, the administration of justice and the fair trial of the defendant would be ensured on the basis of the basic evidence of the protected witness. This remains without prejudice to the independence of the judiciary when judging the guilt of the suspect or the accused.

Furthermore, the ECtHR has acknowledged that in specific and limited cases the burden of proof may shift to defense. This guideline does not prejudice the possibilities of defense to present data in accordance with applicable national rules. It is determined the recognition of the principle of freedom of evidence and the obligation of the prosecution to gather both evidence in its favor and those in favor of defense, by reflecting the obligation of the prosecution to uncover the truth.

It is determined as well the recognition of this obligation that avoids any arbitrary conduct of the prosecutor or the judicial police during the investigation by avoiding evidence in favor of the defense, by charging the prosecutor with disciplinary responsibility, according to the relevant law (Article 8/a).

The amendments are defining the principle of non-punishment twice for the same criminal offense (ne bis in idem principle), by reflecting the constitutional definition, as well as the standard accepted by domestic and international case law on the application of this principle, not only in cases where the person has been convicted previously for the same criminal offense, but when the criminal fact has been previously tried (Article 7). Explicitly, the principle ne bis in idem prohibits a defendant from being tried again after discharging guilt or innocence verdict. This principle is enshrined in many international instruments, including the European Union Schengen¹ Convention on 1990 and the Seventh Protocol of the ECHR. The ECtHR at its court case the Zolotukhin² vs Russia, App. No. 14929/03, has determined that if a criminal proceeding is initiating from facts, which are identical or essentially the same as the first criminal trial, notwithstanding the charge, the second proceeding must not begin.

Regarding the amendments of the provisions for the defendant. They include reformulating of the current provisions and improving them, there have also been new provisions articulated for the first time, in all these years of post-communism, and in Albanian jurisprudence, by reflecting in the best way the European and international standards on the rights of the defendant. Hence, are determined the rights of the defendant to be informed with the accusation against him and the rights in criminal proceedings if he has the position of the person against whom the investigations are being conducted. For this purpose, it is foreseen reformulation of Article 34/a, in where are stipulated the rights of the person under investigation. The way of informing him with the rights in the criminal proceedings, before starting the interrogation by notifying the "letter of rights". This is one of the newest processes installed in CPC that has never happened in criminal proceedings for the defendant to be notified with the rights and to sign on to become aware of these rights. Despite the constitutional rights that everyone must be informed for the accusation against him. The provisions and the process in general are considered among the most democratic and

¹ European Union Schengen Convention of year 1990 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2802%29>, (March 16th 2020).

² Sergey Zolotukhin v. Russia - HUDOC - Council of Europe hudoc.echr.coe.int > app > conversion > pdf; (March 16th 2020)..

progressive standards because recognition of the rights will help the defendant to provide better protection throughout his criminal proceedings.

Specifically, in paragraph 1 of the Article 8, the rights of the defendant are defined in compliance with the Directive 2012-13-EU¹ on the right to information in criminal proceedings, with the Directive 2013-48-EU² on the right of access to a defense counsel in criminal proceedings and with the Directive 2010-64-EU³ on the right to translation in criminal proceedings, as well as the Resolution⁴ of the Council on Procedure for the Enforcement of Procedural Rights of Suspected or Accused Persons in Criminal Proceedings and the ECHR Convention, and the ECtHR's decisions.

The first right determined to the defendant in letter a) of the first paragraph of this article provides for his right to be informed as soon as possible about the charges against him, in the language in which he understands. This right given by the above-mentioned EU Directives is based on the rights granted by Article 6 of the ECHR. This right is derived from many ECtHR's decisions such as the *Abramyan v. Russia* 10709/02⁵. Based on this decision the Court draws attention to the fact that the provisions of paragraph 3 (a) of Article 6 of the Convention indicate the need for special care to be given to the notification of the 'charge' to the defendant. The details of the criminal offense play an important role in the criminal process, which means that from the moment of delivery the suspect is considered to have been notified in writing of the factual and legal basis of the accusation against him. The Court further recalls that the object of Article 6 (3) (a) must be assessed in particular in the light of the broader right to be heard regularly guaranteed by Article 6 (1) of the ECHR. In criminal cases, providing full and detailed information about the charges against a defendant and consequently the legal qualification that the court may apply to the case is an essential precondition for ensuring that the trial is fair, see *Pelissier and Sassi v. France*, no. 25444/94 § 52, ECtHR 1999-11⁶; *France*,

¹ Directive 2012-13-EU, on the right to information in criminal proceedings published on European official journal <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012L0013>, (March 20th 2020).

² Directive 2013-48- EU on the right of access to a defense counsel in criminal proceedings published on European official journal <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0048>, (March 20th 2020).

³ Directive 2010-64-EU, on the right to translation in criminal proceedings published on European official journal <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0007:en:PDF> (March 20th 2020).

⁴ Resolution of the Council on Procedure for the Enforcement of Procedural Rights of Suspected or Accused Persons in Criminal Proceedings published on European official journal https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2009.295.01.0001.01.ENG&toc=OJ, (March 20th 2020).

⁵ ECtHR's Decision *ABRAMYAN v. RUSSIA* 10709/02 published on European official journal [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-155161%22\]](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-155161%22]), (March 20th 2020).

⁶ ECtHR's Decision *Pelissier dhe Sassi v. France*, no. 25444/94 § 52, ECHR 1999-11, published on European official journal [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-58226%22\]](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-58226%22]), (March 20th 2020).

no. 25444/94 § 52, ECtHR 1999-11¹; *Mattocia v. Italy*, no. 23989/94, § 58, ECtHR 2000-IX²; *Ollinger vs Austria*, nr. 42780/98 § 34, 20 April 2006³.

According to letter h) of article 34 are provided to the defendant other rights foreseen at the CPC such as the right to sign a decision under the agreement or to enter into a cooperation agreement or to file an appeal against the court decision, etc.

The second paragraph of this article provides for the defendant's right to receive a written letter on his rights. "The Letter of Rights" it is provided on written to the defendant and its content is in compliance with the provisions foreseen by the EU Directive 2012/13. This Directive contains the model for the letter of written rights. This fact is implemented for the first time in the history of the rights of the defendant in the years of democracy in Albania. It is very important for the defendant that before his first interrogation he is aware of the rights, to better exercise his protection.

Following the guarantees of the defendant, Article 34/b was proposed, as a new article, so for the first time we have a new, special provision in the CPC where the special rights of the defendant are provided. The rights of the arrested or detained person to be informed of the reasons for the arrest or detention provided for in letter a) of this article is the right provided by Directive 2012/13/EU and is in accordance with the established standard from Directive 2010/64/EU. The right of access to a lawyer is guaranteed to a detained or arrested person, to meet privately and to communicate with him before being questioned by the police or the judicial authority. The right of the defendant to communicate with the defense counsel, away from a third party, is part of the basic requirements of a fair trial in a democratic society and is derived from Article 6 § 3 (c) of the ECHR.

Correspondingly, the role of the defendant as a witness is foreseen, in cases when he is a collaborator of justice, by charging him with criminal responsibility in case of false declaration. Of particular importance for our study is the fact that for the first time in the history of Albanian jurisprudence, the case of the collaborator of justice, his responsibility and benefit has been regulated in detail, avoiding the problems encountered by practice (Articles 36/a, 37, 37/a and 37/b). For the first time it is stipulated a reformulating article at CPC by determining that the collaborator of justice can give the testimony as a protected witness. According to the new amendments a defendant can gain the status of collaborator of justice by signing the collaboration agreement with the prosecutor. The most important fact is that the agreement can be signed at any stage of the criminal proceedings even after the final decision. The collaborator of justice can have special protection for himself and his family. The content of the agreement must clearly stipulate the testimony that will be crucial for the court proceedings.

II.2- Testimony

Article 158, paragraph 3, is added, which provides for the prohibition of exclusion from evidence, in cases of criminal offenses against minors. It is similarly, provided for the first time

¹ ECtHR's Decision published on European Court website

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58226%22%5D%7D>}, (March 20th 2020).

² ECtHR's Decision *Mattocia v. Italy*, no. 23989/94, § 58, ECHR 2000-IX, published on European Court website <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58764%22%5D%7D>}, (March 20th 2020).

³ ECtHR's Decision *Ollinger v Austria*, no. 42780/98 § 34, 20 Prill 2006, published on European Court website <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-76098%22%5D%7D>}, (March 20th 2020).

in the provisions of criminal procedure, in accordance with the recommendations of European standards and especially those of ECtHR, paragraph 6 in Article 160 on the manner of obtaining evidence of infiltrated persons which is done by keeping and maintaining hidden their identity.

The provisions for obtaining the testimony of a protected witness have been presented for the first time¹ in the CPC, as very clear and complete for the testimony of an anonymous witness, or a witness with a hidden identity. This provision is provided for each witness, even for those who have not entered, in the witness protection program. The provisions of Article 165/a, aim to regulate the cases of anonymous witnesses, providing for the cases and procedure followed for situations when the witness or a relative of his may be in serious danger to their life or health, due to their testimony.

Correspondingly, criminal offenses are provided, in the trials of which this evidence will be accepted with a hidden identity. According to the ECtHR recommendations, the rights and freedoms of the defendant should be limited to ensure that the testimony is given in a process in which the witness feels threatened and seriously threatened for the life and health of himself and his relatives. This provision is progressive and is provided as well for witnesses who are not part of the witness protection program and will guarantee the implementation of justice. Taking into consideration that many criminal processes failed just because witnesses² withdrew from testifying because they felt threatened and thus the entire trial failed.

At point 3 of article 165/a it is foreseen that the closed envelope containing the full identity of the anonymous witness is handed over by the prosecutor to the head of the trial panel and only he can be aware of full identity of witness protected. However, according to the ECtHR's recommendations explained in the chapters above, the trial panel cannot be informed of the identity of the protected witness, because there is always possibility of leaking information. After all, here in Albania, the court of serious crimes has shown that it has been unable to preserve the identity of the protected witness. There have been many criminal cases where the information on witness identity has been disclosed³ before the trial taking place. In order to preserve the identity of the witness, another judge, who does not adjudicate the case, must verify it and the trial panel must not have any information on the identity of the witness. Only, in this way can be concealed the identity of the witness and he can be saved from the threats to his life and the health of himself and his relatives. Also, the prosecutor's request for the testimony of a witness with a hidden identity must be examined by another judge and only he

¹ Islami, H. & Hoxha, A. & Panda, I. (2006) Proceedings Law. Morava, Tirane, Albania. p. 213-328.

² Serious Crime Court's Decision no. 16, date 20.03.2007., <http://www.gjykata.gov.al/apel-krimet-e-r%C3%ABnda/gjykata-e-apelit-krimet-e-r%C3%ABnda/> (April 2017). As per this decision the witness a juvenile girl was called to testify at the court session in front of two adults that were accusing for sexual exploitation and international trafficking with human being the witness in this court case was victim of the defendants' crime. Therefore, the witness felt threatened and she changed the testimony. Previously during investigations, she was interrogated by the prosecutor and she confirmed that the defendants were the persons who exploited her, but she changed the testimony at the court by saying that she does not know the defendants. The same mistake was made even by the Serious Crime Appeal Court so definitely two defendants were declared as not guilty by the court.

³ <https://gazetamapo.al/deshmitaret-e-mbrojtur-qe-nuk-mbrohen-por-dekonspirohen/> (April, 2015) Referring the media during the court session when the court called for testifying the witness with hidden identity the defendant disclosed the real identity of the witness. The prosecutor was surprised on how the defendant knows the identity of the protected witness. .

can be notified for his identity. In this way, the trial panel that examines the criminal case will be informed for the decision taken by the single judge and will continue to implement the decision taken and proceed by having the testimony of the witness with a hidden identity. This recommendation is implemented as well by the ICC when having testimony of the witness protected on the criminal proceedings. Only in this way is it emphasized that in a series of decisions of the ECtHR, a reasonable and fair judicial process can take place and justice can be done, put in order.

Although, in point 6 of article 165/a it is determined that the court if it approves the request of the prosecutor decides the pseudonym of the witness and the procedures of concealment of identity and the interrogation is done according to the conditions provided in article 361/b of the CPC which we will analyze below, again we think that this provision should be reformulated. According to the ECtHR, no decision should be taken that could lead to the identification of a protected witness. Therefore, the witness must be provided with first and last name, that is, with new generalities and not with a pseudonym, as this way his identity can be suspected or exposed.

Accordingly, the provision of this article "witness with a hidden identity" is defined at the general rules of the CPC and it is not given any opportunity to know, if all these actions, for example the submission of the prosecutor's request to receive evidence from the witness with the hidden identity, the examination of the request by the head of the trial panel and then the appeal that the prosecutor may proceed for the court decision, all these procedures will be undertaken in the presence of the defendant or not. This is not clearly determined in this provision. If the defendant will be notified on these procedures, then everything will be ruined. The defendant can not have information on personal history of the witness otherwise his identity would be exposed. One of the certain guarantees of the ECtHR is that defendants should be restricted in their rights. The defendant must have no information on the identity of the witness. If not, all these criminal proceedings taken for the witness protection process would not function to the purpose for which they are drafted and implemented. We therefore consider it important to determine that it is prohibited for the defendant and his defense counsel to be notified with the request of the prosecutor and not to participate in the examination of the decision to conceal the identity of the witness. Because only in this way can the identity of the witness be hidden and preserved, and his life and the lives of his relatives can be protected.

Another positive provision is the definition of Article 169 on confrontation. It stipulates in the second paragraph that it is prohibited to confront the adult defendant with the victim or the juvenile witness, to guarantee the protection of the juvenile and the victim. Based on the decision of the court of serious crimes which confronts the victim of the trafficking in human beings crime whom was a minor and she felt scared at trial and she changed the testimony by declaring that she does not know the adult defendant whom had been her smuggler and had persecuted by sexually exploitation. Similarly, the Court of Appeals for Serious Crimes makes the same mistake and in this way the defendant trafficker was declared guiltless of the crime of international trafficking in human beings with minors.

The amendments to the CPC have also aimed to regulate the manner in which witnesses are questioned by setting for the first time, in accordance with international standards of law, the prohibition of questions affecting the witness's impartiality and also the prohibition of suggestive questions aimed at suggesting responses.

The amendments to Articles 361/a and 361/b have provided for special cases and procedures to be followed for obtaining the testimony of a minor, a provision in accordance with the Juvenile Code. The amendments of Article 361/b have reinforced the application of special techniques for interrogating collaborators of justice, infiltrated persons and/or persons under cover, and protected witnesses and witnesses with hidden identities. These techniques enable the development of long-distance court hearings, through audiovisual means. An important issue for this paper is precisely the implementation of the ECtHR recommendations for obtaining testimony from witnesses with hidden identities.

In these cases, the ECtHR stipulates that the court must take appropriate measures to ensure that the defendant's face and voice are not identified and encrypted by the parties. This regulation is provided for in point 2, first paragraph of Article 361/b. But the second paragraph of point 2 provides that the court orders the summoning of a witness if it is necessary to recognize and supervise the witness. This regulation absolutely is not in harmony with recommendations of the ECtHR and with the articles explained above on encrypted the face and voice of the witness. If the witness will be notified by the court, then the witness identity will be disclosed and the whole efforts for protecting the witness will be damaged. Disclosing the identity of a protected witness with a hidden identity may not be necessary in any case, as there is a very strong reason why the decision was made to protect the witness, such as threatening his life or the lives of his relatives. If the identity of the protected witnesses or anonymous witnesses is revealed¹, even by the court, this would destroy the entire mechanism that has been set up to protect the witnesses.

Approximately, the identities of 40 percent of those witnesses who collaborated with the International Criminal Tribunal for the former Yugoslavia (ICTY)² have been kept secret because of the security of their lives, according to the court's closing report. However, witnesses again faced threats. As a result, it would not be wrong to say that those who testify in the local courts will face far greater pressures and threats. If these protected witnesses will be disclosed their identities, then their lives will be in danger and the process may fail to deliver justice, especially in the case of witnesses whose testimony is crucial to the criminal process. Therefore, it is suggested to be revised the second paragraph mentioned by insuring stronger protection to the witnesses. Furthermore, paragraph 3 of the article provides that the court may not allow questions to be asked which may disclose the identity of the witness.

We should welcome this provision as it is a new definition that has not been before, and it really aims to protect witnesses from intimidation and threats. But, based on the international practice of the ICC and the ECtHR, they also point to a number of recommendations that no questions should be allowed that may reveal personal stories or certain traits, or other features that would lead to witness disclosure. Therefore, we would recommend a clearer provision where it will be explicitly stated that no kind of question will be allowed regarding life, school, profession, work, all activities where the witness has participated during his life and such questions that may jeopardize the disclosure of his identity.

¹ Xhafo, J. (2010). International Criminal Law. Tirane, Albania. p. 239-249.

² The report on the closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Closing of the Hague Tribunal, an International Criminal Tribunal for the former Yugoslavia in 1993, established by UN decision to try crimes in the former Yugoslavia, and the legacy it left behind. <https://www.trt.net.tr/shqip/ballkani/2017/12/12/koment-tribunali-i-hages-dhe-trashegimia-qe-la-papa-866543> (April 3rd 2020).

II.3- Wiretapping

The amendments to the CPC consist of reducing the sentence for criminal offenses from seven years to four years to the maximum for which wiretapping is allowed. The maximum of seven years, as previously predicted, was too high and wiretapping could not be allowed for the investigation of certain important and serious crimes, such as corruption, trafficking in human beings, crimes committed by organizations, criminal or structured groups, etc. The reduction of the maximum sentence to four years is in accordance with the meaning of serious crimes provided for in the Palermo Convention against Organized Crime and its two protocols, ratified by Albania under Law no. 8920, dated 11.7.2002, which provides in Article 2, letter b, that "Serious Crimes" constitutes a criminal offense punishable by imprisonment of a maximum of at least four years or a more severe punishment.

As mentioned above, in order to conduct a successful investigation and bring the offenders to justice, wiretapping, as one of the most important procedural actions, should be allowed for criminal offenses punishable by not less than four years in maximum. Predicting the involvement of wiretapping methods in crimes punishable by up to four years on the one hand will make it possible to fight these crimes more, given that these are criminal offenses such as corruption where the subjects of these offenses are subjects with high professional skills, such as that of corruption committed by senior officials and make it impossible to commit sophisticated offenses, leaving no trace, and no space for employees whom pursue criminal prosecution to detect them. But, on the other hand, the employees whom will perform the interceptions must be very careful and well trained in exercising this delicate function, as the interceptions constitute a violation of privacy, personal life of the individual, especially in the investigation phase as there is only suspicion against persons, for committing a criminal offense and we are not sure whether we should infringe on the interests that have been established to protect privacy. In these cases, must be clearly defined and balanced to understand what are the prevailing interests, the protection of privacy or the public interest, to fight against the crime and therefore must be balanced to fairly evaluate which will be the interests that will prevail. In some court cases of serious crimes, has resulted that only wiretapping material has incorrectly incriminated persons who have nothing to do with criminal activity, and this constitutes a major violation of human rights. For these reasons, the reduction of the sentence, will increase the range of criminal offenses that will lead to a burden on employees and can certainly lead to the violation of human rights and freedoms. The reduction of the sentence of criminal offences at no lower than four year is in compliance with other laws as well, especially the witness protection law. According to this law at article 2 it is foreseen that: "disposition of this law will apply for criminal offences that it is foreseen a sentence not lower than four year". Letter b) of paragraph 1 of this article of CPC has been amended in order to allow this instrument to be used in the event that the criminal offense was committed intentionally, by means of telecommunications or the use of information technology or computer technology. Whereas, the procedural interception is foreseen in the above articles, the procedures, authorities and reasons based on which the preventive interception takes place in the Republic of Albania are foreseen in the Special Law no. 9157, dated 4.12.2003, "On wiretapping of telecommunications".

Regarding the preventive interception, the judicial practice of the ECtHR states the following in the court case ruled by decision no. 4378/02 of Bykov¹ vs Russia dated 10 March 2009. The Court has consistently considered that when it comes to intercepting communications for the purposes of a police investigation, the law should be clear enough, in the sense of giving citizens an appropriate indication of the circumstances and conditions in which public authorities are authorized to return to this covert and potentially dangerous interference with the rights to privacy and correspondence. In the Court's view, these principles apply equally to the use of a radio broadcasting device, which, in terms of the nature and extent of the relevant intervention, is virtually the same as telephone tapping.

II.4- Victims

According to Directive 2012/29/EU² which replaced the Framework Decision of the Council 2001/220/ the victims, should have the right to testify in their own language. The third paragraph of this article provides for the right of the defendant and the participants in the trial to be informed, if necessary, through an interpreter, regarding the evidence obtained. The last paragraph ensures that costs related to the translation and interpretation of sign language must be covered by the state in accordance with European and international standards. The amendments to the CPC have introduced the obligation of the victim to participate as a party in the criminal proceedings, by guaranteeing its access to the criminal proceedings, in accordance to the determination of the EU Framework Decision on the status of victims in criminal proceedings dated 15/03/2001 Article 9/a.

The amendments of the CPC provide for significant changes for the victim and the accused victim. Thus, the provisions on the victim and the accusing victim are considered very progressive and have provided for the replacement of the role of the "victim of the criminal offense" with the term "victim". Regarding the term used, a great and valuable replacement has been made, because according to the previous provision of the Code, by labeling it with the term "Damaged", an object is conceived, something that has been damaged and not a human being, a victim of a crime, an innocent victim and subject to criminal activity that have been violated, not only on material but moral damage as well as its fundamental rights and freedoms.

At the same time, the term "damaged accusing" with the term "indictment victim", giving the relevant definitions and regulations for these terms in accordance with the Framework Decision of the Council of Europe³ of 15 March 2001 on the Victims' Attitude in Criminal Procedure and the Directive 2012/29 / EU⁴ which has replaced this decision.

¹ Decision no. 4378/02 date March 10th 2009, Bykov vs Russia published on European official journal [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-91704%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-91704%22]}), (April 1st 2020).

² Directive 2012/29 of the EU and the Council on October 2012 To set minimum standards for the rights, support and protection of victims of crime, which replaced the Council Framework Decision 2001/220 <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, (April 2nd 2020).

³ Framework Decision of the Council of Europe of 15 March 2001 on the Victims' Attitude in Criminal Procedure published on the European Official Journal http://data.europa.eu/eli/dec_framë/2001/220/oj, (March 30th 2020).

⁴ Directive 2012/29/EU Council of Europe October 2012 For the Determination of the Minimum Standards of Rights, Support and Protection of Victims of Crime, which replaced the Framework Decision of the Council Directive 2001/220/JHA published in the Official Journal

For this reason, Article 58 of the CPC has been completely reformulated, followed by Articles 58/a and 58/b, which provide for special character, the juvenile victim and the sexually abused victim or subject to trafficking. In these two cases, it is foreseen that the victim has some special rights related to her own special qualities.

Similarly, Article 59/a was added, which provides for the case of numerous victims of criminal offenses, in order to avoid delaying the process for this reason, guaranteeing their representation by the same counsel in cases where there is no impediment. Article 60 provides in detail the content of the request of the accusing victim, to enable the development of a normal judicial process. At the same time, it is foreseen that the civil lawsuit in the criminal process can be filed only by the victim or her inheritors.

II.5- Prosecution and Judicial

Regarding the prosecution role as a subject at the criminal proceedings the amendments are fundamental. For the first time, in the history of Albanian jurisprudence, from the post-communist period, the function of an independent, fully competent prosecutor is provided to exercise criminal prosecution according to his beliefs, convictions, so a decentralized function whose decisions on criminal prosecution cannot be contested or amended by an administrative hierarchy. Such decisions as they have been before that when the decision of a prosecutor at a lower court could be reviewed by a prosecutor at a higher court. According to these provisions, we hope that prosecutors with high integrity and professionally very capable will be included in the prosecution system. Because this decentralization, under the conditions of a corrupt prosecution as it is nowadays can violate the principles of justice. Thus, the powers of the prosecutor¹ have been increased, for the first time, it is foreseen in terms of his rights to reach an agreement with the defendant and to propose it to the court, as well as to decide on the criminal order of punishment, these new institutes provided in the CPC (Article 24). Also, the competencies of the Special Prosecution Office in full compliance with the constitutional provisions, for justice reform have been foreseen, as well as the cases of conflict of competencies between this Special Prosecution and the ordinary prosecution have been regulated (Articles 28-29).

Deep and democratic amendments are foreseen in Chapter II of Part I of the Code, which mainly reflect the constitutional amendments on the jurisdiction of the courts, according to the justice reform. Specifically, Article 75/a has been reformulated in accordance with Article 135 of the revised Constitution and Articles 9 and 10 of the Law "On the Organization and Functioning of Institutions to Fight Corruption and Organized Crime", by providing the jurisdiction of the court against the crime of corruption for:

any subject who commits a criminal offense provided by Articles 244, 244/a, 245, 245/1, 257, 258, 259, 259/a, 260, 319, 319/a, 319/b, 319/c, 319/9, 319/d, 319/dh, 319/e (provisions in the field of corruption and organized crime);

any criminal offense committed by a structured criminal group, criminal organization, terrorist organization and armed band, that their definition is made in the provisions of the Criminal Code;

<https://eurex.europa.eu/search.html?qid=1585598884134&text=Directive%202012/29%20/EU&scope=EURLEX&type=quick&lang=en> (March 20th 2020).

¹ Palazzo, P. (2000) *Lezioni di diritto penale comparato* Torino, Giappichelli. p. 130-159.

criminal charges against the President of the Republic, the Speaker of the Assembly, the Prime Minister, a member of the Council of Ministers, the judge of the Constitutional Court and the Supreme Court, the Attorney General, the High Inspector of Justice, the Mayor, the Member of Parliament, the Deputy Minister, the member of the High Judicial Council and the High Prosecution Council, and the heads of the central or independent institutions defined in the Constitution or by law;

any charges against the above former officials, for acts committed in the exercise of their duties;

According to the provisions of Article 75/b on the jurisdiction of the High Supreme Court are also reflected, the new constitutional amendments for justice reform in relation to this court, by keeping in its jurisdiction only the unification of judicial practice by the Criminal College and its amendment by its Colleges. Meanwhile, disputes over competencies are envisaged to be resolved by the Criminal College in the Advisory Chamber, as a competence that does not affect the function of this court and guarantees the same solution for the lower courts. The provisions provide for an amendment to the current rule on the jurisdiction of the Court against Corruption and Organized Crime, providing that in cases where one of the defendants is a minor, the proceedings against him shall be examined in each case by the relevant section of the ordinary court even though the subject matter jurisdiction may belong to the Court against Corruption and Organized Crime, the provision made in Article 80 of the CPC.

For the first time in the CPC, it is established the Court against Corruption and Organized Crime which is expected to review, at both levels, district court and appeal court, with a panel of three judges, because the selection of judges and their specialization guarantee the legislator's intention to a fair decision-making of the court. Hopefully, we expect that the establishment of this court will implement justice reform, so long awaited by all citizens. We believe that this court will give the green light to the entire justice system by turning it into an effective justice system and especially by fighting corruption among of judges and prosecutors, but as well as among the politicians in Albania.

By establishing the so call "Court of Corruption" we hope that Albania will not to be ranked at the first place on the list of countries with the highest corruption in the judiciary system. We hope that justice will be served to all Albanian citizens, so that they do not seek justice at the doors of the European Court¹ just because of the dysfunction of the judicial system in Albania. Albanian citizens deserve access to justice, just like all European citizens.

Furthermore, an innovation foreseen by these amendments of the CPC are the provisions provided for the judicial police. The National Bureau of Investigation is established for the first time. This part is regulated based on the provisions of the amendments to the law on judicial police.

As we pointed out above, the position and role of the prosecutor² in the preliminary investigation phase has undergone significant changes and remains a central and competent figure, during the preliminary investigation phase and the amendments are foreseen in harmony with the provisions of the new law on the prosecution, being provided for the

¹ Pradel, J. & Cortens, G. & Vermeulen, G. & Papialis, (2009). *European Criminal Law*. Tirane, Albania. p.155-209.

² Dhrami, J. (2011). *The Defendant and The Prosecutor*. Tirane, Albania. p. 287-358.

manner of control of the actions performed by the prosecutor during the preliminary investigations and at their conclusion.

Conclusions/ recommendations

Regarding the amendments to the CPC, we consider that they are very progressive as they are in harmony with international and European standards and some of them are defined for the first time in the Albanian jurisprudence. Defendant's rights letter constitutes a greater guarantee for the protection of the defendant's rights. It determines not only a right for the defendant but above all an obligation for the enforcements agencies to implement executing the rights. The sanctioning of the legal position of the victim in the criminal process and the accused victim is undoubtedly considered positive, as in all these years, despite its important and necessary role, it was not mentioned and specified the role of victims at all in the criminal procedure. The role of the victim in criminal proceedings has already been consolidated as a party in the process with all the rights in a regular criminal process.

Consolidation of provisions relating to the protection of witnesses, collaborator of justice and witnesses with a hidden identity. But comparing with international standards the approximation with them is still lacking, therefore it is recommended to be reformulated in the way that the identity of the protected or anonymous witness to not be disclosed for any reasons. Correspondingly, it is recommended that the provisions regarding the prohibited questions to be reformulated, so that the identity of the protected witness will not be disclosed.

Bibliography:

- [1] Balla, R. (2017). Constitutional Reform, Criminal Justice Reform on Prevention of Organized Crime and Corruption, Proceedings of International Scientific Conference at Faculty of Law, Tirana University, Albania.
- [2] Balla, R. (2007). Witness and Justice Collaborators Protection. The Journal "*E Drejta Parlamentare dhe Politikat Ligjore*". Tirane, Albania. No 39.
- [3] Cassese, A. (2003). *International Criminal Law*, Oxford University Press England.
- [4] Dhrami, J. (2011). *The Defendant and The Prosecutor*. Tirane, Albania.
- [5] Damaska, M. (1975). Structures of Authority and Comparative Criminal Procedure. *Yale Law Journal*, 84.
- [6] Frase, Richard, S. (1995) German Criminal Justice as a Guide to American Law Reform, Weigend.; Similar Problems, Better Solutions?" USA *Boston College International and Comparative Law Review*, 18
- [7] Islami, H. & Hoxha, A. & Panda, I. (2006) *Proceedings Law*. Morava, Tirane, Albania.
- [8] Palazzo, P. & Giappichelli. (2000) *Lezioni di diritto penale comparato* Torino, Italy.
- [9] *Pradel, J. & Cortens, G. & Vermeulen, G. & Papialis, (2009). European Criminal Law*. Tirane, Albania.
- [10] Xhafo, J. (2010), *International Criminal Law*, Tirane, Albania.
- [11] The report on the closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Closing of the Hague Tribunal, an International Criminal Tribunal for the former Yugoslavia in 1993, established by UN decision to try crimes in the former Yugoslavia, and the legacy it left behind.

- [12] The Information published at Ministry of Justice web page On Amendments of the Criminal Proceedings Law. (March 2020).
- [13] Vogler, R. & Ashgate, K. (2005). *A World View of Criminal Justice*, London, England.

Albanian Legal Acts

- [1] Constitutional Law Amendments (2016) published on Official Journal year 2016.
- [2] Criminal Proceedings Code amended by law no. 36 date 30.03.2017, published on Official Journal year 2017.
- [3] Law No. 97/2016 "On Organization and Functioning of Prosecution in the Republic of Albania", published on Official Journal no. 209, year 2016.
- [4] Law on Organization and Functioning of Institutions to Fight Corruption and Organized Crime published on Official Journal no. 209, year 2016.

European and International Legal Acts:

- [1] Directive 2012/29/EU Council of Europe October 2012 For the Determination of the Minimum Standards of Rights, Support and Protection of Victims of Crime, which replaced the Framework Decision of the Council Directive 2001/220/JHA published in the Official Journal.
- [2] Framework Decision of the Council of Europe of 15 March 2001 on the Victims' Attitude in Criminal Procedure published on the European Official Journal.
- [3] Resolution of the Council of Europe on Procedure for the Enforcement of Procedural Rights of Suspected or Accused Persons in Criminal Proceedings published on European official journal.
- [4] Directive 2012/29 of the EU and the Council on October 2012 To set minimum standards for the rights, support and protection of victims of crime, which replaced the Council Framework Decision 2001/220.
- [5] Directive 2012-13-EU, on the right to information in criminal proceedings published on European official journal.
- [6] Directive 2013-48- EU on the right of access to a defense counsel in criminal proceedings published on European official journal.
- [7] Directive 2010-64-EU, on the right to translation in criminal proceedings published on European official journal.
- [8] Directive of the European Parliament and of the Council (2013) 821 "On the strengthening of certain aspects of the presumption of innocence and the right to be present at a trial in criminal proceedings".
- [9] European Union Schengen Convention of year 1990.

European Court Decisions:

- [1] ECtHR's Decision no. 4378/02 date March 10th 2009, Bykov vs Russia published on European official journal.
- [2] ECtHR's Decision ABRAMYAN v. RUSSIA 10709/02 published on European official journal.
- [3] ECtHR's Decision Pelissier dhe Sassi v. France, no. 25444/94 § 52, ECHR 1999-11, published on European official journal.
- [4] ECtHR's Decision Mattocia vs Italy, no. 23989/94, § 58, ECtHR 2000-IX.

- [5] ECtHR's Decision Ollinger v Austria, no. 42780/98 § 34, 20 Prill 2006, published on European Court.
- [6] ECHR's Decision, Mineli vs Switzerland 25.3.1983.
- [7] Sergey Zolotukhin v. Russia - HUDOC - Council of Europe.
- [8] **Internet web pages:**
- [9] -<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58764%22%5D%7D>}, (March 20th 2020).
- [10] -<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-76098%22%5D%7D>}, (March 20th 2020).
- [11] http://data.europa.eu/eli/dec_framë/2001/220/oj, (March 30th 2020).
- [12] <https://eurlex.europa.eu/search.html?qid=1585598884134&text=Directive%202012/29%20EU&scope=EURLEX&type=quick&lang=en>(March 30th 2020).
- [13] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-91704%22%5D%7D>}, (April 1st 2020).
- [14] -<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2802%29>, (March 16th 2020).
- [15] -<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57540%22%5D%7D>}
- [16] <https://ec.europa.eu/transparency/regdoc/?fuseaction=list&cotelId=1&year=2013&number=821&version=ALL&language=en>, (April 2nd 2020).
- [17] - hudoc.echr.coe.int › app › conversion › pdf; (March 16th 2020)..
- [18] -<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, (April 2nd 2020).
- [19] -<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012L0013>, (March 20th 2020).
- [20] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0048>, (March 20th 2020).
- [21] -<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0007:en:PDF> (March 20th 2020).
- [22] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2009.295.01.0001.01.ENG&toc=OJ,
- [23] (March 20th 2020).
- [24] -<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-155161%22%5D%7D>}, (March 20th 2020).
- [25] <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58226%22%5D%7D>}, (March 20th 2020).
- [26] <https://www.trt.net.tr/shqip/ballkani/2017/12/12/koment-tribunali-i-hages-dhe-trashegimia-qe-la-prapa-866543> (April 3rd 2020).

Enterprise Environment and Strategic Management for SME's, Evidence from Peja Region

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Abstract

During the last years, Kosova's enterprises can be characterized by the effort to adapt on new emerging conditions which appeared after the outbreak of the global economic crisis in around 2007. Although economic revival is wistfully awaited, the recession still exists in the Kosova's economy with often fatal influence on many unstable enterprises. In these turbulent times strategic management and planning takes an important role, however is more or less neglected especially by the SMEs sector managers. It is therefore necessary to improve management accounting mentality and achieve a more realistic optical about cost management and strategy. In this respect, strategic cost management helps them through the development and use of strategic management accounting techniques related to aspects of external information needs to cope with uncertainty and economic environment to support the decisions of a strategic nature.

Keywords: technology Strategic Management, accounting costs, globalization.

1. Introduction

Handcrafting in Peja region has taken place since the ancient periods and it was transformed in time depending on the degree of economic and social development. Based on archaeological discoveries in the region of Peja, Peja region is very important for the study of handicrafts since earliest times. On the basis of archaeological material discovered in Peja as fibula, rings, pins, bracelets, knowing saltalone and bronze helmets, etc., it can be concluded that by this time developed economic life was present before the beginning of the crafts. According to cadastral registration year in the city of Pec in 1582 exercised a total of 56 crafts. In the last decade crafts, especially that of the social sector has not shown significant results in the development of so far. Social sector organizations constituted working: Before the declaration of Kosovo's independence Peja economy and all accompanying infrastructure was among the most developed economies, ranging from industrial facilities, hotel and tourism for the natural beauty is very attractive, wood industry, agriculture, economy small, handicrafts and other crafts. With violent measures the Serbian government through police and military authorities tipped staff and experts devoted to the local and national economy and begin managing the matter within the Serbian framework, while workers were on the road, this system passed through the apparatus of extreme violence to colonial methods. Most of economic power and its population turned out wounded and killed or destroyed. Agricultural and industrial production were over. All agricultural equipment stolen in the villages with all cattle herds, houses were burned and also schools and mosques in the city and surroundings. Thanks to the international community, IGOs and NGOs, various donors, especially the Diaspora that had the desire to reconstruct the region, important investments started after the war mainly in the

refurbishment and construction of houses, agricultural land preparation for securing the morsel of bread, providing markets and supply

essential items and necessary for the population to less pain the emergency was passed and became the employment of a number of young people. Trade in the last decade has signed permanent growth, as seen in the increase of turnover realized in network expansion and in accordance with other services. Overall economic development of the municipality, especially in the increase of personal incomes have stimulated the development of this branch of economy, by opening specialized shops. Carrying freight traffic were working organizations: Trade Enterprise "17 November" with 108 workers, Commercial Enterprise "Agrometohija" which was specialized for the circulation of agricultural machines and staffed by 20 workers. Trade and handicrafts have been the leading branches of economy of Peja, with the development of agriculture means by which residents had additional income, such as (Vineyards, meadows, gardens) which have been in the area near the city. Peja Municipality to April 2015 were registered 5107 private businesses, with 80% of them are concentrated in trade. Peja city is an important Kosovo exporter by developing trade with Montenegro, Albania, Macedonia, Turkey and some other countries. A key factor that push forward the economic development is the establishment of a large number of SMEs. Since SME's have the crucial attribute of positively affecting the growth of national income, the reduction of unemployment and the expansion of the existing business. One of the main problems faced by private enterprises is the lack of financial resources. However, alongside the presence of a large number of SMEs in the Peja region are established also a large number of institutions other than banks and banking institutions that deem a modest financial market, although the credit conditions are still unfavorable starting from short loan periods of time, high rates of interest, short grace periods, so that some long-term investment projects cannot be realized due to short term loans repayment limit. Today society is confronted with new challenges including globalization, trade liberalization and technological turnover. These changes in the global economy generate the need for support and assistance in research and development among SMEs in Peja region.

2. Small and Medium Enterprises challenges in the Peja region

Nowadays, in Kosovo more than 85% of the companies are small and medium-sized enterprises (SMEs) and majority of the region employees work in these companies. In order to develop intelligent business to become competitive, the enterprises must increase the quality and technologic level of products and services, to have permanent new product or to make old products bettering and to have a good prices policy. These activities request first a large amount of data, information and knowledge collected from all sources and then request transferring knowledge at each enterprise level. Generally, in some SMEs activity a sector, the knowledge generates capacity exceeds the human records and process capacity, which lead to a super sized knowledge offer. In this way can be generated an inefficacy at the organizational and personal level. The current state of innovation in SMEs from experience gained and some general statistics regarding the results obtained in 2013 are thus presented.

3. Methodology

The survey data were analyzed using the Enterprise Surveys Global Methodology of the World Bank as outlined in the methodology web page¹. Caution should be done when comparing raw

1

data and point estimates between surveys that did and did not adhere to the Enterprise Surveys Global Methodology. For surveys which did not adhere to the Global Methodology, any inference from one of these surveys is representative only for the data sample itself.

Regional averages of indicators are computed by taking a simple average of country-level point estimates. For each economy, only the latest available year of survey data is used in this computation. Only surveys, posted during the years 2009-2013, and adhering to the Enterprise Surveys Global Methodology are used to compute these regional and "all countries" averages. Descriptions of firm subgroup levels, e.g. how the ex post groupings are constructed, were provided in the Indicator Descriptions document.

Statistics derived from less than or equal to five firms were displayed with an "n.a." to maintain confidentiality and should be distinguished from "." which indicates missing values. Also note for three growth-related indicators under the "Performance" topic, these indicators are not computed when they are derived from less than 30 firms.

Standard errors were labeled "n.c.", meaning not computed, for the following:

indicators for all surveys that were not conducted using the Enterprise Surveys Global Methodology and

for indicator breakdowns by ex post groupings: exporter or ownership type, and gender of the top manager.

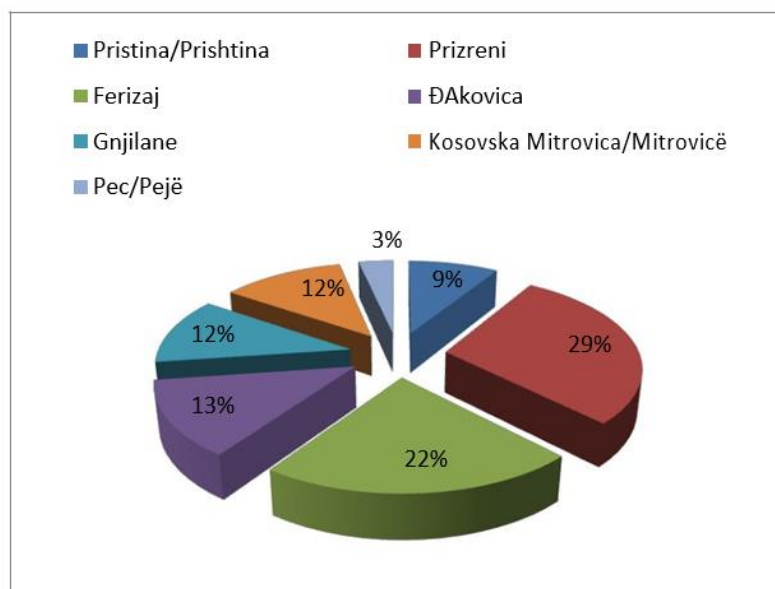


Figure 1. Percent of firms with an internationally-recognized quality certification

4. Results

The level of internalization in the Peja region is still very low compared to other regions of Kosovo. The presence of internationally-recognized quality certification is the lowest one (8.6%) compare to Prizreni that reaches 72.5%. Regarding the web site (Table 2)access advertisement and diffusion the Peja region SME's have sufficient coverage with 61.3 % that is close to the average of the entire Kosovo. Surprisingly communication (table 3)through e-mail is the highest value of the entire Kosovo, considering this tool as an important source of interaction with the external world. External auditing is an important process in the internalization of the SME'S to achieve transparency toward customers possible investors and banks. Percent of firms with an annual financial statement reviewed by external auditors (table 4) is still very low 13.3%.

Anyway some improvement has been done during these years.

Table 1. Percent of firms with an internationally-recognized quality certification

| | |
|-------------------------------------|-------------|
| Pristina/Prishtina | 22.3 |
| Prizreni | 72.5 |
| Ferizaj | 55.3 |
| Đakovica | 33.0 |
| Gnjilane | 29.6 |
| Kosovska Mitrovica/Mitrovicë | 30.3 |
| Pec/Pejë | 8.6 |

Table 2. Percent of firms having their own Web site

| | |
|-------------------------------------|-------------|
| Pristina/Prishtina | 76.6 |
| Prizreni | 87.2 |
| Ferizaj | 68.9 |
| Đakovica | 43.8 |
| Gnjilane | 45.8 |
| Kosovska Mitrovica/Mitrovicë | 63.7 |
| Pec/Pejë | 61.3 |

Table 3. Percent of firms using e-mail to interact with clients/suppliers

| | |
|-------------------------------------|-------------|
| Pristina/Prishtina | 93.0 |
| Prizreni | 94.4 |
| Ferizaj | 64.7 |
| Đakovica | 85.3 |
| Gnjilane | 55.8 |
| Kosovska Mitrovica/Mitrovicë | 73.3 |
| Pec/Pejë | 96.2 |

Table 4. Percent of firms with an annual financial statement reviewed by external auditors

| | |
|-------------------------------------|-------------|
| Pristina/Prishtina | 28.4 |
| Prizreni | 52.7 |
| Ferizaj | 15.4 |
| Đakovica | 3.3 |
| Gnjilane | 21.6 |
| Kosovska Mitrovica/Mitrovicë | 34.1 |
| Pec/Pejë | 13.3 |

5. Conclusions

With the explosive growth of knowledge and the further improvement of economic globalization, technology gradually represents its greater significance as the core factor of the strategic resources and competence for national and regional development, which becomes a greater support to the construction of the innovative country and also a key to take the initiative to develop. Under this tendency, technological improvements in Kosovo and specifically Peja region should play a more important role in pushing the economy forwards, which brings higher requirements for technical development. Thus Peja region SME's must integrate and utilize the resources of new technology in a more comprehensive way. During the process of building up a well-off society as well as innovative regions in an all-around way, the demand for technological innovation is continuously increasing and its content, as to Kosovo, is undergoing further fulfillment. The study on the inner connection between Peja region technological development and economic growth, thus under such background, means much to get a knowledge about the dynamic equilibrium relationship between global interaction of SME's and economic growth, which can be taken as an important reference for the government to draw up future policies towards better economical environment.

References

- [1] Ashton, R.H. and Kramer, S.S. (1980) "Students as Surrogates in Behavioural Accounting Research: Some Evidence", *Journal of Accounting Research*, Vol. 18(1), pp. 1-15.
- [2] Baxter, J. and Chua, W.F. (1999) "Now and the Future", *Australian Accounting Review*, Vol. 9(3), pp. 3-14. Beach L.R. and Mitchell T.R. (1978) "A Contingency Model for the Selection of Decision Strategies", *Academy of Management Review*, July, pp. 439-449

- [4] BurgeSmani, R. A., & Wheelwright, S. C. (2004). Strategic management of technology and innovation.

READING, 1(1).

- [1] Davenport, T.H. and Prusak, L. (1997) Information Ecology, Oxford University Press, Oxford. Davenport, T.H. and Prusak, L. (1998) Working Knowledge, Harvard Business School Press, Boston. Devlin, K. (1999) Infosense: Turning Information into Knowledge, W.H. Freeman and Company, New York. Drucker, P.F. (1993) Post-Capitalist Society, Harper Business, New York.
- [2] Edmundson, R.H., Lawrence, M.J. and O'Connor, M.J. (1988) "The Use of Non-Time Series Information in Sales Forecasting: A Case Study", Journal of Forecasting, Vol. 7(3), pp. 201.
- [3] Eyre, D., & Wittkowsky, A. (2002). Privatisation in Kosovo. *Südosteuropa Mitteilungen*, (04), 16-35.
- [4] Glaister, K. W., & Dincer, O. et al. (2008). A causal analysis of formal strategic planning and firm performance - Evidence from an emerging country, Emerald, *Management Decision*, 46(3-4), 365-391.
- [5] Heikkilä, J. (2002). From supply to demand chain management: efficiency and customer satisfaction. *Journal of Operations Management*, 20(6), 747-767.
- [6] Hitt, M., Ireland, R. D., & Hoskisson, R. (2012). *Strategic management cases: competitiveness and globalization*.
- [7] Cengage Learning.
- [8] Jamshidi, B., & Ismaeli, S. (2012). Analyzing effective elements in agile supply chain. *Management Science Letters*, 2, 369-378
- [9] Johnson, G., Scholes, K., & Whittington, R. (2006). *Exploring Corporate Strategy*. Harlow: Pearson Education Ltd.
- [10] Kastrati, V. (2015). Management of Energy Costs for Sme's, Evidence From Kosova Economic Environment. *European Journal of Sustainable Development*, 4(1), 129.
- [11] Kastrati, V. (2015). Price and Income Elasticities of Fuel Demand in Kosova. *European Journal of Sustainable Development*, 4(1), 101.
- [12] Kotler, P., & Keller, K. L. (2007). *Marketing Management*. Praha: Grada Publishing.
- [13] Lajçi, L. (2007). TË DHËNAT E PARA PËR PEJËN DHE EMËRTIMIN E SAJ. *Gjurmime Albanologjike-Seria e shkencave historike*, (37), 233-244.
- [14] Mallya, T. (2007). *Základy strategického řízení a rozhodování*. Praha: Grada Publishing.
- [15] Mandy, D. M. (2009). Pricing inputs to induce efficient Make-or-Buy decisions. *Journal of Regulatory Economics*, 36(1), 29-43.
- [16] Minervini, C. (2002). Housing reconstruction in Kosovo. *Habitat International*, 26(4), 571-590.
- [17] Moschuris, S. J. (2008). Organizational participants in the make-or-buy process. *Industrial Marketing Management*, 37(2), 143-153.
- [18] Moses, A., & Åhlström, P. (2008). Dimensions of change in make or buy decision processes. *Strategic Outsourcing. An International Journal*, 1(3), 230-251.
- [19] Porter, M. E. (1981). The contributions of industrial organization to strategic management. *Academy of management review*, 6(4), 609-620.

-
- [20] Rabinson, C. J., & Malhotra, M. K. (2005). Defining the concept of supply chain quality management and its relevance to academic and industrial practice. *International Journal of Production Economics*, 96(3), 315-337.
- [21] Shank, J., K., Govindarajan, V., (1993), *Strategic cost management: the new tool for Competitive Advantage*, The Free Press, New York.
- [22] Smircich, L., & Stubbart, C. (1985). Strategic management in an enacted world. *Academy of management Review*, 10(4), 724-736.
- [23] Srivastava S.K. (2008). Towards estimating Cost of Quality in supply chains. *Total Quality Management* 19, 193-208.
- [24] Williamson, O. E. (2008). Outsourcing: Transaction cost economics and supply chain management. *Journal of Supply Chain Management*, 44(2), 5-16.
- [25] Yazdian, S. A., & Shahanaghi, K. (2011). A multi-objective possibilistic programming approach for locating distribution centers and allocating customers demands in supply chains. *International Journal of Industrial Engineering Computations*, 2, 193-202.

Aligning Business Model Design and Technological Innovation for an Improved Business Performance

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Abstract

This paper aims to investigate the relationship between business model design (BM), explorative and exploitative innovation, and business performance. Andrew Hayes Process macro for SPSS was employed to perform a parallel mediation analysis and test the proposed model using a sample of 193 Albanian enterprises. The results demonstrate that the adoption of a given BM has direct and indirect effects on business performance. More specifically, the indirect relationship of efficient business model design (EBM) and new markets business model design (NMBM) with business performance, through explorative innovation, is significantly weaker compared to the effect of novel business models (NBM). In contrast, study results show that the difference in indirect effects on the performance of different BMs through exploitative innovation is not significant. Contribution to both technological innovation and business model design literature, and managerial implications are further discussed.

Keywords: Albania, business performance, exploitative innovation, explorative innovation, business model design.

Introduction

Exploitative and explorative innovation are two important themes that have drawn the attention of strategy and innovation scholars during the last three decades (Levinthal and March, 1993; Benner and Tushman, 2003; Rothaermel and Deeds, 2004; Jansen et al., 2006). The literature on technological innovation associates exploitation with incremental innovation designed to meet the needs of existing customers or markets through improvements in product and services and increased production and distribution efficiency. In contrast, exploration is associated with disruptive innovation designed to meet new customers and markets' demands through new and innovative technologies, processes, products, and new ways of doing business (Benner and Tushman, 2003; Rothaermel and Deeds, 2004). From a learning organization perspective, these are two distinct types of 'innovative outcomes of learning' (Jansen 2005, p. 17). Through exploitation, firms learn how to exploit existing technologies while through exploration, firms experiment, and innovate (Levinthal and March, 1993; Jansen, 2005; Jansen et al., 2006).

Theoretical and empirical research has explored the relationship between explorative and exploitative innovation and firm performance. On the one hand, although exploitation may

lead to short-term performance gains, it can result in a lack of flexibility to respond to environmental changes (Jansen et al., 2006; Levinthal and March, 1993). On the other hand, too much exploration may result in a trial and error cycle impeding firms to capture the benefits of this strategy (Levinthal and March, 1993). Thus, firms need to balance exploration with exploitation, or in other words, become ambidextrous (Jansen et al., 2006). Empirical study results on the relationship between explorative and exploitative innovation, their interaction, and performance are mixed. The proposed positive relationship between ambidexterity and performance has been confirmed by empirical research (He and Wong, 2004; Gibson and Birkinshaw, 2004; Jansen, 2005). However, the relationship between these forms of innovation as separate constructs is not yet clear. Some empirical studies have reported a positive impact of both types of innovation on business performance (He and Wong, 2004), while others report positive results for explorative innovation and negative for exploitative innovation (Wei et al., 2014).

Despite the vital role of technological innovation in enhancing firms' performance, there is no guarantee that the value created can be captured (Teece, 2010; Chesbrough and Rosenbloom, 2002). For that, a good business model (BM) is needed. As suggested by Zott, Amit and Massa (2011), the role of BMs in the domain of innovation and technology consists of shaping new technologies, triggering changes in the operational and commercial activities of the individual firms, and finally, converting new technologies into marketable, successful products or services. In general, there is agreement among scholars that the BM has an essential role in value creation and value capture potential of the firm (Zott and Amit 2010), leading to performance gains and competitive advantage (Hamel, 2000; Christensen, 2001; Teece, 2010). However, despite the relevance of the topic, empirical evidence on how the adoption of specific BM designs affect business performance is still meagre and limited to a case study based research mainly (Wirtz et al., 2016). Some scholars have tested the relationship between BMs and performance (Zott and Amit, 2007, 2008; Patzelt et al., 2008; Chesbrough, 2010; Demil and Lecocq, 2010; Christensen et al., 2016; Pucci et al., 2017). Some empirical results suggest that the novel business model design (NBM) leads to higher performance while the results for other BMs such as EBM are mixed (Zott and Amit, 2007; Brettel et al., 2012; Hu, 2014; Gerdoçi et al., 2018).

Based on the premise that both BM and technological innovation affect business performance, in addition to being interrelated, we raise the following research question: Is there a relationship between the adoption of a specific BM, exploitative innovation and explorative innovation, and business performance? If yes, what kind of relationship is it?

Various studies have shown that some firms are very effective in exploiting technologies that reinforce the firm's current business, but less so when these types of innovation fall outside their usual way of doing business, especially when the technology change is radical (Tushman and Anderson, 1986; Christensen, 1997). Analyzing these results from a theoretical standpoint Chesbrough and Rosenbloom (2002) suggest that it is the BM a firm adopts that mediates the relationship between technology innovation and value creation. Therefore, when technological innovation does not produce the expected results, it is the business model that needs to transform to capture the value created by technology innovation. However, from a learning organization perspective, the BM design produces different learning outcomes. Hu (2014) suggests that the two opposing design themes, novelty-centred and efficiency-centred, directly affect organizational learning through trust-building, information sharing, learning intent, and other outcomes of the collaboration between business partners. The author found

strong support for EBM's effect on technological innovation performance through organizational learning (Hu, 2014). In this conceptualization, the learning outcomes mediate the relationship between BM design and technological performance. Other studies suggest a different relationship between technological innovation, BM design, and performance. For example, to explore the relationship between technology innovation and different types of BM design themes, Wei et al., (2014) found that the novelty-centred BM design theme (NBM) and the efficiency-centred BM design theme (EBM) have a moderating effect on the relationship between explorative and exploitative innovation and firm growth. Such contradictory conceptualizations and results can be related to the use of different measures of innovation (Gatignon et al., 2002). Therefore, it is necessary to determine the theoretical perspective to be used, understand the limitation of the research design adopted, and be aware of the type of constructs used to measure innovation.

From a research design perspective, the approach suggested by Chesbrough and Rosenbloom (2002) determines the need to track and measure BM transformation and its performance effects, which is not the case of our study. First, we have not measured BM innovation or change. Second, our data are cross-sectional. Therefore, we can capture only a snapshot of the current situation, not its evolution in time. Besides, BM design is measured as a multi-categorical variable hindering our ability to capture the nuanced effects of different BM designs.

From a theoretical perspective, we are focused on innovative outcomes of learning (Jansen, 2005) that the adoption of a specific BM has contributed to creating not the new ones associated with the transformation process of the BM, as suggested by Chesbrough and Rosenbloom (2002). We believe that this is an essential aspect of the innovation-BM model relationship for two reasons. First, we want to understand why some BMs can capture more value and what role does explorative and exploitative innovation play in this process. Second, changing the BM design, it is not an easy option for firms. As argued by Zott and Amit (2010, p.217), the BM design 'will be difficult to change due to forces of inertia and resistance to change.' Based on this line of reasoning, we propose that different BM lead to different forms of innovative learning outcomes, that in turn affect firm's performance.

This proposition does not rule out that BM design can, in time, adapt to the type of technological innovation that better deals with competition pressure or develop a suitable revenue architecture, as suggested by some scholars (Chesbrough and Rosenbloom, 2002; Zott and Amit, 2010). The process can have the opposite direction too. Our proposition is consistent with Baden-Fuller and Haefliger's (2013) argument that suggests a two-way relationship between technology and BM. In broader terms, we suggest that it is the alignment between BM design and innovative outcomes of learning that produces performance gains.

In this paper, we find support for our hypothesis that different BMs types lead to different learning outcomes, i.e., exploitative innovation and explorative innovation, in addition to their different impacts on firm performance. More importantly, the relationship between different BM and performance is partially mediated by explorative innovation.

The paper is structured as follows: Section two presents data, the model used, and assumptions testing. Section three contains parallel mediation regression analysis. Section four includes theoretical discussions, implications, and limitations.

Method and Data

Data

The sample in the present study consists of 201 firms randomly selected from a sampling frame of limited liability, Albanian companies operating in nine different sub-sectors (service and manufacturing). The reasons for selecting these firms and sectors are many-fold. We selected knowledge-intensive sectors, increasing our chances to capture the phenomenon under investigation (innovation) (see Alvesson, 1993; Von Nordenflycht, 2010). Second, we did not focus on one sector to avoid possible bias. In some sectors, a specific BM design can be more suitable than others. Therefore, we selected nine different sectors. Third, it is possible for limited liability companies to collect reliable secondary form tax offices such as sales, net earnings, and other objective indicators.

Using Mahalanobis, Cooks distance, and leverage tests, we removed eight outliers. Thus, the final sample for this research consists of 193 cases.

Main Variables and Measurement

Performance (dependent). This measure is assessed using five items: market share, revenue, profit, cash flow, and return on investment. The respondents are asked to rate their business performance compared to that of their most direct competitor for the past three years. The measure is the result of the combination of different metrics (Auh and Merlo, 2012; Slater and Olson, 2000; Delaney and Huselid, 1996). The 5-item construct Cronbach's alpha of 0.934 met the recommended criteria of Nunnally (1978).

Exploratory and exploitative innovation (mediators). Following Jansen et al. (2006), exploratory innovation is measured using seven items while exploitative innovation using six items. However, after the exploratory factor analysis, the number of items for each measure was reduced to four. The Cronbach's alpha coefficients are acceptable, 0.749 for exploratory innovation, and 0.631 for exploitative innovation.

Business models (independent). Following Pucci et al., (2017, p. 228) we identify three types of BMs using a multinomial variable: novel business models (NBMs) focused on 'developing innovations and new products'; efficient business models (EBM) 'focused on the search for operational efficiency, the development of new production processes, and the pursuit of effective/efficient use of resources and supply chains'; and new markets business models (NMBM) 'focused on the creation of new markets, the development of new transaction systems in existing markets, and the development and innovation of distribution networks.'

Firm-level controls. Size (natural logarithm of the number of employees) and age (natural logarithm and years since foundation) have been included as controls. Previous research has noted that both factors may influence the firm's BM design and the performance of firms (Zott and Amit 2007, 2008; Brettel et al., 2012, Pucci et al., 2017).

Industry-level controls. Researchers widely recognize the negative effect of a competitive environment on innovation and business performance. Competition reduces resources available for innovation and tightens profit margins (e.g., Porter, 1980; Zahra, 1996). Furthermore, it has a positive moderating effect on exploitative innovation (Jansen et al., 2006). Following Slater and Narver (1994a), we used a four-item scale for competition. The construct has Cronbach's alpha of 0.560. Besides, a dynamic environment characterized by changes in technologies, product demand, and customer preferences leads firms to develop

and innovate their products and, ultimately, better business performance (Jansen et al., 2006). Following Miller (1987), environment dynamism is assessed by the average ratings of four items. The measure yielded a low Cronbach's alpha of .592. Despite the poor reliability statistics of both the environment competitiveness and dynamism, we kept these measures due to their strong effects on both innovation and performance.

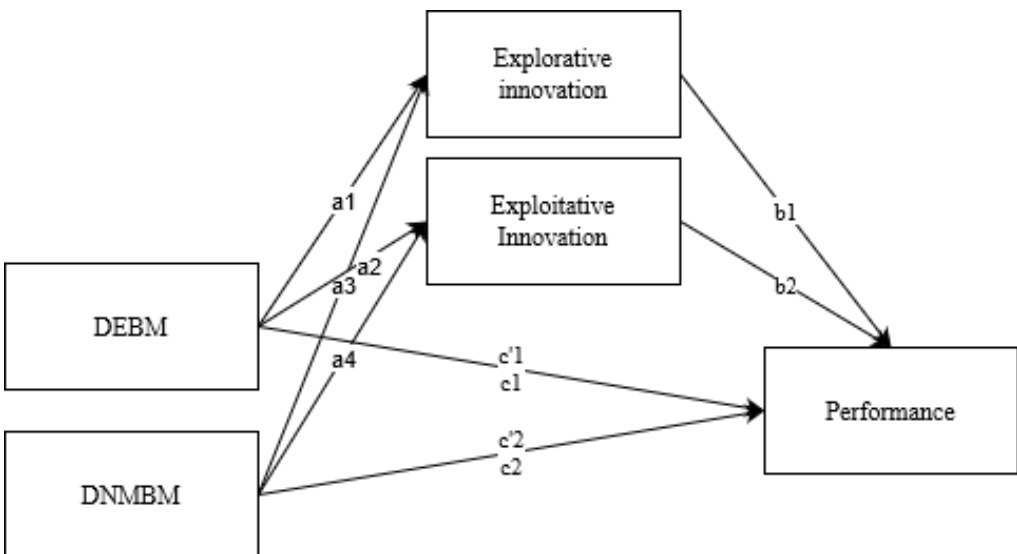
Model and Estimation

Our model is tested using parallel mediation analyses of the PROCESS macro for SPSS (Hayes, 2013). Exploitative and explorative innovation are the two mediators (M1 and M2) that explain the relationship between the type of BM and business performance. More specifically, the type of BM influences exploitative and explorative innovation (path a), which in turn would affect business performance (path b). The indirect effect (a*b) is obtained by multiplying the two effects associated with the two pathways (Hayes, 2013). Besides, BM type has a direct effect on performance while keeping levels of explorative and exploitative innovation constant (path c'). The combination of the indirect and the direct effects results in the total effect (path c) (ibid).

We used the indicator coding system in our model. The condition variable is EBM, which is always coded zero. DEBM measures the difference with the condition variable, meaning that firms adopting an EBM model are coded one while all other cases are coded zero. Similarly, DNMBM measures the difference with the condition variable (firm adopting NMBMs are coded one while all others are coded zero). Therefore, effects for DEBM compare NBM to EBM, and effects for DNMBM compare NBM to NMBM. Based on the nature of the activity-system of NBM (see Amit and Zott, 2010), we expect that EBM and NMBM to have a weaker indirect impact on performance through explorative innovation compared to NBM and a more substantial indirect effect through exploitative innovation, at least for EBM.

The method used to assess statistical inference about relative indirect effects is bias-corrected bootstrapping. As suggested by Hayes (2013), this method is very powerful and reliable.

Figure 1: The conceptual model



Linearity, Normality, Heteroscedasticity, and Collinearity

To examine linearity, we plotted residuals against predicted values in five regressions: BM predicting performance, BM predicting explorative innovation, BM predicting exploitative innovation, explorative and exploitative innovation predicting performance, and both mediators and independent predicting performance. The Loess curve fit lines indicate a linear relationship between the variables (Hayes, 2013). Besides, the data are spread consistently and equally through the plot. Therefore, there are no problems with heteroscedasticity (Field, 2013). Also, the residuals Q-Q plot shows that our data fit well with the diagonal line. Thus, estimation errors are normally distributed (Hayes, 2013). Finally, all VIF values are around one, indicating a lack of multicollinearity.

Results

Table 1 shows the results of the direct effects. Results indicate that there are significant differences between the NBM on one hand and EBM and NMBM in relation to the effect on exploratory innovation (path a1, b = -0.6537, t(186) = -2.7370, p = 0.0068 and path a3, b = -0.5395, t(186) = -2.1488, p = 0.0329, respectively). Compared to firms that adopted an NBM, those that adopt an EBM or NMBM display lower levels of exploratory innovation. In contrast, there are no significant differences between EBM and NBM (DEBM effect is not significant) while differences between NBM and NMBN are significant (path a4, b = -0.3050 t(186) = -1.6677, p = .0971). However, the results, as indicated by the p-value, are not robust (p < 0.1). Results on direct effects on performance are significant for both DEBM and DNMBM (path c1, b = -0.4879, t(186) = -1.9897, p = 0.0481 and path c2, b = -0.6519, t(186) = -2.1751, p = 0.0309). However, when taking into account BM indirect effect through exploratory innovation, the direct effect is significant only for NMBM, but the results are not robust (path c1', b = -0.5601 p = 0.0626).

Table 1: Direct effects

| | <i>Explorative innovation</i> | <i>Exploitative innovation</i> | <i>Performance</i> | <i>Performance Total effect model</i> |
|-------------------|-------------------------------|--------------------------------|---------------------|---------------------------------------|
| <i>Variables</i> | <i>Coeff.(s.e.)</i> | <i>Coeff.(s.e.)</i> | <i>Coeff.(s.e.)</i> | |
| DBME | -.6537*** (.2388) | -.1279 (.1451) | -.3805 (.2524) | -.4879** (.2452) |
| DMBM | -.5395** (.2510) | -.3050* (.1829) | -.5601* (.2990) | -.6519*** (.2997) |
| Size (ln) | -.0024 (.0619) | -.0010 (.0469) | .3098*** (.0728) | .3094*** (.0732) |
| Age (ln) | .1649 (.1639) | .0349 (.1028) | -.2164 (.1717) | -.1892 (.1697) |
| Competition | -.0102 (.1076) | .0574 (.0668) | -.2706*** (.0898) | -.2713*** (.0907) |
| Dynamism | .4430*** (.0931) | .185 (.0561) | .1265 (.1008) | .2009* (.0997) |
| Explorative inn. | N/A | N/A | .1612 (.0876) | N/A |
| Exploitative inn. | N/A | N/A | .0157 (.1300) | N/A |
| Constant | 3.0458*** (.9173) | 4.8288*** (.5317) | 4.5199*** (.9700) | 5.0870*** (.8113) |
| R2 | .1930 | .0926 | .2054 | .1839 |
| F | 7.2537 | 2.6964 | 5.4396 | 6.8170 |

Note: ***p < 0.01; **p < 0.05; *p < 0.1; coefficients (Coeff.); standard errors (s.e.).

Table 2 shows the results of the indirect effects. Results from the parallel mediation analysis indicate that the type of BM adopted by companies is indirectly related to performance through its relationship with the explorative innovation but not with exploitative innovation. Bootstrapping results (10.000 samples; 95% confidence interval) show that the indirect effect of DNBM through exploratory innovation (a3b1 = -0.0870), holding all other mediators

constant, is entirely below zero (-0.2659 to -0.0020). Similarly, the indirect effect of BME on performance through exploratory innovation ($a_1b_1 = -0.1054$) does not include zero (-0.3083 to -0.0054). These results show a clear mediation effect of exploratory innovation in the relationship between BMs and firm performance. In contrast, the indirect effects through exploitative innovation include zero (-0.0764 to .0346 and -0.1161 to 0.0702, respectively). Thus, there are no significant indirect effects.

The results on the effects of covariates are in line with the literature (see Table 1). Competition has a significant negative relationship with performance, while dynamism has a positive effect. Furthermore, dynamism is positively related to exploratory innovation also. Finally, size has a positive effect on business performance, while a firm's age has no significant effects.

Table 2: Indirect effects

| Variables | Effect through explorative innovation (s.e (boot)) | LLCI | ULCI | Effect through exploitative innovation (s.e (boot)) | LLCI | ULCI |
|-----------|---|--------|--------|--|--------|-------|
| DBME | -.1054 (.0723) | -.3083 | -.0054 | -.0020 .0243 | -.0764 | .0346 |
| DMBM | -.0870 (.0641) | -.2659 | -.0020 | -.0048 .0437 | -.1161 | .0702 |

Note: lower level of confidence interval (LLCI); upper level of confidence interval (ULCI); bootstrapping (boot); standard errors (s.e.)

Discussion

Is there a relationship between the adoption of a specific BM, exploitative innovation and explorative innovation, and business performance? If yes, what kind of relationship is it? By investigating the different mediating effects of explorative and exploitative innovation, we find that exploratory innovation mediates the relationship between different BMs and performance while the pairwise comparisons on the BM - performance link through exploitative innovation are not significant. Furthermore, as expected, we find that different BM designs have different direct effects on performance.

From a theoretical standpoint, these results shed some light on the alignment process between BMs and technological innovation. We argue that even in a transition economy such as Albania characterized by low levels of innovation, explorative innovation can enable novel BM to create and capture more value. In contrast, for other BMs such as those focused on efficiency or new markets, pursuing these types of innovation does not lead to performance gains. On the contrary, the resources allocated for this purpose are wasted since these BMs are not aligned with this type of innovative learning outcome. We argue that this rationale explains why disruptive innovation's adoption has different performance outcomes (see Tushman and Anderson, 1986; Christensen, 1997).

Our study contributes to the growing debate on contrasting effects of different measures of innovation on performance outcomes that lead to contradictory empirical results (see Gatignon et al., 2002). For example, while there is undoubtedly an association between respectively, disruptive, or radical and explorative innovation, and incremental and exploitative innovation, it is necessary to identify the difference between innovation characteristics and the innovative learning outcomes. This distinction can lead to a better understanding of how firms can implement a particular innovation (characteristics) by

exploiting existing competencies created in part by adopting a specific BM or acquiring new ones that might imply changes in the BM design itself.

From a managerial standpoint, our results add to the existing knowledge on how firms can deal with the competitive pressure concerning the adoption of different types of innovation. We argue that the first option is to align the type and level of technological innovation to the BM adopted by the firm, at least in the short run. Our results indicate that only firms adopting NBM can use exploratory innovation to obtain performance gains. While exploitative innovation might lead to performance gains independent of the BM adopted by the firm, this option is the easiest since it allows firms to build on the current experience and way of doing business. Therefore, managers need to be very well aware of the BM design and its potential to produce specific innovative learning outcomes. However, as argued by strategy scholars, this strategy might be short-sighted, leading to loss of competitiveness edge (Levinthal and March, 1993), especially for those firms that adopt BMs other than NBM. The second option is to reshape the BM design creating new learning opportunities required better to capture the value creation potential of technology innovation. These might lead to better alignment between the BM and innovative learning outcomes, including disruptive innovation, as suggested by Chesbrough and Rosenbloom (2002). Although firms face critical challenges in transforming their BM design (see Zott and Amit, 2010), it is worth doing so, especially when the business environment is dynamic and competitive (see Jansen et al., 2006). Third, and a corollary of the two previous options, if competitive pressure drives firms to adopt different types of technological innovations simultaneously that require alignment with different BMs, firms might choose to manage different technologies in separate businesses, as suggested by Christensen (1997).

Limitations and extensions

A few limitations of our research should be noted. The first one relates to the way BMs were operationalized using a multinomial variable. There is a possibility that firms may adopt a pluralist BM (see Mason and Mouzas, 2012; Benson-Rea et al., 2013), ambidextrous BM (Zott and Amit, 2007), or lock-in (Zott and Amit, 2010) that we did not account for in our study. Future research needs to address the BM plurality and ambidexterity, looking for solutions to the alignment process suggested by Christensen (1997). The second relates to the fact that the ambidextrous technology innovation hypothesis was not addressed in this paper. Future research may investigate whether innovation ambidexterity mediates the relationship between different BM types and business performance. Third, the performance was measured using a self-assessed scale. Future studies should use objective measures such as sales growth, financial performance, or other measures to strengthen and validate results.

From a broader perspective, our study provides an exciting pathway for future research designed to understand better the complementarity between BMs and technology. Future research can address an important question: To what extent does technology development affect BM design and BM innovation, as suggested by some literature (Chesbrough and Rosenbloom, 2002; Zott and Amit, 2010), and vice versa, the effect of different BMs on technology evolution. Understanding the fundamentals of this relationship, the contingency factors affecting it, and its performance implications can guide managerial action in aligning BMs and technology innovation.

Conclusions

Our study aimed to investigate the relationship between BM design, explorative and exploitative innovation, and firm performance through an analysis of a sample of 193 heterogeneous firms based in Albania, a post-communist developing country.

Our study contributes to the growing debate in the BM and innovation literature on the relationship between various forms of innovation, different BMs, and the firm's performance.

By viewing technological innovation as innovative outcomes of learning, our study results confirm the proposed partial mediating role of explorative innovation in the relationship between BMs and firm performance. More specifically, the adoption of NBM design outperforms other BM designs, when accounting for the mediating role of explorative innovation in the BM-performance link. Our results suggest that BMs determine how technology develops, and consequently, the innovation learning outcomes of such a process. This finding confirms Baden-Fuller and Haefliger's (2013) argument that BMs enable technology innovation in addition to being affected by it.

Appendix A: Exploratory Factor Analysis

| Items of three measures | Factor* | | |
|--|---------|--------|-------|
| | F1 | F2 | F3 |
| <i>Our organization accepts demands that go beyond existing products and services.</i> | | .401 | |
| <i>We invent new products and services.</i> | | .898 | |
| <i>We experiment with new products and services in our local market.</i> | | .796 | |
| <i>We commercialize products and services that are entirely new to our organization.</i> | | .758 | |
| <i>We frequently refine the provision of existing products and services.</i> | | | .715 |
| <i>We regularly implement small adoptions for existing products and services.</i> | | | .631 |
| <i>We introduce improved, but existing products and services for our local market.</i> | | | .572 |
| <i>We improve our provision's efficiency of products and services.</i> | | | .479 |
| <i>Performance compared to the direct competitor concerning market share</i> | .807 | | |
| <i>Performance compared to the direct competitor concerning revenues</i> | .955 | | |
| <i>Performance compared to the direct competitor concerning profit</i> | .940 | | |
| <i>Performance compared to the direct competitor concerning cash flow</i> | .816 | | |
| <i>Performance compared the direct competitor concerning return on investment</i> | .786 | | |
| <i>Total variance explained</i> | 31.273 | 19.876 | 4.165 |

*Underlying dimensions in three factors: F1= business performance, F2 = explorative innovation, F3 = exploitative innovation.

Note: Extraction Method: Maximum Likelihood, Rotation Method: Promax.

References

- [1] Alvesson, M. (1993). Organizations as rhetoric: Knowledge-intensive firms and the struggle with ambiguity. *Journal of Management studies*, 30(6), 997-1015.
- [2] Amit, R., & Zott, C. (2010). Business model innovation: Creating value in times of change.
- [3] Auh, S., & Merlo, O. (2012). The power of marketing within the firm: Its contribution to business performance and the effect of power asymmetry. *Industrial Marketing Management*, 41(5), 861-873.

- [4] Baden-Fuller, C. and Haefliger, S. (2013). Business Models and Technological Innovation. *Long Range Planning*, 46(6), pp. 419-426.
- [5] Benner, M. J., & Tushman, M. L. (2003). Exploitation, exploration, and process management: The productivity dilemma revisited. *Academy of management review*, 28(2), 238-256.
- [6] Benson-Rea, M., Brodie, R. J., & Sima, H. (2013). The plurality of co-existing business models: Investigating the complexity of value drivers. *Industrial Marketing Management*, 42(5), 717-729.
- [7] Brettel, M., Strese, S., & Flatten, T. C. (2012). Improving the performance of business models with relationship marketing efforts—An entrepreneurial perspective. *European Management Journal*, 30(2), 85-98.
- [8] Chesbrough, H. (2010). Business model innovation: opportunities and barriers. *Long range planning*, 43(2-3), 354-363.
- [9] Chesbrough, H., & Rosenbloom, R. S. (2002). The role of the business model in capturing value from innovation: evidence from Xerox Corporation's technology spin-off companies. *Industrial and corporate change*, 11(3), 529-555.
- [10] Christensen, C. M. (1997). *The Innovator's Dilemma*. Harvard Business School Press. Boston, MA.
- [11] Christensen, C. M. (2001). The past and future of competitive advantage. *Sloan Management Review*, 42(2), 105-109.
- [12] Christensen, C. M., Bartman, T., & Van Bever, D. (2016). The hard truth about business model innovation. *MIT Sloan Management Review*, 58(1), 31.
- [13] Delaney, J. T., & Huselid, M. A. (1996). The impact of human resource management practices on perceptions of organizational performance. *Academy of Management journal*, 39(4), 949-969.
- [14] Demil, B., & Lecocq, X. (2010). Business model evolution: in search of dynamic consistency. *Long range planning*, 43(2-3), 227-246.
- [15] Field, A. (2013). *Discovering statistics using IBM SPSS statistics*. sage.
- [16] Gatignon, H., Tushman, M. L., Smith, W., & Anderson, P. (2002). A structural approach to assessing innovation: Construct development of innovation locus, type, and characteristics. *Management science*, 48(9), 1103-1122.
- [17] Gerdoçi, B., Dibra, S., & Bortoluzzi, G. (2018). Business model design and firm performance: Evidence of interactive effects from a developing economy.
- [18] Gibson, C. B., & Birkinshaw, J. (2004). The antecedents, consequences, and mediating role of organizational ambidexterity. *Academy of management Journal*, 47(2), 209-226.
- [19] Hamel, G. (2000). *Leading the Revolution* (Cambridge, MA: Harvard Business School Press).
- [20] Hayes, A. F. (2013). *Introduction to mediation, moderation, and conditional process analysis: A regression-based approach*. Guilford publications.
- [21] He, Z. L. & Wong, P. K. (2004). Exploration vs. exploitation: An empirical test of the ambidexterity hypothesis. *Organization science*, 15(4), 481-494.
- [22] Hu, B. (2014). Linking business models with technological innovation performance through organizational learning. *European Management Journal*, 32(4), 587-595.
- [23] Jansen, J. J. P. (2005). *Ambidextrous Organizations: A Multiple-Level Study of Absorptive Capacity, Exploratory and Exploitative Innovation and Performance* (Doctoral dissertation, Erasmus Research Institute of Management).

- [24] Jansen, J. J., Van Den Bosch, F. A., & Volberda, H. W. (2006). Exploratory innovation, exploitative innovation, and performance: Effects of organizational antecedents and environmental moderators. *Management science*, 52(11), 1661-1674.
- [25] Levinthal, D. A., & March, J. G. (1993). The myopia of learning. *Strategic Management Journal*, 14(S2), 95-112.
- [26] Mason, K., & Mouzas, S. (2012). Flexible business models. *European Journal of Marketing*, 46(10), 1340-1367.
- [27] Miller, D. (1987). The structural and environmental correlates of business strategy. *Strategic Management Journal*, 8(1), 55-76.
- [28] Nunnally, J. C. (1978). *Psychometric Theory: 2d Ed.* McGraw-Hill.
- [29] Patzelt, H., Zu Knyphausen-Aufseß, D., & Nikol, P. (2008). Top management teams, business models, and performance of biotechnology ventures: An upper echelon perspective. *British Journal of Management*, 19(3), 205-221.
- [30] Porter, M. (1980). *Competitive strategy*. New York: Free Press. *Porter Competitive Strategy 1980*.
- [31] Pucci, T., Nosi, C., & Zanni, L. (2017). Firm capabilities, business model design and performance of SMEs. *Journal of Small Business and Enterprise Development*.
- [32] Rothaermel, F. T., & Deeds, D. L. (2004). Exploration and exploitation alliances in biotechnology: A system of new product development. *Strategic management journal*, 25(3), 201-221.
- [33] Slater, S. F., & Olson, E. M. (2000). Strategy type and performance: The influence of sales force management. *Strategic Management Journal*, 21(8), 813-829.
- [34] Slater, S. F., & Narver, J. C. (1994). Does competitive environment moderate the market orientation-performance relationship? *Journal of Marketing*, 58(1), 46-55.
- [35] Teece, D. J. (2010). Business models, business strategy and innovation. *Long Range Planning*, 43(2-3), 172-194.
- [36] Tushman, M. L., & Anderson, P. (1986). Technological discontinuities and organizational environments. *Administrative science quarterly*, 439-465.
- [37] Von Nordenflycht, A. (2010). What is a professional service firm? Toward a theory and taxonomy of knowledge-intensive firms. *Academy of Management Review*, 35(1), 155-174.
- [38] Wei, Z., Yang, D., Sun, B., & Gu, M. (2014). The fit between technological innovation and business model design for firm growth: evidence from China. *R&D Management*, 44(3), 288-305.
- [39] Wirtz, B. W., Pistoia, A., Ullrich, S., & Göttel, V. (2016). Business models: Origin, development and future research perspectives. *Long range planning*, 49(1), 36-54.
- [40] Zahra, S. A. (1996). Technology strategy and financial performance: Examining the moderating role of the firm's competitive environment. *Journal of Business Venturing*, 11(3), 189-219.
- [41] Zott, C., & Amit, R. (2007). Business model design and the performance of entrepreneurial firms. *Organization Science*, 18(2), 181-199.
- [42] Zott, C., & Amit, R. (2008). The fit between product market strategy and business model: implications for firm performance. *Strategic Management Journal*, 29(1), 1-26.
- [43] Zott, C., & Amit, R. (2010). Business model design: an activity system perspective. *Long Range Planning*, 43(2-3), 216-226.
- [44] Zott, C., Amit, R., & Massa, L. (2011). The business model: recent developments and future research. *Journal of Management*, 37(4), 1019-1042.

Islamic Veil: The Issue of Minors

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Abstract

An important aspect of the Albanian public debate on the exposure of religious symbols concerned minors. In fact, the proposed government law of 2011 was addressed to a category of public school education, that is, regarding students from kindergarten to secondary school. The Islamic veil was always at the center of the debate, but in this case the prohibition was justified as it was aimed at an age group that did not have the ability to make decisions and make choices independently, as in Muslim religion it is expected that a post-pubertal girl must wear a headscarf. In fact, in this case the decision-making passes to the parents, who have the right to educate their children according to the dictates of his own conscience. It is stressed that the same circumstance also applies to other religions, where the decision is always made by parents, such as baptism in the Catholic religion. In particular, the Article 24 of the Albanian Constitution, explicitly sanctions the freedom of each person to choose their belief and the prohibition that no one should be forced to participate in the life of a religious community or its practices. The question that arises in this case is whether this constitutional article also protects this category of subjects or only those who have reached the age of majority? The answer is complex and delicate, even to date the Albanian legislator has not remedied it since no one has appealed.

Keyword: Albanian constitution, freedom of religion, religious symbols, Islamic headscarf, the right to educate your own children.

Introduction

The origin of the veil is lost in the mists of time, a symbol of spirituality, mystery and purity, but also of wealth because in ancient times it was worn by high-ranking women. So also the Muslim religion, not different from the others, has promoted social equality, therefore the veil becomes an economic and imitation symbol.

The veil hides the woman from prying eyes to reveal her only to God and master. In this regard we read in the Koran,

"And say to the believing women (that) they should lower [of] their gaze and they should guard their chastity, and not (to) display their adornment except what is apparent of it. And let them their head covers over their bosoms, and not (to) display their adornment except to their husbands, or their fathers or fathers (of) their husbands or their sons or sons (of) their husbands or their brothers or sons (of) their brothers or sons (of) their sisters, or their women..." (Koran, XXIV, 31), and then, "*O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments....*". (Koran, XXXIII, 59).

Without a doubt these verses leave ample space to free interpretation, this is the reason why the Islamic veil also takes multiple forms, as different as the interpretations are, for example *hijab, niqab, chador, burqa*.

It is important to emphasize that the veil is not a uniquely symbol of the Muslim religion, but we find it in the Jewish, Catholic and Orthodox religion, for example in nuns, the virgin Mary is always represented veiled. But despite this, the female headscarf is often perceived and identified as a symbol exclusively of the Muslim religion. This perhaps derives from a numerical fact, as it is the obligation of every Muslim woman to wear it, even if it appears that the Koran does not provide for any sanction for women who do not wear it.

The obligation to veil "the beautiful parts" begins in a post-pubic age when one is almost unconscious of the relationship with the Divine, that is, when the girls attend the school.

But often, externalization in European societies when a certain Islamophobia is often found, the veil worn by a minor can lead to an insane integration and an insane psychic development, as it can feel excluded from school social life and as a consequence from right to have equal development. The problem is based on the fact that the minor cannot oppose a history of imposition, unlike a woman of an older age, where the veil can be a personal choice. Here, the veil from a symbol of purity becomes a symbol that separates and isolates, even more if it is worn in a non-voluntary way.

Different cultures conceive the family and education differently, but what unites all families is to desire the happiness of their children. The family is the place where the minor is educated to be prepared for the flight of life, but at the same time deeply attached to their roots. For this reason the family becomes the lighthouse in an open sea, leaving the child free to navigate and explore his own spirituality, for this reason the family should not be "closed" but "open", that is, able to understand the psychological and social needs of their children.

Equally like the family, society too must be "open", an open and peaceful European society that transmits acceptance values as fundamental principles. As in a "closed" family, in a "closed" multicultural European society, the veil is a polysemic symbol and can have different meanings, here the veil as a symbol of spirituality can become a symbol of submission, backwardness, alienation, isolation and of civilization, and without a doubt it becomes a symbol of multiculturalism incapable of coexistence.

The veiled woman proposes herself as a new feminine model, in contrast to the "unveiled" woman. A veiled woman symbol of a rediscovered feminine dignity or symbol of submission? But it will not be here or in any other to analyze which is the best feminine model as the only intention of the writer is to identify the legal condition and constitutional protection, with the ambition to identify the rights and freedom because no woman can be subordinated or physically and psychologically forced to conceal her identity.

But even more delicate and complex is the situation when there is a minority behind a veil.

The Islamic veil and the legal status of the minor in Albania

The 2011 government bill was aimed at a category of public school education, that is, concerning students from kindergarten to secondary school. The Islamic veil was always at the center of the debate, but in this case the prohibition was justified as it was aimed at an age group that did not have the ability to make decisions and make choices independently, as in Muslim religion it is expected that a post-pubertal girl must wear a headscarf. In fact, in this

case the decision-making process passes to the parents, who have the right to educate their children according to the dictates of their conscience. It is emphasized that the same circumstance also applies to other religions, where the decision is always made by parents, such as baptism in the Catholic religion.

The new Albanian Constitution of 1998 could not renounce the postulate of freedom of religion, since its omission during the communist regime has led to a real religious genocide for the country. For this reason, the new Constitution contains a kind of *favore religionis*, this originates from not only historical but also current circumstances, which see the former country that had declared war on God to commit itself to safeguarding the peace of a multi-religious society.

In this regard, it should be noted that art. 24 of the Constitution explicitly establishes that every person is free to choose his or her own creed, furthermore it states that no one should be "*forced to participate in the life of a religious community or its practices, as well as to make public their beliefs or faith*". In light of this article, the questions that arise are manifold, if art. 24 of the Albanian Constitution also protects minors or only those who have come of age? And, if this rule can be a limit to the right of parents to educate their children? The answers are complex and delicate, even to date the Albanian legislator has not remedied since no one has appealed.

Who's writing believes that it is not questionable that the Constitutional rules that concern fundamental rights and freedoms and that do not provide for age limits - such as for example the right to vote - also hold the subjects of minor age. Moreover, these subjects are active in the enjoyment of fundamental rights.

If on the one hand, the right of parents to educate their children in the religion they want cannot be denied, on the other hand, the inclination and freedom of children to be able to believe freely and without constraints is a requirement that must be respected. (A. C. JEMOLO, 1962; F. FINOCCHIARO, 2003; R. BOTTA, 1998).

In this regard, no provision is found in the Albanian Constitution that makes parents responsible for the religious education of their children, such as in the Polish Constitution of 1997 (art. 53) or the Romanian Constitution of 1991 (art. 29).

This question takes us back to the communist period where in the Constitution of the Socialist People's Republic of 1976, it was sanctioned in art. 33 that education was based on the secular tradition of the nation but built "*On the Marxist-Leninist conception of the world*", and according to the third paragraph of art. 49, the parents were responsible for "*the communist education of children*". (M. L. Lo GIACCO, 2003). Unlike the Constitution of the old regime, the new Constitution makes no mention of this, leaving a gap in the matter.

International protection of minors

The New York Convention on the Rights of the Child of 1989 is one of the first international charters that guarantee fundamental freedoms, without doubt also including freedom of religion, conscience, etc.

"The Cairo Declaration on Human Rights in Islam" of 1990, in which parental rights are subordinated to the interests of their children, can also help. In particular in art. 7 reads that "Parents and those in similar conditions have the right to choose the type of education they want for their children, provided that they take into consideration the interest and future of

the children in accordance with the ethical values and principles of Shari'ah " (A. PACINI (by), 1998; G. DAMMACCO, 2000).

In this way, the full development of the minor's personality is protected, taking into consideration of his natural inclination, this in respect of the freedom of conscience and human dignity which even those who have not reached the age of majority are entitled to. Thus, we can argue that children, even if minors, have a certain autonomy in the self-determination of the choices that involve the religious sphere. (A. TESTORI CICALA, 1988).

In the case of minors, the interpretation cannot be absolute. But this issue must be taken into consideration on a case-by-case basis by the legislator and the judges, because it is a problem that can take on different nuances, for example in the case where parents for religious reasons can refuse health treatments necessary for their children, from which prejudice to health may arise, or in the case of parents divorced with different faith, etc. At the moment, no similar cases have been presented to the Albanian judge and we do not know what his position might be. Of course, education must be consistent with one's religious faith or belief, respecting the interest and personality of the minor and without doubts without creating harm to health. So the freedom to educate your children meets the limit of the principle of self-determination of the same.

We can therefore say that as regards the obligation to wear the Islamic veil as children, the matter should be resolved by balancing the right - duty of parents to educate their children and their interest, where the latter must undoubtedly prevail. (Position also taken by the French Court, judgment no. 1606 of October 24, 2000).

As you can see, the topic has very delicate elements and balancing interests is very difficult. (M. L. LO GIACCO, 2007).

Islamic veil and the secular principle of the state

The issue of the Islamic veil worn by minors, and the Italian case of the exposure of religious symbols in public schools and the veil or *chador* worn by a teacher, are revealed to be sides of the same coin, as in all three cases the parents ask in the interest of the offspring to be the one to choose religious education, without external conditions. The only difference between the three situations is that, on the one hand, religious indoctrination derives from the state, which by constitution must be secular, the other from the parent who has the duty to educate the children with respect for their dignity, and finally by a teacher who has the right to express her belief and to follow the canonical obligations, because wearing the Islamic veil is not only one exposure. (N. FIORITA, 2006; A. PIN, 2006).

These relationships, (family, school, minor) are intertwined in order to make it increasingly difficult to identify the limits of one and the other. Without a doubt that the school-family relationship must be a relationship of trust-respect, because in these two institutions the personality of the child develops. Besides, religion plays a very important role in the spiritual growth of the child. All three of these institutions must try to coexist peacefully for the supreme good, that is, the good of the minor.

The secular and neutral state must respect the right of parents to educate their children, but must ensure that education in pluralism must begin in a neutral environment with respect for the religious freedom of all students or teachers.

In fact, this delicate balance can be the key to peaceful coexistence, where the secular state is the guarantor of freedoms, because in a perspective in which it limits individuals to freely manifest their religiosity, it takes the form of an anti-religious or atheist state and secularism is not synonymous with anti-religiosity, but respect for all beliefs. In a secular context, the social pact is founded between autonomous, free and equal individuals, (S. TARANTO, 2013) in a perspective where "*individuals must consider themselves free to express their cultural and religious identity also through the use of signs of belonging - with the limit of those forms of clothing that cover the face, preventing the recognition of the person and hindering relationships social - , it remains excluded that the sacred symbols and images of a religious confession can be authoritatively displayed in the institutional public sphere, as if the State could identify with them*". (G. BRUNELLI, 2007).

Because, recognizing the freedom of religion means "*respecting the spiritual autonomy of man, of every man*", for this reason "*it would be contradictory, in claiming one's freedom, to cut it off to another, or even to mortify it in its dignity*" (G. LO CASTRO, 1996). In this perspective, secularism means "*recognizing the legitimacy of the expression of the thoughts of others, without abuse, without dogmatic pretensions*" (M. MARCONI).

For this it must be underlined that, the European dream must not inflict on the Albanians a nihilistic spirit, in the sense that the country must not deny itself, and the aim of its pluralist democracy must be to promote peaceful coexistence and the "good life". (R. DWORKIN, 2002,).

In the wake of these considerations, a concept of secularism derives as neutrality, which affects not only the public sphere but also the individual's private sphere, guaranteeing the expression of his personality also in public life. So this seems to be the compass to follow in cases like these, because, as Rawls also argues, freedom has priority (J. RAWLS, 1971), and "*the authority and the state no longer appear to be the holders of absolute truth and ethics: thus the idea of a public political space, purified from metaphysical visions of human existence, appears on the scene. State institutions and government must be impartial and neutral; collective choices must have a rational justification, public and independent of the world's religious perspectives. Politics, law and religion thus become distinctly concepts, although strictly interdependent*". (S. TARANTO, 2013).

The deeper core of the principle of secularism implies "*promotion of openness, tolerance and freedom of action in the various spheres of public life*" (M. D'AMICO, A. PUCCIO, 2009), therefore it is the task of the State and of the modern Constitutions, as Rawls points out, to guarantee the full autonomy man.

Conclusions

Today Europe is a theater where multiculturalism stages different cultures, customs, rites and religions, often counterposed and often unacceptable. The thin red line always seems close, and it is difficult to accept the different. For a minor, this reality is even more palpable, when it is divided between two worlds, between two cultures, between two realities. The question that arises is, when should the state intervene to protect the minor, when should the institutions interpret a certain custom as a red line?

It is clear that the right to exercise juvenile infibulation or physical or mental constraint to follow a particular cult cannot be expected to be recognized in Europe (as indeed nowhere should happen). It goes without saying that the judge of merit or of law, when called upon to pronounce on a question concerning the legitimate freedom of worship, including whether or not the institutions should display religious symbols, must strictly adhere to the principle of secularism and correct neutrality of the State and the principle of self-determination of the minor of the choices that involve the religious sphere.

As for Albania, as we highlighted in the previous pages, the new Constitution of 1998 expresses principles that protect the religious phenomenon since its preamble. So the art. 24 of the Constitution, protects the freedom of religion and conscience in a perspective where everyone is free to choose or change their beliefs or beliefs, to manifest them individually or collectively both in public and in private life through worship, teaching, practices and observance of rites. Likewise, this article provides that no one should be hindered or forced to participate in the life of a religious community or its practices, as well as to make public their beliefs or faiths. Without any doubt, these rules also apply to people of minor age.

Also the same judge found in front of a minor, must take into account that the so-called technique of balancing constitutional rights in this case is unacceptable, since between the right of the parent to educate and give the child a religious education, and the right of the minor to self-determination so that he freely forms his own conscience, the right always prevails of the minor. Undoubtedly in social reality this question is more an iron-cinder between child and parent, where the strongest would win who does not always correspond to the most just, but in legal reality the minor is the supreme good.

But, in the event that wearing the veil is the result of an autonomous spiritual path of the minor and a personal choice, then, Article 24 of the Constitution comes to our aid which guarantees this choice.

In Albania, but also in other European countries, the institutions must accept this choice even if the fleece is not a collective symbol, but even these companies are not unitary in culture, but fragmented, and this must not preclude the right to keep an individual symbol.

References

- [1] Aa.Vv., *La Laicità Crocifissa? Il Nodo Costituzionale Dei Simboli Religiosi Nei Luoghi Pubblici*, (by) R. Bin, G. Brunelli, a. Pugiotto, P. Veronesi, Giappichelli, Turin, 2004.
- [2] Botta R., *Manuale Di Diritto Ecclesiastico. Valori Religiosi E Società Civile*, Ii Ed., Turin, Giappichelli, 1998.
- [3] Brunelli G., *Simboli Collettivi E Segni Individuali Dell'appartenenza Religiosa, Le Regole Della Neutralità*, in *Annuario 2007*.
- [4] D'amico M., Puccio a., *Laicità Per Tutti*, Franco Angeli, Milan, 2009.
- [5] Dammacco G., *Diritti Umani E Fattore Religioso Nel Sistema Multiculturale Euromediterraneo*, Bari, Cacucci, 2000.
- [6] Dworkin R., *Virtù Sovrana. Teoria Dell'eguaglianza (2000)*, Ita. Trans., Milan, Feltrinelli, 2002.
- [7] Finocchiaro F., *Diritto Ecclesiastico*, Ix Ed., Bologna, Zanichelli, 2003.
- [8] Fiorita N., *La Resistibile Ascesa Di Un Simbolo Religioso: Storia Recente Del Crocefisso*, in *Quaderni Di Diritto E Politica Ecclesiastica*, 2006.

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- [9] Jemolo C., *Lezioni Di Diritto Ecclesiastico*, Iii Ed., Milan, Giuffrè, 1962.
- [10] Lo Castro G., *La Libertà Religiosa E L'idea Di Diritto*, in *Dir. Eccl.*, 1996, I.
- [11] Lo Giacco M. L., *Diritto All'istruzione, Pluralismo Scolastico E Libertà Religiosa in Italia E in Albania*, in *Il Diritto Ecclesiastico*, 2003, I.
- [12] Lo Giacco M. L., *Educazione Religiosa E Tutela Del Minore Nella Famiglia*, in *Stato, Chiese E Pluralismo Confessionale*, Rivista Telematica – February 2007.
- [13] Marconi M., *Laicità E Laicismo: Una Falsa Dicotomia*, in [Www.Uaar.It](http://www.uaar.it).
- [14] Pacini a., (by), *L'islam E Il Dibattito Sui Diritti Dell'uomo*, Turin, Edizioni Della Fondazione Giovanni Agnelli, 1998.
- [15] Pin a., *Il Percorso Della Laicità "All'italiana". Dalla Prima Giurisprudenza Costituzionale Al Tar Veneto: Una Sintesi Ricostruttiva*, in *Quaderni Di Diritto E Politica Ecclesiastica*, 2006.
- [16] Rawls J., *Una Teoria Della Giustizia*, 1971, Feltrinelli, Milan, 2008.
- [17] Taranto S., *Diritti E Libertà Al Tempo Della Secolarizzazione, Della Tolleranza Religiosa, Della Laicità Un'analisi Concettuale*, in *Ragion Pratica*, 40/ June 2013.
- [18] Taranto S., *Diritti E Libertà Al Tempo Della Secolarizzazione, Della Tolleranza Religiosa, Della Laicità Un'analisi Concettuale*, in *Ragion Pratica*, 40/ June 2013.
- [19] Testori Cicala a., *L'autodeterminazione Dei Minori Nelle Opzioni Religiose E Sociali*, in *Il Diritto Di Famiglia E Delle Persone*, 1988.

Reviewing, as An Extraordinary Mean of Appeal

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Abstract

One of the fundamental rights that a subject in criminal proceedings owns, is the right to appellate a court decision, which besides the usual means of appeal in Albanian system of justice, are guaranteed also by extraordinary means of appeal as it's reviewing a decision despites any deadline of appeal. The review is the means of appeal, which aims to strike court decisions, which have become final, with positive expectations in each case, to improve the status of the offender. In the constitutional of Albania of 1998 this institute, was not regulated explicitly, but there was foreseen as part of jurisdiction of the High Court, where clearly was put that the high court had preliminary and reviewing jurisdiction. In the framework of the Justice Reforming in 2016, the HC Was stripped of its reviewing jurisdiction. The competence to re-examine a final court decision was given to the first instance court, which can judge in these cases any type of decision that fulfils the criteria to be reviewed, despite the fact if this decision has been taken by an Appeal Court or the High Court. Undertaking legal changes in constitute and Code of Criminal Procedure for this institute came as response/regarding to the legal vacuum found in Albanian system of justice as well as the contractual practice with the ECHR, established by the Albanian court. The Albanian system did not have the effective means to guarantee the right to a fair legal process, the implementation of which has been ascertained by the ECHR in some of the decisions given against Albania as (Xheraj vs Albania; Lika vs Albania etc.). Because of that, in the CPC, become larger the number of cases, when the re-examining of this type of court decision could be done. The purpose of this article is to present in a comparative form the institute of reviewing court decisions; it aims to prescribe how this mean of appeal was and how it is now after the reform, to continue further with the findings of problems that have arisen from the practice of implementing this means of appeal from its latest changes. Justice reform is still in its infancy and therefore the practice of elaborating this tool has been insufficient.

Keywords: Constitution, Review, final decision, high Court, ECHR, judgment in absentia, regular legal process.

Introduction

The right to appeal is one of the means that subjects have in any kind of process to guarantee the respect of their rights. An appeal is precisely the legal mean that ensures the individual's access to justice, and to the courts. This legal remedy has found legal regulation starting from international acts, constitution to by laws that operate within a country. The means of appeal,

legal systems have classified into two categories, ordinary means of appeal (appeal and recourse) and extraordinary means of appeal (Review and Restoration of the Right to Appeal in time). For the purpose of study in this article, we are presenting the characteristics that the review has, as an extraordinary mean of appeal.

Importance that characterized this mean, is that through it, a decision, which has become final and is already being executed or the execution, may have ended can be challenged. Emphasizing that this is not a rule, but it is an exception to the rule, only to protect the function of administering justice by the state authority and at the same time to protect the interests and rights of the parties in the judicial process. The Constitution ensures in Article 43 the right to appeal, where although it does not explicitly cite the review of the appeal, in the spirit of the law it is implied. Article 141 provided for the review jurisdiction of the High Court, implying that the court competent to adjudicate the review was the High Court. The latter, being a court of law, after undertaking the reform the lawmaker properly limited HC review jurisdiction by passing the review of the revision request to the court of first instance, which then forwards it to the competent court depending on the decision contested.

The review institute underwent significant changes both in terms of expanding the cases when it can be applied and changes related to the procedure for its implementation. These changes implemented by law no. 37/2017, came in response to findings from court practice over the years, or recommendations left by the ECHR, regarding Albania. Within this institute, this paper aims to analyse in a comparative aspect how it was and how this mean of appeal is actually. Additionally a great focus of our study is highlighting problems raised through courts practice and measures taken to solve these. In the situation where the implementation of the reform is still in the first steps of implementation, the analysis of this means of appeal is of particular importance for the doctrine of law.

Methodology

Analytical Methods – analysing the provisions of procedures, highlighting the innovations and shortcomings of this mean of appeal.

Comparative methodology – We have made a comparison of the provisions how this institution was and how it is now after the Justice Reform undertaken in 2017. In this way we can understand which the problems of this institution were and how well these problems the Justice reform addressed. On the other hand, from combination of these two searching methods, we can conclude whether they may have problems that may need solutions even after the legal changes, which we will recommend at the end of the article.

Review Characteristics

Review is an extraordinary and exceptional mean of appeal against a final criminal court decision, which cannot be challenged through ordinary means of appeal (appeal and recourse). In these circumstances, when the ordinary means of appeal have been exhausted, the decision is final and the case is considered closed based on the principle of *res judicata*.¹ The Constitution in here provisions foreseen the right of subjects to appeal², where despite the fact that the review is not explicitly cited, it is implied by interpreting in relation to other

¹ See section 2 Final decision, meaning and cases

² Constitution of Republic of Albania, amended 2016 Article 43 "Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise."

constitutional provisions. Article 34 of the Constitution of the Republic of Albania provides that: "*No one may be sentenced more than once for the same criminal offense or be tried again, except for cases when the re-adjudication of the case is ordered by a higher court, in the manner specified by law*"

In this article, are foreseen three of the most important principles of criminal procedure are foreseen: i) the principle of non-trial twice for the same criminal offense (*ne bis in idem*) ii) the principle of legal certainty (*res judicata*) and iii) the possibility of re-opening of the criminal case as an opportunity to deviate from the principle of legal certainty. With regard to the third principle, the possibility of reopening the criminal case determines that revision is allowed when conditions according to the legal provisions are filled. Such a sanction is foreseen also in protocol no. 7 of the European Convention on Human Rights¹. Deviation from the principle of legal certainty through revision aims to correct a judicial error in the administration of justice. In relation to this issue, the ECHR has stated in several cases that Court considers that the requirements of legal certainty are not absolute. "*Departures from that principle are justified only when made necessary by circumstances of a substantial and compelling character*".²

Referring to article 449 of CPC, before changes happen, we could see two kind of application of revision i. *extra ordinem pro reo* and ii. *Contra reum*. In the first case, the *pro reo* review based on in the request of the convicted with purpose of bringing about a re-evaluation of the truth, with aim to challenge a sentencing decision and the possibility that re-opening of trial potentially brings the possibility of acquittal. Substantially the review must consist in the principle that justice must break the procedural framework of the final judgment closure.

In the second, *contra reum* revision asked by prosecutor, the subject is objection of a wrong innocence decision given by the court. The purpose was to punish those who commit a crime and due to judicial system mistakes, remain unpunished, which came against the principle of administering justice. The provision we can see came in contradiction with the principle *reformation in peius*, because it aggravates the position of the convicted. In the other hand, this provision has been limited by putting the deadline of 5 years in way to present a request for revision of acquittal by the prosecutor.

Through law, No.35/2017 the code changed relating to this provision. From now one the acquittal decision cannot be subject of revision procedure, giving in this way prevalence to reformation *in peius* principle.³ As prescribed after the changes implemented following the revision would be applied only in one way, in favour of the convicted that means would be only *extra ordinem pro reo*. As sanctioned in this article, legitimate persons to ask for revision are the convicted, the familiars when the latter is dead and the prosecutor.

¹ Protocol no. 7 of the European Convention on Human Rights Article 4, Right not to be tried or punished twice "1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State. 2. The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case."

² Ryabykh vs Rusia nr.52854/99, fq.52, ECHR 2003-IX). Bratyakin vs Rusia nr.53203/99, fq.63-68, 15 December 2005,

³ CPC, amended article 449/2The revision of the final judgment of acquittal or conviction is not allowed when it aims at aggravating the position of the convicted person

The reasons, for which a review of a final decision may be requested, are in function of the ratio, which is to put an end to consequences of an unfair decision that is final. The request for consideration should be based on legal reason on which reviewing of decision arises, necessarily accompanied by the supporting documents, which support the claim. With law 35/2017, these legal reasons underwent an extension as a need of practice over the years.¹

Finally, the extraordinary character of this institution noted by the fact that its presentation is not limited with deadlines, except the three cases that justice reform on CPC, which will be addressed in the following of this paper.

2. Final decision, meaning and cases.

Albanian practice has presented a confusion regarding interpretation of what final decision means. What raised for discussion and as a need to unify the case law at High Court (HC) was that in theoretical terms terminology "enforceable decision", "final decision" and "res judicata" are expressions of the same legal notion, or these are different concepts from each other?

In unifying its practice, HC made an extended interpretation of these three concepts².

We must first understand that the final decision in terms of application of review institute refers to decision that has taken form of res judicata. In order to face such a form, decision must meet one of following two conditions:

Usual means of appeal have been exhausted, such as appeal and recourse to High Court, which means that parties have exhausted all three stages of the trial, or

He/she has overpassed deadlines for appealing, as provided by law for opposing a court decision.

In both of above cases, we can say that we are in front of the final decisions that have taken the form of *res judicata*, and therefore can be subject to review when the legal conditions foreseen for revision in CPC, are met.

On the other hand, we have final decisions that do not constitute *res judicata*, here we refer to cases of decisions that are enforceable but do not constitute a judgment because they are subject to trial by highest judicial instances. Here we can mention, for example, the decisions of Court of Appeals, which are enforceable because recourse to High Court does not automatically suspend execution of decision, but does not constitute a judgment. **In this case, the principle is that any final decision is always enforceable, but not the other way around, as not every enforceable decision is a *res judicata*.**

As we have stated above, we can say that object of the review includes decisions of three courts with the only condition that this decision have taken the form of what is known as *res judicata*.

If we look at international doctrine according to the definition contained in the explanatory report of the European Convention on the International Validity of Criminal Judgments, a decision is final "if, according to the traditional expression, it has acquired the force of res judicata. This is the case when it is irrevocable, that is to say, when no further ordinary

¹ See section 3. "Revision cases"

²http://www.gjykataelarte.gov.al/web/Vendime_Unifikuese_39_1.php Decision no. 3 date 03.11.2014.

remedies are available or when the parties have exhausted such remedies or have permitted the time limit to expire without availing themselves of them

A case may, however, be reopened in accordance with the law of the State concerned if there is evidence of new or newly discovered facts, or if it appears that there has been a fundamental defect in the proceedings, which could affect the outcome of the case either in favour of the person or to his detriment¹.

According to this definition, principle of not aggravating position of defendant/*reformation in peius*, does not apply that means that a decision even though it will aggravate the status of the convicted, may be revised, which is not applicable according to our legal system after the latest changes. Despite that, we shall mention that some legal systems have implemented such a way of application of this institute.² Regarding to that, ECHR in here practice has given her opinion in cases such as *Brumarescu vs Rumania*. According to the Rumanian system, it foreseen that the General Prosecutor, for any type of reason could asked in HC, for a re-opening of judicial proceedings, which were *res judicata*. ECHR in the decision explained that this was a violation of principle for legal certainty³.

This unifying practice has also been a good impetus for Albanian justice system that at time of undertaking justice reform has explicitly cited cases of a final decision⁴.

An important issue related with co-defendants in a trial that needs a special attention is, what happens to the defendant, in cases where some of them can appeal and some cannot. Does one's appeal have an effect on the others? Referring to legal provision implemented with undertaking of reform, we find that the decision becomes final for defendant who does not represent an appeal, with passing of deadline for appeal, if prosecutor, despite the appeal that

¹Explanatory Report to the Protocol No. 7 " To the Convention for the Protection of Human Rights and Fundamental Freedoms" Strasbourg, 22.XI.1984, article 3 ph. 22 p. 6 referring to Commentary on Article 1. a: Explanatory report of the European Convention on the international Validity of Criminal Judgments, publication of the Council of Europe, 1970, p. 22.

² Ruse System, sanctions what is known as the "Supervisory Review", according to which the prosecutor in any case for any reason, although this may aggravate the position of the convict may request the reopening of the process for decisions that have taken the form of *res judicata*. Directorate-General for Human Rights Council of Europe F-67075, Strasbourg Cedex "The right to a fair trial", p. 65

³<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58337%22%5D%7D> pg.61. "The right to a fair hearing before a tribunal as guaranteed by Article 6 § 1 of the Convention must be interpreted in the light of the Preamble to the Convention, which declares, among other things, the rule of law to be part of the common heritage of the Contracting States. One of the fundamental aspects of the rule of law is the principle of legal certainty, which requires, inter alia, that where the courts have finally determined an issue, their ruling should not be called into question."

⁴Criminal Procedure Code, article 462/3 " The following are final decisions: a) the first instance court decision when it is not appealed by the parties within the legal time limit, when it is non-appealable or when the appeal is not admitted for the reasons provided for in article 420 of this Code. In cases with co-defendants, the decision shall become final for the defendant who has not filed an appeal, notwithstanding the appeal of other co-defendants, if the prosecutor has not filed an appeal. When the prosecutor has not filed an appeal and the case is examined on the basis of the appeal of other co-defendants, the decision shall become final for the defendant who has not filed an appeal in a trial with co-defendants, notwithstanding the appeal filed with by the other co-defendants; b) the decision of the appeal court, when it finally settles the case, pursuant to letters "a", "b" and "c" of paragraph 1, of article 428 of this Code; c) the decision of the High Court in the cases of extradition and transfer of the sentenced persons.

may have been made by other co-defendants, has not filed appeal. While referring to provisions of CPC as a whole, we note that in cases of appeal by co-defendants, when it is not related to personal motives, it has legal effects on other co-defendants¹.

We note that although not explicitly, legislator has incorporated in, Latin principle "*beneficium Cohesionis*", benefit of attachment.

Beneficium cohaesionis- is a Latin principle, which shows that effects of appeal or recourse trial also come for co-defendants, who have not filed the appeal.²

What is worth addressing is whether such a principle is applicable or not in case of revision, and dilemmas that arise from the practice how are these resolved.

First, we need to understand what happens in a situation with co-defendants when some of them follow the trials in other instances, while some have not exercised the means of appeal.

If we refer to the legal provision for the final decision, it results that according to article 462/3 cited above the decision becomes final for a co-defendant when the conditions provided as above, are met³.

Following this logic, it turns out that the defendant regardless of the stage of the process for the other co-defendants can use the review as a mean of appeal.

Another case for discussion is the situation of co-defendants where only one of them exercises the review. In this case, which will be the effects of accepting the review for the other co-defendants?

In the logical course of applying the principle of *beneficium cohesion*, legal effects of the decision to admit the request for review for other co-defendants must be applicable. The practice of the High Court has followed the same line after the trial of the case Lika and Laska vs Albania by the ECHR, the High Court accepted their request for review and decided to overturn the previous decisions and return the case to the Shkodra Court of Appeals, to be tried with a another trial panel. In the retrial, before Shkodra Court of Appeals, the co-defendant Behar Lika participated in the retrial together with the two applicants despite the fact he had not claim for revision.⁴

Notwithstanding the above, we are of the opinion that the legal basis, regarding the application of this principle in the cases of the review institute remains deficient. Practice will require further interpretation to clarify what will happen in cases where co-defendants are not interested in being part of a retrial, because it was not convenient, as they may have benefited from amnesty or pardon, regarding to this they may have the will not to be part of the re-opening trial.

However, in the basis of addressing all these practices, we are of the opinion that the principle of not aggravating the position of the defendant/ *reformation in peius* should remain. This

¹Criminal Procedure Code, article 425/1

²<http://horizontal-facility-eu.coe.int> the legal framework for the re-examination and re-opening of criminal proceedings following the finding of a violation by the European Court of Human Rights: an assessment of the legal framework of Albania.

³ See section 2. Final decision, meaning and cases.

⁴ www.gjykataelarte.gov.al Decision no. 74 (00-2012-756), date 07.03.2012

principle should remain at the core of the legal reasoning of the courts, when facing these cases.

3. Procedural Status of the convicted asking for Reviewing.

One of the main aspects of reopening a judicial process is the determination of the status of the person, subject to the review institute. The procedural position is of essential importance for the convict undergoing review, therefore the state must provide all means to ensure avoiding the violation of rights guaranteed by the European Convention of Human rights.

The Unifying jurisprudence of HC stipulates that¹: *"In case when the convict's request is accepted and the Criminal College of the High Court, based on the reviewing jurisdiction it has under Article 453 of the CPC, proceeds with the review process, the defendant will continue to have the procedural status of the convict. Acceptance of the request for re-opening the judicial process does not entail the revocation of the sentence or the release of the convict, but only the re-opening of the trial for clarifying new circumstances, in order the court decision to respond to the truth. This fact will occur only if pursuant to Article 454 of the CPC, the Criminal College of the HC, or the competent court, which will adjudicate the case under review, considers it necessary to suspend the execution of the decision, because execution of the decision during the reopening process would have serious irreparable consequences.*

Acceptance of the request for review does not change the procedural position from that of the convict to that of the defendant."

Regarding to the decision we can see that the HC relates the changing of the procedural status only with decision of innocence stated at the end of the re-opening trial. *"In case the Criminal College of the HC accept the request for reviewing and in the reopening trial process, at the first instance the convicted is declared innocent, procedural status will change in to the defendant. This situation (the status of the defendant) will continue until the new acquittal given after the review becomes final."*

The CPC, in its provisions of Chapter IV, article 449 and following, deals in detail with the review institution. Regarding the procedural position of the convict that is subject to review with the undertaking of the reform is explicitly set out in the code, which is. The CPC stipulates that procedural status of defendant remain same until reviewing court decision is take². According to this sanction, we note that the legislature has not linked the change of procedural position with the type of decision taken by the review court explicitly; however, we can see that a number of changes such as this in question came because of the Unifying Practice of HC. Consequently, we continue to stick to the interpretation of the High Court, which links the change of procedural status with the innocence decision taken in the review process.

The practice of the Committee of Ministers, responsible for monitoring the implementation of ECHR decisions, has paid particular attention to the presumption of innocence in cases of reopening court proceedings. In the case of Sadak, Zana, Dicle and Doğan vs. Turkey through Interim Resolution ResDH (2004) 31,272³, the committee of ministers emphasized the standard and importance of the presumption of innocence. The committee in the interim resolution issued asked the Turkish state to take measures to avoid violating the rights of

¹www.gjykataelarte.gov.al , Unifying Decision no. 3, date 08.07.2013.

² Criminal Procedure Code, article 453/4.

³ <https://rm.coe.int/168059ddae>, accessed on 10.07.2020

persons who were already under a retrial process by decision of the ECHR. The latter, after receiving the decision by the ECHR and the commencement of the review process, for a period of 3 years was continue to detain, without giving an objective state justification for denying their request for release¹.

As stated above, the conduction of litigation in the context of the review needs a special importance in order to avoid violation of the rights of the convicted person. Referring to the practice of the ECHR and the Committee of Ministers in the above-mentioned case, this aspect of the judgment should be looked carefully. The principle of presumption of innocence as provided in Article 6 of the ECHR should be applicable to the retrial, which contradicts the procedural position determined in the unifying practice of the HC. The interpretation and elaboration of the HC regarding to the case, will be an important point in providing a solution in way to bring the implementation of law in line with the standards of the ECHR.

4. Revision cases

The review, as an extraordinary means of appeal, requires the detailed presentation of the application cases, in order to avoid abusive cases and to respect the principle of legal certainty and *ne bis in idem*.

For this reason in the Albanian legislation are foreseen explicitly, which are the cases of applying this mean of appeal, which have been expanded with the undertaking of justice reform. We briefly present what the cases are, in order to dwell in more detail on the changes brought about by the reform regarding the new cases²

a. Consistence of judicial decisions

In CPC is prescribed that reviewing can be applied in case "*if the facts stated in the merits of the decision are not compatible with those of another final judgment*" This is put with the intention to avoid mistakes made due to wrong interpretation given to the same facts from different courts. Indeed courts cannot contradict each other, which mean that it is not possible for the same facts interpreted differently by different courts. This would show in a way that one of the courts has not been objective in its decision-making and rightly, within the framework and principle of due process, in terms of adjudication by an impartial court, this case is included in the field of re-opening judicial process.

b. Revocation of a civil or administrative court decision

The CPC determines in detail what is the importance and value of civil or administrative decisions in criminal proceedings³. According to this provision, such decisions determine whether a fact has occurred or not. Now that such decision is revoke, it rightly turns out that this fact did not happen and without the criminal fact, we have no criminal offense. As above, in order to have a fair legal process is need that the judicial process to be re-open.

¹ <https://rm.coe.int/training-manual-on-the-right-to-fair-trial-and-reopening-of-domestic-p/16808b7cab>. Accessed on 10.07.2020.

² Criminal Procedure Code, article 450

³ CPC article 71 Consequences of civil and administrative proceedings to the criminal proceedings¹. A final civil court decision is mandatory for the court that tries the criminal case only pertaining to the fact whether the offence was committed or not, but not about the guilt of the defendant.

c. Appearing or revelling new evidences that at the time of the trial weren't known

The court establishes its decision and conviction regarding the guilt or not of the defendant based on the interpretation of the facts and evidence presented by the parties in the proceedings. In case that after the decision made, new evidence appears which could change the course of events as well as the court decision; the revision of criminal proceeding needs to apply. In order for this case to apply, certain conditions must be fill:

- Consider evidence according to the meaning given by the code¹.
- Parties did not know the evidence at trial time, but it existed².

d. Falsification of trial acts or criminal fact

Now that through a final decision is found the falsification of the act, which was used by the court in the decision making, then the need arises to review this decision due to a fair trial. Same thing happens when the decision is make based on evidence, which are prove to have been false etc. In all cases, acting differently than expected would violate the principle of regular legal process.

In the following, we are representing the new cases added due to amendment of CPC through reform of justice. These provisions are mainly base on Unifying Practice of the HC over the years. In the other hand, changes came as a need for harmonization of the national law with the international standard, referring in this case to the ECHR jurisprudence (*Scozzari and Giunta; Assanidze*).; (*Öcalan; Krasniki; Gençel*) and other recommendations issued by EU institutions . Recommendation (2000)2 etc.

Regarding the amendments brought from justice reform, was note that the three new cases implemented as subject of revision, had in common the fact that the three ones were limited through deadlines. The purpose of such a thing is to avoid in somehow the possible abuse that may happen in practice with these cases and in the other hand to guarantee the principles such as legal certainty and *res judicata*.

e. European Court Human Rights Decision³

First, we should have clear which is the importance and effects of the ECHR decision for the states that has accept this court jurisdiction. If we see in article 46 of the convention, which foresee that the states ratifying this convention has undertaken the obligation to respect and execute the ECHR decision where they are part⁴. The convention in its entirety results that ECHR decision are not obligatory. Regarding to our national law in the articles of the

¹ CPC, article 149 /1 "Shall be considered as evidence the information on the facts and circumstances related to the criminal offence, which are obtained from sources provided for by the criminal procedural law, as well as in compliance with the rules defined by it, and serve to prove whether the criminal offence was committed or not, its ensuing consequences, the guilt or innocence of the defendant the level of his/her accountability.

² www.gjykataelarte.gov.al , Decision No.06 date 11.10.2002.

³ CPC, article 450/d "if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision";

⁴ European Convention Human Rights, Article 46, Binding force and execution of judgments 1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties

constitution prissily article 5, 17/2,116,122 prescribes that after ratifying from the state international law is applicable and obligatory. The significance of ECHR decision comes out even from the fact that there is a whole mechanism responsible for monitoring the execution of the decision, Committee of Ministers. Additionally this structure function based on a whole regulation, which regulates the process of monitoring and measures that can be taken in case the execution is not done.¹ Albania has been subject of ECHR decision in several cases, due to this decision of ECHR stipulating revision process, implemented as one of the reason, for which the convicted could ask to reopen a final decision. As we put out this change came as a result of the jurisprudence of ECHR against Albania. Here we can mention Case Laska and Lika vs Albania²

*"The Court concludes that the proceedings against defendant did not satisfy the requirements of a fair trial. There has accordingly been a violation of Article 6 § 1 in the present case. The Court observes that when an applicant has been convicted in breach of his rights as guaranteed by Article 6 of the Convention, he should, as far as possible, be put in the position in which he would have been had the requirements of that provision not been disregarded, and that the most appropriate form of redress would, in principle, be trial de novo or the reopening of the proceedings, if requested"*³

In all these cases, the ECHR insists in the application of legal remedies, which would enable the reopening of proceedings against these entities, thus referring to the recommendation of the committee of ministers regarding the achievement of *restitution in integrum*⁴. This recommendation underscores the fact that states must guarantee effective remedies to achieve *restitution in integrum*, in order to respect the rights of these categories. Referring to

¹<https://rm.coe.int/16806eebf0> Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements rule 11 "Rule 11 - Infringement proceedings 1. When, in accordance with Article 46, paragraph 4, of the Convention, the Committee of Ministers considers that a High Contracting Party refuses to abide by a final judgment in a case to which it is party, it may, after serving formal notice on that Party and by decision adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee, refer to the Court the question whether that Party has failed to fulfil its obligation. 2. Infringement proceedings should be brought only in exceptional circumstances. They shall not be initiated unless formal notice of the Committee's intention to bring such proceedings has been given to the High Contracting Party concerned. Such formal notice shall be given ultimately six months before the lodging of proceedings, unless the Committee decides otherwise, and shall take the form of an interim resolution. This Resolution shall be adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee. 3. The referral decision of the matter to the Court shall take the form of an interim resolution. It shall be reasoned and concisely reflect the views of the High Contracting Party concerned. 4. The Committee of Ministers shall be represented before the Court by its Chair unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee

²<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-98349%22%5D%7D>, accessed 13.07.2020

³ See also cases Caka v. Albania, 44023/02,, 8 December 2009;; Xheraj v. Albania, no. 37959/02, § 82, 29 July 2008; Öcalan v. Turkey [GC], no. 46221/99 § 210 in fine, ECHR 2005-IV) Shkalla vs Albania. https://www.legislationline.org/download/id/7430/file/Case_of_Shkalla_v_Albania_2011_en.pdf. accessed ECHR has argued in the same way, asking the states to guarantee the reopening of cases in such situations.

⁴https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2f06, accessed 13.07.2020

the above and the Albanian state considered necessary to harmonize the legal framework with the international one, in terms of respecting the rights of individuals.

g. Revision, condition for extradition

In practice, there have been cases when states require appropriate guarantees in order to allow the extradition of persons wanted by justice to be prosecuted or to execute their sentences. One of the most famous cases, who highlighted not only the legal shortcomings but also the diplomatic relations of the Albanian state, was the case of Florian Meçe. The latter was wanted by Albanian state to serve the sentence, which was given in his absence. Following searches, justice authorities were able to identify his location in Spain. Albanian authorities request the extradition of this person from Spain. The extradition made possible by a decision of the Spanish National High Court, after they asked a guarantee for retrial of the subject, due to the issuance of a court decision by the Albanian courts, in his absence. As confirmed by case no. 1549/1 Prot. OF, dated 25.02.2010, by the Albanian state, through the Ministry of Justice, a guarantee was given for the observance of the right to retrial of the subject, pursuant to the Constitution and articles 147, 148, 449, 450, 453 of the Code of Criminal Procedure¹. After the extradition due to the legal vacuum, the Albanian state failed to respect the given guarantee, which ECHR expressed too, concluding that we have a violation of Article 6 by the Albanian state. To avoid similar situations it was foreseen in the code as one of the review cases and when required by the states as a guarantee for extradition.²

j. Judgment in absentia³

One of the rights that a person enjoys is the right to be present in a trial that takes place against him. Despite this right, legislation in many countries recognizes the trial in the absence of defendants, taking measures to guarantee their rights through a lawyer determined by the court. However, the effectiveness of a defender mainly, practices shows that leaves much to desire. The Albanian legislation provided for the only appeal against the decisions given in the absence of reinstatement in time, which was applicable only if you prove that there was an objective reason, which led to the loss of the time limit for appeal. While as we quoted above did not regulate the situation when the defendant was not at all aware of the criminal proceeding against him. In the framework of the harmonization of the law with international acts, the legislature with right, established trial in absentia, as one of the cases for the reopening of court proceedings⁴. Conducting a trial in such a situation violates due process of law, and one of the rights of the defendant, to be heard and to be present at the trial. Acting contrary to what was said above would lead to violation of Article 6/1 of the KEDNJ. The latter

¹ www.gjykatakushtetuese.gov.al Constitutional Court decision no. 21, date 29.04.2010.

² CPC, article 450/dh "if the extradition of a person tried in absentia is granted on the explicit condition that the case be re-tried. The request for re-trial may be submitted within 30 days from the date of extradition of the person. The request submitted within that time limit may not be refused."

³ CPC, article 450/e "if the person is tried in absentia pursuant to article 352 of this Code and requests the case to be re-tried. The request shall be filed within thirty days from the date he is informed. The request submitted within that time limit may not be refused."

⁴<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804f7581>, accessed 13.07.2020 Resolution (75) 11 On The Criteria Governing Proceedings Held In The Absence Of The Accused, see also Recommendation (2000)2

as stated by ECHR in the decision *COOLOZA vs. Italy*¹. *Although this is not expressly mentioned in paragraph 1 of Article 6 (art. 6-1), the object and purpose of the Article taken as a whole show that a person "charged with a criminal offence" is entitled to take part in the hearing. Moreover, sub-paragraphs (c), (d) and (e) of paragraph 3 (art. 6-3-c, art. 6-3-d, art. 6-3-e) guarantee to "everyone charged with a criminal offence "the right" to defend himself in person ", "to examine or have examined witnesses "and" to have the free assistance of an interpreter if he cannot understand or speak the language used in court " and it is difficult to see how he could exercise these rights without being present ".*

In the same line, the ECHR confirms in the case of *Sejdovic vs Italy* where it sets out in detail what are the general principles related to the trial *in absentia* and that this form of trial violates, listing as follows:

Right to take part in the hearing and to obtain a new trial;

Waiver of the right to appear at the trial;

Right of a person charged with a criminal offence to be informed of the accusations against him;

Representation by counsel of defendants tried *in absentia*;²

The Convention, although it does not prohibit adjudication *in absentia*, leaves it to the discretion of the contracting parties to provide the effective means of achieving the standards sanctioned by the convention for the conduct of a due process of law.

On the other hand, Committee of Ministers in 1975 approved a resolution, in which were foreseen 9 minimal criteria that states should accomplish during administration of the trials *in absentia*.³

¹<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57462%22%5D%7D> (colozza vs Italy), accessed 13.07.2020

² <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-72629%22%5D%7D> (Sejdovic vs Italy), accessed 13.07.2020.

³ Resolution (75) 11 On The Criteria Governing Proceedings Held In The Absence Of The Accused (Adopted By The Committee Of Ministers On 21 May 1975 At The 245th Meeting Of The Ministers' Deputies) 1. No one may be tried without having first been effectively served with a summons in time to enable him to appear and to prepare his defence, unless it is established that he has deliberately sought to evade justice; 2. The summons must state the consequences of any failure by the accused to appear at the trial; 3. Where the court finds that an accused person who fails to appear at the trial has been served (atteint) with a summons, it must order an adjournment if it considers personal appearance of the accused to be indispensable or if there is reason to believe that he has been prevented from appearing; 4. The accused must not be tried in his absence, if it is possible and desirable to transfer the proceedings to another state or to apply for extradition; 5. Where the accused is tried in his absence, evidence must be taken in the usual manner and the defence must have the right to intervene; 6. A judgement passed in the absence of the accused must be notified to him according to the rules governing the service of the summons to appear and the time-limit for lodging an appeal must not begin to run until the convicted person has had effective knowledge of the judgement so notified, unless it is established that he has deliberately sought to evade justice; 7. Any person tried in his absence must be able to appeal against the judgement by whatever means of recourse would have been open to him, had he been present; 8. A person tried in his absence on whom a summons has not been served in due and proper form shall have a remedy enabling him to have the judgement annulled; 9. A

Our legislation has explicitly defined what trial *in absentia* mean by placing in a separate provision, the definition of this category and the manner of conducting the process for the latter.¹

According to this legal provision, *in absentia* refers only to those persons who have not become aware of the trial conducted and the decision given against them, thus rightly excluding persons who evade justice. After the search according to the legal provisions, the court suspends the trial for a period of 1 year. After a year, if the defendant is not found the trial continues by assigning a defence mainly.

From the analysis of the legal provisions, we can conclude a shortcoming of this trial in relation to the special forms of trial; here, we are referring to the abbreviated trial. According to the provisions governing this trial, it turns out that the defendant can file a request for summary judgment until the preliminary hearing², while if we refer to the review process, it turns out that this stage of the process is exhausted and goes directly to the trial, consequently the defendant loses the right to seek summary judgment.

We are of the opinion that the legislator should make an intervention in the legislation and include the review as one of the cases when the request for summary judgment could be submit during the trial phase on the merits.

5. Review Procedure and Judicial Practice

The law defines in details, which are the procedural stages a reviewing request goes through. The legitimate subject (the convicted person or the representative with special authorization

person tried in his absence, but on whom a summons has been properly served is entitled to a retrial, in the ordinary way, if that person can prove that his absence and the fact that he could not inform the judge thereof were due to reasons beyond his control.

¹ CPC, amended; Article 352 Trial in absentia (1. When the defendant in Free State, despite the searches pursuant to articles 140-142 of this Code, fails to appear in the hearing and it turns out that he has not been personally informed of the trial, the court shall decide its suspension and shall order the judicial police to continue the search of the defendant. After one year from the date of suspension of the trial for this reason and, at any time, when there is information on the location of the defendant, the court shall resume the trial, by ordering the repetition of the notification. The court shall declare the absence of the defendant if, even after the newly conducted searches, the defendant is not found. In this event, the trial shall be held in the presence of the defence lawyer."2. The court shall declare absence of the defendant, if it is proved that the defendant is escaping from. In this event, trial shall be held in the presence of the defence lawyer. 3. The court shall declare absence even when it is proven that the defendant is abroad and it is impossible to extradite him. 4. The decision declaring absence is invalid when it is proven that such absence it due to his/her the absolute impossibility to appear. 5. When the defendant appears after the decision declaring his absence has been announced, the court shall revoke it. When the defendant appears after the judicial trial is declared closed, he may ask to be questioned. All actions performed before this moment shall remain valid, but if the defendant requests and the court deems it necessary for the decision to be taken, it may decide the re-opening of the judicial trial and the obtaining of the evidence requested by the defendant or the repetition of procedural actions. 6. Trial in absentia shall not be held in the case of a minor defendant. In such event, the court, after conducting the searches pursuant to articles 140-142 of this Code, shall decide the suspension of the trial. The rules of paragraph 1 of this article shall apply; to the extent they are compatible.

² CPC, amended article 403-406 Abbreviated Trial.

and the legal custody, family members when he / she dies, the prosecutor)¹ prepares the request, which he / she submits to the court of first instance that have given the decision. Before the changes brought by the reform, the competence to review the revision requests belonged to the High Court. The latter, being a court of law, was necessary to remove the reviewing jurisdiction, which in this case constitutes a trial of fact, a competence, which has passed to the courts of first instance that is a court of fact. The latter examines the request in the deliberation room, without parties' presence and after deciding on its admissibility sends it for retrial to the court of first instance or that of appeal, according to the fact if the challenged decision belongs to first instance or appeal court.²

Debate rose among law scholars over the transfer of this competence to the court of first instance. Such a theory is unsupported by scientific reasoning. In our opinion, we do not have any kind of violation in this case; we can even say that in this way the rights of the parties to a criminal process are better guaranteed. We note that the court of first instance does not address the merits of the case; it examines whether or not the request of the subject is based in one of the cases provided by law that legitimizes the review, and whether relevant evidences are presented to prove one of the cases elaborated as above. In this case is not violated principle of degree of judgment, but also the opposite is guaranteed such a principle, thus guaranteeing the right of access of the parties to the legal system. Attached to the request for review the applicant must have evidence justifying the review under the law as well as the appeal against the decision they are challenging.

The request is examined in the deliberation room without the presence of the parties. The question arises; a judge or a judicial body will carry out the review of the request. In our opinion, to give answer to this question we can refer on types of criminal offenses. Jurisdiction in this case should be decided referring to Article 13 of the CPC.³

¹ CPC amended, article 451 "The following persons may request the revision: a) the convicted person, the defence lawyer specifically authorised by him or his legal guardian, and, if the convicted person has died, his heir or relative; b) the prosecutor attached to the court having issued the decision."

² CPC amended, article 453/3 "If the request is admitted, the Court decides to send the case to another panel of the same court for re-trial. This decision is not subject to appeal

³ CPC amended "Article 13 Criminal of first instance and their composition (Changed by law no 9911 dated 05.05.2008, article 1) (Amended by Law No. 9911 of 05.05.2008, article 1) (Amended by Law No. 35/2017 of 30.03.2017, article 8) 1. Criminal offences shall be adjudicated in the first instance by judicial district courts and by the Anti-Corruption and Organised Crime Court, pursuant to the rules and responsibilities provided for by this Code. 2. The judicial district courts and the Anti-Corruption and Organized Crime Court of first instance rule, by a single judge, on: a) the requests of the parties during the preliminary investigations; b) the appeal against the prosecutor's decision on the non-initiation of the criminal proceeding or on the dismissal of the case, as concerns misdemeanours; c) the request of the prosecutor to dismiss the charge or the case, as concerns crimes; ç) the request of the prosecutor to send the case to trial; d) the request of the prosecutor for the approval of the penal order; dh) the requests related to the execution of the criminal decisions; e) the requests on the reinstatement of time limits; ë) the requests related to jurisdictional relations with foreign authorities pursuant to Title X of this Code; f) any other requests provided for by this Code or by special laws. 3. The judicial district courts examine, by a single judge, criminal offences that are sentenced with a fine or with imprisonment for, at maximum, not more than 10 years. The other criminal offences are examined by a panel composed of three judges. 3/1. The Anti-Corruption and Organized Crime Court rules with a judicial panel composed of three judges, unless provided otherwise by this Code. This court examines with a single judge the criminal charges against public officials, pursuant to article 75/a of this Code,

Regarding to this provision we can notice that if a single judge gives the decision in the first instance, request for review of this decision will be with one judge, while if it is given by a panel of three, the request for revision will be examined by three judges. Furthermore, after assessing whether the conditions for the implementation of the review institute, are met, the court decides on its acceptance or not. The acceptance decision unappealable, in order to avoid delays in the court process. As we can see, the court can only comment on the admissibility criteria of the request and not on the merits of the case, which relates to the evaluation of the evidence and the trial as a whole. Failure to do so would undermine due process and the principle of equality of arms, as the parties are not present. Principle on which the constitutional court has also ruled with a decision stating that: *"The Constitutional Court reaffirms its position that the participation of the parties and respect for the principle of equality of arms and the principle of adversarial proceedings are important elements of a due process of law, within the meaning of Article 42 of the Constitution of the Republic of Albania. Regarding to this, the court hearing the case is obliged to take all necessary measures for the participation of the parties or their representatives in the process, which gives them the opportunity to express their views on the factual and legal aspects of the case at trial"*

*After the acceptance decision, the case will be sent to the competent court for the reopening process. During this stage, the convicted will continue keeping the same status until the trial is over.*¹

As above after acceptance, the case is send to the first or appeal court for judging. The court must apply the provisions of the first instance trial, within the limits of the grounds presented in the request for review.² The court valuate the new evidences came out in relation with the existed ones in way to conclude with a fair decision.

On the other hand regarding to the effects of the revision over the execution of sentences, we see that accepting the request for reopening a trial does not mean that execution of sentence is suspended. Only through a request to the court, can be suspended. However, states must be careful in such situations to avoid the continued violation of the rights of the individual, following the execution of a decision under review.³

During the implementation of the latest changes undertaken from the reform relating to this mean of appeal, there have been raised different issues. For this purpose, we took for study the decision of first Court of Tirana in 2019, whose subject was revision. From the study done results as follows⁴:

First there is confusion between two extraordinary means of appeal (reviewing and Reinstatement in the time- period) regarding the case in absentia. The convicted instructed not correctly by their defendant, did not use the appropriate legal remedy to challenge the

for criminal offences other than corruption and organized crime, punishable by fine or up to 10 years' imprisonment, in the maximum term. 4. Minors and young adults are adjudicated by the relevant court sections, established by law. These sections adjudicate also the adult defendants accused of criminal offences committed against minors. 5. Provisions of paragraph 4, of this article, do not apply in the cases referred to in paragraph 1, of article 80, of this Code.

¹ See section 3 "Procedural Status of the convicted asking for Reviewing."

² CPC amended article 455/2

³ See as above explained cases Sadak, Zana, Dicle dhe Doğan vs Turkey.

⁴ www.gjykataetiranes.gov.al we have analysed the decision of the first instance given for the year 2019.

court decision. This is because they still do not understand what we mean by trial *in absentia*, where the defendant is neither part of the process nor aware of the trial and what does it mean when the defendant is aware of the process that takes place against him but for objective reasons finds it impossible to be present. Out of 33 decisions that had as object of review, in 21 cases the convicted claimed that he was tried in absentia, in these 21 cases only in 8 of the cases the court accepted the claim together with the request for suspension of the execution of the sentence in question. Meanwhile, in one of the cases the court stated that the execution of the decision would continue because before the sentence the person had been under the measure "Precautionary detention in prison", justifying in this case the continuation of the execution with the associated danger posed by the subject based also in the criminal offence committed and convicted about. In other cases, court refused the claim for revision because the complainer did not fulfil the legal conditions foreseen in the code for revision, as:

Not submitting the claim within the deadline foreseen in the code with the last approved changes;

Not submitting the evidences legitimating the request;

Decision were not *res judicata*, which means the ordinary mean of appeal were still in force and could be used by the convicted, so with other words it was not a final decision.

Only in 10 cases, court argued non - acceptance decision with the justification that the decision asked for revision was not a trial in absentia.

As above, results that the court are really carefully and give a special attention to the reviewing institution, by analysing in details each component of this institution. On the other hand, we cannot say the same thing for the defendants, which need further training and elaboration in the new provisions implemented and especially about the trial in absentia.

Conclusions and Recommendations

Review is an important procedural institute, which is implemented in the framework of respecting the rights of individual's due process of law, avoiding the limitations and barriers created by legal proceedings after the decision becomes final.

At the core of this institute is the administration of justice regardless of the fact when it is ascertained. This mean of appeal has evolved through years by improving, with the purpose to guarantee the rights of parties in the process due to a fair trial. These changes came out as need to harmonize the national law with the international one, and in the other hand an important source for these changes was the unifying practice of the HC. Regarding to the above-mentioned sources justice reform undertook new provisions relating to the revision, as a mean of appeal and cases when this procedure may be applicable. Despite those changes, there are also situations that need intervention through legal changes or interpretation from the High Court.

First putting preliminary hearing as an intermediate phase on the process by not analysing in appropriate way its application, has violate some rights of the offender who has been judged in absentia. During the reopening process, we can see that the reviewing refers only for the phase of trial on the merits, so that phase of preliminary hearing is considered done and so is no need to repeat during the revision process. This provision does not allow to the convicted to submit the request for Abbreviated Trial, as far as this request can be submitted only in the preliminary hearing phase. Our recommendation is that article 403 to be changed, and right

for abbreviated trial to be submitted also after the preliminary phase is done or the suspension of the process during trial in absentia to be done as it is in Italian system, since in the preliminary hearing phase.

Additionally regarding trial, *in absentia* court must ensure as possible a complete *restitution in integrum* as long as the offender has not been part of the process and there was no knowledge related to the process against him.

In the first point of view, it seems that the regulation of trial in absentia has found an establishment in accordance with EU standards. Further must be wait to see the implementation through practice of courts.

Secondly, an important issue is the legal effects that have a decision for the co-defendants when for one the decision is *res judicata* and for the others they are still in the process in the other instances. In our opinion, in cases where the reason for the review of the decision is related to the merits of the case, the circumstances of the criminal fact and its authorship must certainly be taken into account and for the other co-defendants; in the context of judicial consistency, courts cannot be to be contradictory to each other in decision-making.

Even though this provision must be taken in consideration and to be pay a special attention cases when the co- defendants doesn't want to be part of the reviewing process regarding to the principle of *beneficium cohesion*.

Thirdly, regarding the suspension of sentences execution it is let in discretion of the court, after the convicted claims, to decide whether it must be suspended or not, in our opinion there the law must put some criteria's that, conditions based on which the court should refuse or not the request for suspension of execution. In this way, we avoid decision, which violates the rights of the accused in an unjustified way.

Fourthly, regarding the reopening process, the legal provisions seem to comply with the EU standards by giving the opportunity to the accused challenge the evidences against him, respecting his right to be heard in a trial. Further, implementation in practice of these legal provisions will be see.

Another problem are the transitory provisions, the lawmaker dint foreseen what happens with the cases that were in the HC before changes were implement. The practice will be confused relating to these cases; anyway, the courts must be carefully to avoid the violations of accused rights.

Finally, sanctioning of this extraordinary mean of appeal by the legislator is in line with the rights to conduct a due process of law, respect for the rights of the defendant and what is most important serves the purpose of the law, the administration of justice and the discovery of the truth.

References

- [1] Constitute of Republic of Albania;
- [2] European Convention Human Rights
- [3] Protocol no. 7 of the European Convention on Human Rights;
- [4] Explanatory Report to the Protocol
- [5] Resolution (75) 11 On The Criteria Governing Proceedings Held In The Absence Of The Accused,

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- [6] Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements rule
- [7] Recommendation (2000)2 Recommendation No. R (2000) 2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights
- [8] Directorate-General for Human Rights Council of Europe F-67075, Strasbourg Cedex "The right to a fair trial", p. 65;
- [9] Law No.7905, date 21.3.1995 Criminal Procedure Code of the Republic of Albania, amended ;
- [10] www.gjykatakushtetuese.gov.al
- [11] www.gjykataelarte.gov.al;
- [12] www.gjykataetiranes.gov.al
- [13] http://www.gjykataelarte.gov.al/web/Vendime_Unifikuese_39_1.php;
- [14] <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58337%22%5D%7D>;
- [15] <http://horizontal-facility-eu.coe.int>
- [16] <https://rm.coe.int/168059ddae>;
- [17] <https://rm.coe.int/training-manual-on-the-right-to-fair-trail-and-reopening-of-domestic-p/16808b7cab>
- [18] <https://rm.coe.int/16806eebf0>;
- [19] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-98349%22%5D%7D>;
- [20] https://www.legislationline.org/download/id/7430/file/Case_of_Shkalla_v_Albania_2011_en.pdf;
- [21] https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2f06;
- [22] <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804f7581>;
- [23] <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57462%22%5D%7D>;
- [24] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-72629%22%5D%7D>;
- [25] <http://horizontal-facility-eu.coe.int>

Cultural Consciousness as a Means to Promote Positive Teacher-Learner Relations in a Culturally Diverse Classroom: a Social Wellness Perspective

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Abstract

The study focused on the importance of cultural consciousness as a way of promoting positive teacher-learner relations in a culturally diverse classroom to achieve social wellness. Teachers' and learners' views on cultural diversity, the teacher-learner relationship and social wellness were explored. A triple integrative theoretical lens consisting of African Ubuntu philosophy, McComb's (1986) self-system theory and Hettler's (1976) wellness theory underpinned the study. The qualitative research method was used and the study is embedded in the interpretivist paradigm. Fifteen participants were purposively sampled. The study adopted a case study approach. The case was a multicultural secondary school in Gauteng Province. Ethical clearance was obtained from the University's Ethics Committee, the Department of Basic Education and the school's principal. Data were collected in one secondary school in Gauteng Province through interviews and questionnaires with open-ended questions. The findings revealed that when teachers and learners are culturally conscious, embrace their own cultures, those of others and are aware of and practice what promotes positive teacher-learner relations, social wellness is realised in a culturally diverse classroom.

Keywords: social wellness, cultural diversity, cultural consciousness, culture, embracing, teacher-learner relations.

Introduction

Lack of cultural consciousness has been found to be a hindrance to the development of positive teacher-learner relationships and social wellness in culturally diverse school context. On the other hand, cultural consciousness is viewed as enabling teachers and learners to relate better and more appropriately with each other. As individuals bring along culture to their interactions, it becomes imperative for teachers and learners to be culturally conscious (if teacher-learner relations are to be positive) (The IRIS Center, 2012). Cultural consciousness is the dynamic, ongoing process of active and purposeful recognition and engagement of diverse learners in the classroom such that they feel welcome, respected and accommodated (Azzopardi & McNeill, 2016).

Teacher-learner relationships result from day-to-day teacher-learner interactions. The development of positive teacher-learner relations causes learners to seek to please their teacher, perform better, behave more appropriately, follow set rules and is an important and

effective step towards the establishment of a positive and disciplined classroom climate (Boynton & Boynton, 2005).

Culture is a model for living, and differs from one group of people to another. Azzopardi and McNeill (2016) define it as any shared identities of a group of people which involve behavioural patterns, values, traditions, and norms. Furthermore, the IRIS Center (2012) describes it as the day-to-day patterns of living which are shared by a people and which includes values, norms, race and religion, among others. Cruickshank (2015) therefore remarks that culture is essential, and that it is a unique, lived experience of each individual.

Cultural diversity is the existence of various cultural groups within a given community or society (Sheets, 2005). Research shows that diversity should never be ignored; and that differences among learners should be allowed, understood and accepted (Goethe & Colina, 2018). Culture should therefore be recognised and celebrated (The IRIS Center, 2012).

Cultural consciousness

Cultural diversity characterises the South African society. Van Niekerk and Hay (2009) point out that in South Africa one rubs shoulders with people of many cultures. It is therefore extremely important for teachers and learners to be culturally conscious if they are to relate positively and successfully in culturally diverse school contexts. Cultural consciousness involves the realisation that one's cultural assumptions may not be the norm, and that others may not necessarily share those assumptions and values (Van Niekerk & Hay, 2009). It can also be fostered through recognising, acknowledging, and valuing cultural diversity. In the same vein, Azzopardi and McNeill (2016) argue that cultural diversity in the classroom should not be ignored, rather it should be embraced.

Cultural consciousness underpins learning about others' values, cultures, traditions, and histories which they bring to the classroom; and all cultures in the classroom should be regarded equally (The IRIS Center, 2012). The researchers believe cultural conscious helps teachers and learners to become more aware of the diversity in the classroom and become inclusive of diverse individuals. In the same line of thought, Richards, Brown and Forde (2007) note that culturally conscious teachers know their learners well, respond to learners' identified weaknesses and strengths more appropriately and embrace their learners' cultural backgrounds. Azzopardi and McNeill (2016) hence advocate that cultural consciousness be practised in the classroom, and remark that embracing learners' cultural backgrounds is a good practice for teachers.

Cultural consciousness should be developed and fostered in the classroom. The classroom environment should promote cultural consciousness in order for learners to individually be able to recognise their own culture as well as the cultures of others (Robinson & Clardy, 2011). It should also promote the learning of social skills appropriate for multicultural settings (The IRIS Center, 2012). Furthermore, learners should be helped to value and respect diverse cultures and ideas, and to appreciate their own cultures, those of others and to be culturally sensitive (Lynch, 2016).

Teacher-learner relations

Teacher- learner relations are very vital to learners' social and academic development and success in school. The researchers also note that in the context of diversity teachers have the potential to decrease in learners' discrimination, stereotypes and prejudice through positive influence. Similarly, Gumede (2016) argues that teachers influence learners' attitude towards diversity and helps them establish the correct behaviours and thoughts about those who are not like themselves. Echoing the same sentiments, Gallagher (2013) points out that teachers support learners' social and academic development throughout the schooling years. Pennings, van Tartwijk, Wubbels, Claessens van der Want and Brekelmans (2013) therefore highlight that studies conducted in various parts of the world such as in Canada, The Netherlands, China, United States of America, Australia and Indonesia in different contexts (such as universities and secondary schools) reveal that the teacher -learner relationship is crucial in education. Therefore, teacher-learner classroom interactions is essential, and, as research indicates, learners engage better in academic pursuits and achieve better academically when teachers are warm, positive and supportive (Gablinske, 2014).

Social wellness

Social wellness is the state of positive connectedness, relatedness and having mutual, positive dealings with other people. In literature, social wellness is described as the positive and meaningful interactions people have with others as well as their ability to create and maintain healthy relationships with others (Davis, 2000). Socially well individuals seek to have positive interdependent relationships with others and strive for positive communication, mutual respect, cooperation, living in harmony, while discouraging any forms of conflict and encouraging healthy lifestyles to those around oneself (Hettler, 1976).

Embracing cultural diversity in the classroom

Many cultures are represented in the classroom (Han & Thomas, 2010). Therefore, diversity should be embraced. Precisely, teachers and learners should embrace diversity, taking positive advantage of learners' various backgrounds and abilities, using it to engage learners with various perspectives (Goethe & Colina, 2018). For this to be possible, teachers should teach learners about the beauty of diversity and help them see its value and the need to embrace it (Demerath, 2014). This will result in diverse learners' capabilities and contributions being viewed in a positive light, and all the differences among learners in the classroom being recognised and explored (Goethe & Colina, 2018). Cultural diversity in the classroom should therefore be accepted by both teachers and learners (Lynch, 2019).

Learners should be taught that differences among people are normal. They should also be taught to appreciate their own as well as others' cultures, to be kind to people who are different from themselves and to interrelate with each other positively (Richards et al, 2016). In addition, classroom conversations should address the diversity of class members in order to root out discrimination and improve classroom experiences (Goethe & Colina, 2018).

Cultural diversity and inclusion

From the researchers' experience, classrooms have become diverse owing to the increase in domestic and global migration. In response to this, the school curriculum should be inclusive, culturally responsive and respectful of all cultures (Lynch, 2015). Furthermore, there is need for teachers to acknowledge learners' similarities, differences; showing interest in learner-

diversity, being sensitive to learners' differences and ensuring that all learners feel welcome in the classroom (Richards, et al., 2007). Teachers should also develop in learners an inclusive mind-set where they accept learning with those who live, think, speak and learn differently (Demerath, 2014). Therefore, there is need for classrooms to be inclusive of diverse learners.

Promoting positive teacher-learner relations

Literature indicates that in diverse learning contexts, it is easy for teachers and students from different cultural backgrounds to misunderstand and misinterpret each other, therefore potentially leading to negative teacher learner relationships (Dewar, 2016). In promoting teacher-learner relations, Gallagher (2014) proposes that teachers lessen punishments and criticism of learners to limit their anti-social behaviours. Communication breakdown and conflict should be minimised; and teachers should understand where their learners come from figuratively and in reality. Boynton and Boynton (2005) also propose the following as strategies for the development of powerful a relationship with learners: communication of positive expectations to learners, constructive correction of learners, the development of a prideful classroom climate, showing care for learners and reducing or preventing one's own stress and frustration.

Benefits of teacher-learner relations

Positive teacher-learner relations are essential to learners' learning, development and good performance in school. More importantly, Gallagher (2014) views them as critical to children's experiences in school, advocating that they be supportive if they are to influence learners' behaviours. In the same vein, Goodman (2015) argues that teachers teach learners better when they have relationships with them; while Dewar (2016) points out that relationships that are supportive and secure have plenty of lasting positive effects that are important to learners. Demerath (2014) however, highlights that teacher-learner relations should be meaningful and effective.

Positive teacher-learner relations improve learner-discipline. Dewar (2016) concurs that learners with high quality relationships with their teachers have fewer behavioural problems, perform better academically and engage more in the classroom. Furthermore, it is argued that positive bonds between teachers and learners enable learners to be productive socially and academically, therefore making classrooms places of support and warmth (Gallagher, 2013). Gallagher (2013) maintains that learners with a strong relationship with their teacher adjust better and more positively socially and emotionally than those learners with no relationship with their teacher.

Diversity provides benefits that enhance organisational performance if managed well. Wooten (2009) echoes the same view by asserting that the presence of ensures the ability to thrive. Boynton and Boynton (2005) underlines these views arguing that positive teacher-learner relationships can help in clearing misunderstandings and tension between learners and teachers and is the most powerful weapon secondary teachers have in establishing a positive climate for learning.

The impact of culture on school performance

Culture impacts on how learners learn and what they are expected to learn socially and cognitively (Han & Thomas, 2010). In Europe, the presence of immigrant learners is viewed as a threat and is associated with the negative performance of native learners. ON the contrary,

research shows that with the increase of immigrant learners there are performance benefits (for both native and immigrant learners) across nations (Konan, Chatard, Selimbegovic & Gabriel, 2010). Notably, cultural diversity impacts positively on learner-performance, academic success, influences learners' classroom interactions and can potentially cause ill-relations between teachers and learners (Han & Thomas, 2010). Diversity is associated with both negative and positive learning outcomes.

Teachers and cultural diversity

Kuster (2004) remarks that many teachers have no knowledge of working with diverse learner populations and therefore proposes that teachers be precisely taught the necessary skills to enable them to teach diverse learners. Teachers should also be urged to show care to culturally diverse learners (which leads to trusting teacher-learner relations), engaging them in linguistically and culturally appropriate and responsive ways, while promoting interconnectedness among diverse learners (Cruickshank, 2015). Furthermore, teachers should create classroom environments that enable the building of positive interpersonal relations among learners while showing a personal interest in interacting with and speaking to each learner regularly regardless of cultural background (Gablinske, 2014).

Teachers should allow learners in diverse classrooms to interact, exposing them to various cultures and ideas (Goethe & Colina, 2018). Furthermore, teachers should talk about cultures so that learners become knowledgeable about how their fellow learners learn and view the world (The IRIS Center, 2012). Learners should be taught also about different cultural and racial biases in society in order to prepare them for the real world (Demerath, 2014). When learners learn about other cultures, stereotypes cease (The IRIS Center, 2012). Stereotypes about diverse learners (whether positive or negative) and discrimination should be addressed, done away with and discouraged in the classroom (Cruickshank, 2015). Learners should never be segregated into cultural groups, nor be allowed to ridicule each other (Lynch, 2019).

Cultural diversity in South African schools

Meier and Hartell (2009) observe that cultural diversity is on the increase in South African schools. This means teachers teach learners with languages, cultures and backgrounds unknown to them. Other studies similarly highlight that teachers are frustrated by cultural diversity in schools and advocate for teachers and school principals to be equipped with appropriate skills to manage cultural diversity in schools (Ngobese, 2004; Panther, 2006). Managing diversity however, is not an easy responsibility in South Africa because of the historic racial segregation and institutionalised separate developments which resulted in a lack of understanding between people from diverse backgrounds and cultures (Ayres, 2012).

Cultural diversity globally

The world is becoming infinitely diverse and complex, resulting in the 21st century classroom comprising learners from diverse backgrounds (Han & Thomas, 2010). Cultural diversity has become a common feature in schools owing to global mobility and migration (Cruickshank, 2015) and now characterises the citizenry of many nations across the globe (Demerath, 2014). In light of this therefore, cultural diversity should be promoted in the classroom; with diverse learners being actively included in the learning process (Goethe & Colina, 2018).

Teaching strategies for culturally diverse classrooms

Teaching strategies are key to learning outcomes, and therefore should be thought-out, relevant and suitable for the culturally diverse classroom. This is a call on teachers to employ pedagogy that reflects cultural consciousness in culturally diverse classrooms. Culturally responsive pedagogy recognises and utilises learners' culture and identities (Richards, et al., 2007), and shows that teachers are culturally conscious. Culturally conscious teachers employ teaching strategies that foster learners' academic and social success, cater for learners' learning styles, create classroom environments that are safe and comfortable for all learners, understand that culture impacts on people's actions, thinking, world-view and encourage learners to learn from each other (Han & Thomas, 2010). Learning from each other helps learners to know one another, work together, identifying their common ground, problems and feelings (Demerath, 2014). Learners should also be given freedom and control over their learning, and an opportunity to work in groups, together pursuing the goal of learning and laying aside cultural barriers (The IRIS Center, 2012). This enriches the learning process and the classroom. Allowing diverse learners to enrich the classroom improves educational outcomes (Goethe & Colina, 2018). All teaching practices and lessons in the classroom therefore should be culturally relevant if learners are to be retained in the learning system, with high expectations being maintained for learners' performance (Goethe & Colina, 2018).

All learners have the potential to learn and teachers should assist them to become independent thinkers (Richards et al., 2007). Teachers should also show interest in learners' cultural backgrounds, pronouncing learners' names properly and seeking to have strong, positive and supportive relations with learners so that they feel competent (Lynch, 2015). More importantly, they should also relate with diverse learners in a way that reflects trust, mutual understanding and respect in order to motivate learners to experience cognitive and personal growth (Gablinske, 2014).

Linking home and school

According to Lynch (2015), teachers should close the power gap between themselves and learners by being more of facilitators than instructors. This will make relating with learners much easier, thereby improving teacher-learner relations. Teachers should also build a bridge between what they teach in the classroom and what learners should know in terms of culture, therefore linking learners' cultural traditions with what they are learning (Demerath, 2014). Linking the home and school therefore, enriches lessons (Azzopardi & McNeill, 2016).

Rationale for the study

The researchers have worked as teachers in several schools in South Africa and realised that there is more cultural diversity among both teachers and learners; especially with some teachers and learners coming from neighbouring countries. In some of these schools, cultural diversity posed challenges in varying degrees whereby some teachers held stereotypes about teachers and learners coming from particular cultural backgrounds which they used to ridicule them, a situation which in turn would result in ill-relations among those. The individuals involved always seemed rigid, culturally intolerant and unwilling to embrace other's cultures and uniqueness. Some learners also had negative perceptions about teachers and learners coming from particular diverse backgrounds. Generally, in schools where such was the scenario there was more gossip, and relations were characterised by squabbles, mistrust, negative competition and suspicion. In such schools, cultural diversity seemed to

cause disunity and social discord within the school among diverse teachers and learners, diverse learners with each other and diverse teachers with each other as well. The social discord in the school particularly strained teacher-learner relations in varying extents to the point that in some instances, teaching and learning suffered. Murray and Pianta (2009) back up this view by highlighting that negative teacher-learner relationships can be detrimental to learners' academic development. This then became a cause for concern for the researchers. It is against this background therefore, and based on the above experiences that the researchers embarked on this study. The researchers sought to gather empirical evidence to prove that it is possible for teachers and learners to have healthy and positive relations in spite of the existing cultural differences. Moreover, cultural consciousness and embracing one's own culture and the cultures of others lead to positive teacher-learner relations and that social wellness can flourish even in the prevalence of culturally diversity.

Theoretical framework

A triple lens consisting of the African Ubuntu philosophy, McComb's (1986) self-system theory, and Hettler's (1976) wellness theory guided the study. The researcher believes that Ubuntu is an age-old African tradition and philosophy that has governed African communities long before anyone could write about it, and which for years has been passed on generationally through oral tradition. Therefore, the researcher cannot attribute Ubuntu philosophy to a single author as its founder. Hence, the writings of several authors on Ubuntu were consulted. McComb (1986) proposed the self-system theory which he argues places emphasis on the importance of learners' motivation and explains the importance of teacher-learner relationships. The theory assumes that learners come to school with three basic needs, namely, competence, autonomy and relatedness which it argues can all be met in the classroom through the teacher-learner relationship. Social wellness, according to Hettler (1976), is about living in harmony with others, striving for mutual respect and cooperation, seeking to have positive interdependent relationships with others, discouraging any forms of conflict and emphasises the importance of people's interdependence with their environment.

Method

The study reported in this article employed an interpretivist paradigm because it was qualitative in nature. Henning, Van Rensburg and Smit (2010) state that the interpretivist paradigm is used only in qualitative research because it is descriptive in nature and seeks to present the participants' reality from their own viewpoint. In the study, therefore, participants' views, intentions, values, reasons, beliefs, meaning-making, observations, and self-understanding as was reflected in the collected data were described so as to derive and construct knowledge and interpret meaning. The interpretivist paradigm is concerned with meaning, and regards knowledge as being constructed by descriptions of people's beliefs, values, intentions, self-understanding, meaning making, and observation (Henning et al., 2010).

Data were collected from five teachers and ten learners in a secondary school through interviews and questionnaires with open-ended questions. These encouraged the free flow of information from participants with no interference from the researcher. In the same vein, Morse (1994) concurs that in qualitative research the researcher should not interfere with the participants' provision of knowledge to avoid hampering the trustworthiness of empirical data. Interviews were conducted during breaks and after lessons in a naturalistic environment. Data were collected until saturation point and credibility was ensured through

prolonged engagement with participants (Guba & Lincoln, 1988). Data were transcribed and typed verbatim from interviews and questionnaires. The researchers re-read the transcribed texts very carefully to make meaning of each sentence. The segments of meaning were marked with markers of different colours. The researcher then labelled these segments of meaning. These labels are called codes (Henning, et al., 2010). The researchers wrote the codes next to the segments of meaning. The researchers then again read through the data, abbreviating the topics and codes next to the appropriate segment of text as recommended by (Creswell, 2009). Henning, et al. (2010) suggest that the labels should consist of more than one word so that they have a precise meaning. The process of identifying the codes is called coding. Similar codes were grouped to form categories, and then these categories were labelled (Henning, et al, 2010). The ensuring categories were then inductively named using the data as a guide in deciding what a category should be called, as is advised by Henning, et al. (2010).

Discussion of findings

Table 4.1 Biographical information of participants

| <i>Participant (Pseudonyms)</i> | <i>Status in school</i> | <i>Gender</i> | <i>Age</i> | <i>Ethnicity</i> |
|---------------------------------|-------------------------|---------------|------------|-------------------------------------|
| <i>Relebogile</i> | <i>Learner</i> | <i>Female</i> | <i>15</i> | <i>South Sotho</i> |
| <i>Mashudu</i> | <i>Learner</i> | <i>Female</i> | <i>16</i> | <i>Venda</i> |
| <i>Muraro</i> | <i>Learner</i> | <i>Female</i> | <i>16</i> | <i>Ndebele-South Africa</i> |
| <i>Bheka</i> | <i>Learner</i> | <i>Male</i> | <i>15</i> | <i>Zulu</i> |
| <i>Onke</i> | <i>Learner</i> | <i>Male</i> | <i>17</i> | <i>Xhosa</i> |
| <i>Sukoluhle</i> | <i>Learner</i> | <i>Female</i> | <i>17</i> | <i>Ndebele- Zimbabwe</i> |
| <i>Yoliswa</i> | <i>Learner</i> | <i>Female</i> | <i>16</i> | <i>Xhosa</i> |
| <i>Samuel</i> | <i>Learner</i> | <i>Male</i> | <i>16</i> | <i>Swahili- Congo</i> |
| <i>Akani</i> | <i>Learner</i> | <i>Male</i> | <i>15</i> | <i>Shangani/Tsonga – Mozambique</i> |
| <i>Tshepo</i> | <i>Learner</i> | <i>Male</i> | <i>16</i> | <i>Tswana</i> |
| <i>Sibongile</i> | <i>Teacher</i> | <i>Female</i> | <i>52</i> | <i>Zulu</i> |
| <i>Thato</i> | <i>Teacher</i> | <i>Female</i> | <i>36</i> | <i>Pedi</i> |
| <i>Shonisani</i> | <i>Teacher</i> | <i>Female</i> | <i>28</i> | <i>Venda</i> |
| <i>Tafara</i> | <i>Teacher</i> | <i>Male</i> | <i>43</i> | <i>Shona- Zimbabwean</i> |
| <i>Isaac</i> | <i>Teacher</i> | <i>Male</i> | <i>32</i> | <i>Tsonga</i> |

Below is a presentation and discussion of themes that emerged from the research data.

Theme 1: Valuing cultural diversity and positively regarding it

The results of the study show that cultural diversity is valued and positively regarded in the case school. To the researcher, valuing and positively regarding cultural diversity are key to the establishment of positive teacher-learner relations in culturally diverse classroom contexts. Other studies have also alluded that in diversity, positive attitudes should be encouraged, culture should be valued and that teachers should value diversity and urge learners to emulate them in doing so (Gay, 2010). The same finding is also supported by the

integrative theoretical lens underpinning this study which supports cultural diversity, values and portrays it as positive (Masondo, 2017; Hettler, 1976).

The findings of the study reported in this article reveal that no culture is more important or better than other cultures; but that all cultures are important and equal, and should therefore be equally accepted in the school, if social wellness and teacher-learner relations are to thrive. Other studies have likewise advocated that all cultures be appreciated and that intolerances be counteracted (Villegas & Lucas, 2007). Some, however, argue that there are indeed cultures that are better than others, especially when compared (with them) (Arantes, 2007). The integrative theoretical lens of this study supports the finding of the current study by postulating that all human beings share a universal brotherhood, common humanity and identity and are essentially the same (Metz, 2014).

The research results show that the various cultural groups in the case school are acknowledged. Acknowledging diverse cultural groups was similarly advocated for in literature and seen as ultimately leading to informing policy and to the addressing of migrants' challenges in prior studies (Arantes, 2007). The integrative theoretical lens of this study also underpins the acknowledgement, recognition and embracing of diverse cultures (Nussbaum, 2003; McComb, 1986).

Theme 2: Appreciating cultural differences

The findings of the study reported in this article reveal that cultural backgrounds make individuals unique, define them, are the source of their unique identities and should therefore be appreciated. Likewise, previous studies have noted that every person is unique and this uniqueness should be embraced; and that in a culturally diverse setting, individuals should appreciate each other's differences (Hofstede, 2001). Earlier studies have similarly viewed culture as a source of human identity and as the way people are in terms of their shared beliefs, language, values, behaviours, and norms (Arantes, 2007). This finding is supported by the integrative theoretical framework of this study which highlights that cultural differences are a positive characteristic of humanity which is useful and essential (Hettler, 1976; Masondo, 2017).

The current study's findings indicate that individuals should know who they are and where they come from culturally, and should maintain their own cultural identities so that they relate better with others, (which eventually leads to social wellness). Likewise, prior studies insist that individuals should know their own cultural values and beliefs, starting however with knowing one's own values, beliefs and biases (Spencer-Oatey, 2008). HettlerThe integrative theoretical framework of this study which alludes that embracing one's own cultural identity and others' uniqueness lead to common understanding (McComb,1986; Hettler, 1976; Lefa, 2015) supports this outcome.

The research findings show that it is important for teachers and learners to openly talk about their own cultures and learn about diverse cultures so that they know each other well. In relation to this, earlier studies have also maintained that individuals from diverse cultural backgrounds should talk about their cultural practices, and should also want to understand others' cultural backgrounds (which can reveal how much people have in common with each other as a people, thereby bringing them closer together) (Villegas & Lucas, 2007). Furthermore, studies show that it is important to discuss differences in culture without debating which culture is superior; but only focusing on what is considered to be the bad and

good in the different cultures (Allington & Cunningham, 2007). The integrative theoretical lens of this study also upholds this result by advocating for openness and friendliness in teacher-learner interactions in diverse cultural contexts (McComb, 1986; Hettler, 1976; Ramose, 2002).

Theme 3: Positive interactions in the school lead to social wellness

The results of this study highlight the interaction of teachers and learners from diverse cultural backgrounds as contributing to social wellness and to the promotion of the teacher-learner relationship in a culturally diverse school context. Similarly, earlier studies view positive teacher-learner interactions as great, highlighting that understanding those who are from diverse cultural backgrounds leads to more cooperation and collaboration; adding that meaningful and positive relations that are based on mutual understanding should be built with those from diverse cultural backgrounds (Arantes, 2007). The integrative theoretical framework of this study supports this finding by embodying mutual understanding, peace, love, compassion, and an active appreciation and tolerance of human difference (Gathogo, 2008; Hettler, 1976).

The study's findings reveal that mutual acceptance of others and their cultures leads to social wellness and positive teacher-learner relationships in culturally diverse classroom contexts. Previous literature supports this outcome by highlighting that when individuals are in an environment that accepts them, their feelings of safety are enhanced and they feel personally valued; and hence advocate that differences among people should be accepted, understood and embraced (Bergin & Bergin, 2009; Allington & Cunningham, 2007). Mutual acceptance, positive teacher-learner relationships and social wellness are all underpinned, fostered and positively regarded by the study's integrative theoretical lens (Letseka, 2000; Hettler, 1976; McComb, 1986), therefore supporting this finding.

The results of this study advocate for peers to tolerate and accept each other and each other's cultures; and also for teachers to accept the cultural background of each learner so that social wellness and positive teacher-learner relationships are promoted in culturally diverse classroom contexts. Other studies likewise report that accepting learners unconditionally makes them work harder in school, succeed more and feel as part of the school community, and therefore advocate that culturally diverse groups should be tolerated (Arantes, 2007; Garcia & Wei, 2015). The integrative theoretical lens of this study also embeds the acceptance of others and their backgrounds, tolerance and promotes positive relationships between individuals, among other things, and therefore supports this finding (Yusef, 2014; Hettler, 1970; McComb, 1986).

Some participants felt that when the cultural aspects of individuals are ignored, such that individuals relate as if their cultures are the same, not talking about their cultures, social wellness and positive teacher-learner relationships in a diverse cultural school context would be enhanced. A possible explanation for this offered in previous research is that some people fear that recognising differences may divide people (Villegas & Lucas, 2007). On the contrary, other studies caution that ignoring differences may make individuals fail to understand the needs of those different from themselves, and hence advocate that differences among people should not be ignored, but recognised (Allington & Cunningham, 2007). It is further highlighted that as a people our differences and cultures are essential, and that in terms of culture everyone plays an important role (Villegas & Lucas, 2007). In addition, the integrative theoretical framework of this study asserts that human differences should be recognised and

acknowledged; and that recognising the humanity of others affirms one's own humanity and promotes social wellness (McComb,1986; Hettler, 1976; Broodryk,1997).

Conclusion

The study is qualitative in nature and is embedded on a triple integrative theoretical lens consisting of African Ubuntu philosophy, McComb's (1986) self-system theory and Hettler's (1976). In the study the views of teachers and learners are explored in so far as cultural consciousness and the promotion of positive teacher-learner relations in a culturally diverse classroom context are concerned, from a social wellness perspective. The results of the study highlight cultural consciousness as leading to the promotion of positive teacher-learner relations in culturally diverse classroom contexts, thus resulting in social wellness. It is also apparent from the study's findings that, if individuals in culturally diverse classroom contexts are culturally conscious, embrace their own cultures, those of others and are aware of the practices that promote positive teacher-learner relations, social wellness is realised.

References

- [1] Allington, R. & Cunningham, P. 2007. *Schools that work: Where all children read and write*. 3rd ed. Boston: Allyn & Bacon.
- [2] Arantes, A. A. 2007. Diversity, heritage and cultural politics. *Theory, Culture and Society*, 24: 7-8.
- [3] Ayres, J.L. 2012. Investigating the management of diversity in the classroom of former model C schools in Gauteng. Available from: www.ujdigispace. [9 December 2013].
- [4] Azzopardi, C. & McNeill, T. 2016. From Cultural Competence to Cultural Consciousness: Transitioning to a Critical Approach to Working Across Differences in Social Work. *Journal of Ethnic & Cultural Diversity in Social Work*, 25(4):1-18.
- [5] Bergin, C. & Bergin, D. 2009. Attachment in the classroom. *Educational Psychology Review*, 21 (2): 141-170.
- [6] Boynton, M. & Boynton, C. 2005. *The educator's guide to preventing and solving discipline problems*. Alexandria, VA: Association for Supervision and Curriculum Development.
- [7] Broodryk, J. 1997. *Ubuntu in South Africa*. Unpublished PhD Thesis. University of South Africa.
- [8] Creswell, J. W. 2009. *Research Design. Qualitative, Quantitative, and Mixed Methods Approaches*. (3rd ed.). California. Sage Publications, Inc.
- [9] Cruickshank, K. 2015. A framework for inclusion: Periungual teachers in day and community schools. *Australian Review of Applied Linguistics*, 38(3): 155-171.
- [10] Davis, M. 2000. Wellness programming for working women: Partnerships that pay. *Wellness Management*, 16 (4): 3-4.
- [11] Demerath, P. 2014. *Teaching Diverse Students: How to Embrace Cultural Identity in the Classroom*. College of Education and Human Development. Available from: <https://cehdvision2020.umn.edu>... [22 November 2019]

- [12] Dewar, G. 2016. Student-teacher relationships: the overlooked ingredient for success. Available from: <http://www.parentingscience.com/student-teacher-relataionships.html>. [22 November 2019]
- [13] Gablinske, P.B. 2014. A case of student and teacher relationships and the effect on student learning. Unpublished PhD thesis. University of Rhode Island.
- [14] Gallagher, E. 2014. Teacher-student conflict and student aggression in kindergarten. New York: Steinhardt.
- [15] Gallagher, E. 2013. The effects of student-teacher relationships: Social and academic outcomes of low-income middle and secondary students. New York: Steinhardt.
- [16] Garcia, O. & Wei, L. 2015. Translanguaging, bilingualism and bilingual education. In W. Wright, S. Boun, & O. Gracia (eds.). *Handbook of Bilingual Education*. Malden, MA: John Wiley, pp. 223-240.
- [17] Gathogo, J. 2008. Ubuntu and African hospitality: African philosophy as expressed in the concepts of hospitality and Ubuntu. *Journal of Theology for Southern Africa*, 130: 9-53.
- [18] Gay, G. 2010. Acting on beliefs in teacher education for cultural diversity. *Journal of Teacher Education*, 61 (1-2):143-152.
- [19] Goodman, S. 2015. The importance of teaching through relationships. Oakland: California.
- [20] Guba, G. E. & Lincoln, Y. S. 1988. *Effective evaluation*. San Francisco: Jossey-Bass.
- [21] Gumede, M. 2016. The impact of cultural diversity on organizational performance and success. Unpublished dissertation: University of KwaZulu-Natal.
- [22] Han, H. & Thomas, M. 2010. No child misunderstood: Enhancing early childhood teachers' multicultural responsiveness to the social competence of diverse children. *Early Childhood Journal*, 37(6):469-476.
- [23] Henning, E., Van Rensburg, W. & Smit, B. 2010. *Finding Your Way in Qualitative Research*. Pretoria: Van Schaik Publishers.
- [24] Hettler, B. 1976. Six dimensions of wellness model. National Institute of Wellness Inc.
- [25] Hofstede, G. 2001. *Culture's consequences: Comparing values, behaviours, institutions and organizations across nations*. (2nd ed.). London: Sage.
- [26] Konan, P. N., Chatard, A., Selimbegovic, L. & Gabriel, M. 2010. Cultural diversity in the classroom and its effects on academic performance: A cross-national perspective. *Social Psychology*, 41(4): 230-237.
- [27] Kuster, D. A. 2004. Critical cultural consciousness in the classroom through an art-centered curricular unit, "Respect and Homage". Dissertation Prepared for the Degree of Doctor of Philosophy. Unpublished PhD thesis. University of North Texas.
- [28] Lefa, B. J. 2015. The African philosophy of Ubuntu in South African education. Cape Peninsula University of Technology, Mowbray Campus: Faculty of Education and Social Sciences.
- [29] Letseka, M. 2000. African philosophy and educational discourse. In P. Higgins, N.C. G. Valisa, T. V. Mda N. T. Assie-Lumumba (eds). *African voices in education*. Juta, Cape Town, pp. 179-193.
- [30] Lynch, m. 2019. Educational strategies for celebrating the uniqueness of culturally diverse students. Available from: <https://www.theedadvocate.org>ed...> [22 November 2019].

- [31] Lynch, m. 2016. Social constructivism in education- The Advocate. Available from: <https://www.theadvocate.org/soc...> [22 November 2019].
- [32] Lynch, m. 2015. 6 Ways Teachers Can Foster Cultural Awareness in the Classroom. Available from: Available from: <https://www.theadvocate.org/6...> [22 November 2019].
- [33] Masondo, C. N. 2017. Enhancing the effectiveness of principals in implementing inclusive education using Ubuntu approach. Unpublished PhD dissertation. University of Free State.
- [34] McCombs, B. L. 1986. The role of the self-system in self-regulated learning. *Contemporary Educational Psychology*, 11 (4): 314-332
- [35] Meier, C. & Hartell, C. 2009. Handling cultural diversity in education in South Africa. *South African Education Journal*, 6 (2): 180-192.
- [36] Metz, T. 2014. Just the beginning for Ubuntu: Reply to Matolino and Kwindingwi. *South African Journal of Philosophy*, 33 (1): 65-72.
- [37] Morse, J. M. 1994. *Critical issues in qualitative research methods*. London: Sage.
- [38] Murray, C. & Pianta, R. C. 2009. The importance of teacher-student relationships for addressing adolescents with high incidence disability. (4th ed.) *Theory into Practice*, 2: 105-112.
- [39] Ngobese, S.S. (2004). Management of cultural diversity as an aspect of school effectiveness. Available from: ujdigispace.uj.ac.za/handle/10210/1303. [9 December 2013]
- [40] Nussbaum, B. 2003. Ubuntu: Reflections of a South African on our common humanity. *Reflections The Sol Journal*, 4 (4): 21-26.
- [41] Panther, E.U. (2006). Teaching and learning in racially/culturally diverse classroom in a post-apartheid South Africa. Available from: wiredspace.wits.ac.za/handle/10539/1811 [13 May 2014].
- [42] Pennings, H.J.M., van Tartwijk J., Wubbels, T., Claessens, L.C.A., van der Want, A.C. & Brekelmans, M. 2013. Real time teacher-student interactions: A dynamic systems approach in Teaching and teacher education. *Teaching and Teacher- Education*, 37: 183-193.
- [43] Ramose, M. B. 2002. The philosophy of Ubuntu and Ubuntu as a philosophy. In P. H. Coetzee & A. P. Roux (eds.) *Philosophy from Africa: A Text with readings*. Oxford University Press, pp. 230-237.
- [44] Richards, H. B., Brown, A.F., & Forde, T.B. 2007. Addressing Diversity in Schools: Culturally Responsive Pedagogy. *Teaching Exceptional Children*, 39 (3): 64-68.
- [45] Robinson, C. C. & Clardy, P. (2011) It ain't what you say, it's how you say it: linguistic and cultural diversity in the classroom. *Journal of Cultural Diversity*, 18 (3): 101-110.
- [46] Sheets, R.H. 2005. *Diversity pedagogy, examining the role of culture in the teaching-learning process*. Boston: Pearson Education, Inc.
- [47] Spencer-Oatey, H. 2008. *Culturally speaking: Culture, communication and politeness theory*. (2nd ed.) London: Continuum.
- [48] The IRIS Center. (2012). *Classroom Diversity: An Introduction to Student Differences*. Accessed from <https://iris.peabody.vanderbilt.edu/module/div/>. Date Accessed: 11.22.2019.
- [49] Van Niekerk, E. & Hay, J. (eds.) 2009. *Handbook of youth counselling*. Second Edition. Johannesburg: Heinemann Publishers (Pty) Ltd.

- [50] Villegas, A.M. & Lucas, T. (2007). The culturally responsive teacher. *Educational Leadership*, 64 (6): 28-33.
- [51] Wooten, L. P. 2009. Diversity management and inclusive culture as a vehicle for creating excellence in organisations: From vision to action. Michigan: Centre for positive scholarship.
- [52] Yusef, W. 2014. African philosophy of education reconsidered: On being human. Abingdon, USA: Routledge Publishers.

The Impact of Group Size on Decision Effectiveness

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Abstract

The relationship between organization and environment, based on the need to gather information and find resources, is increasingly characterized by a high level of uncertainty. Uncertainty means that managers do not have enough information and time to anticipate changes and make good decisions. More and more managers make decisions about new problems or situations. The level of risk increases, as well as the degree of complexity that the decision maker has to face. Under these conditions, organizations are moving towards the use of groups. The main purpose of the current research is to identify what are the most important benefits and limits of the group referring to its size, taking into analysis the banking institutions. For the current study is adopted the quantitative research and for the data collection is used the questionnaire. A total of 344 questionnaire are distributed. 80% of the participants agree that group size affects the quality of the decisions made and most of them prefer small groups. Also, most of them believe that within large groups are more conflicts, the relationships between members are more formal, the attention and individual commitment are lower than in small groups, the consensus is difficult, decisions can be made only through a voting process and there are no delays in decision-making, but coordination problems are not necessarily higher than within small groups.

Keywords: group decision-making, group size, group productivity, coordination, decision effectiveness

1. Introduction

When individual decision-making is compared to group decision-making, the advantages of the latter are numerous. It is thought that groups make better decisions than individuals, but we must said that groups make also bad decisions.

According to Cohen and Bailey (1997), effectiveness is a function of environmental factors, contextual factors, group processes and its psycho-social characteristics. Environmental factors refer to the characteristics of the industry in which the organization operates, such as the degree of uncertainty or turbulence. Contextual factors relate to the characteristics of the task, group and organization. Among the task variables we can mention autonomy and interdependence, while within group variables are the size, the demographic characteristics and the diversity. Organizational variables are rewards and supervision. Group processes refer primarily to communication, collaboration and conflict, while group psycho-social variables include norms, cohesion, mental models and affection.

If we analyze the above variables, we can easily distinguish that group's size has a significant impact on the effectiveness of the decisions made, although not directly. Thus, there are evidences to support that group size affects rewards and supervision, the type of communication and relationships between group members, conflict, cohesion and affection. However, we must admit that the issue of group effectiveness assessment is much more complex than we might think.

2. Aim of the study and research questions

The relationship between organization and environment, based on the need to gather information and find resources, is increasingly characterized by a high level of uncertainty. Uncertainty means that managers do not have enough information and time to anticipate changes and make good decisions. More and more managers make decisions about new problems or situations. The level of risk increases, as well as the degree of complexity that the decision maker has to face. Under these conditions, organizations are moving towards the use of groups.

If compared to individual decision-making, the advantages of group decision-making are numerous, but groups make bad decisions also. There are many studies that try to highlight the variables that influence group effectiveness, with the aim of helping the various business leaders and managers to improve the decisions made by the group. Undoubtedly, the performance of the group is influenced by a number of factors, some of which are under the control of the organization. One of these factors is the size of the group.

The main purpose of the current research is to identify what are the most important benefits and limits of the group referring to its size. Thus, in consistency with the main purpose, the research questions are formulated as follows:

1. How much are preferred large groups to make decisions?
2. What are the advantages of large groups compared to small groups?
3. What are the problematic aspects of large groups compared to small groups?

3. Literature review

The size is perhaps the most important variable of the group structure, because it directly influences group's ability to make a final decision. It should be noted that there is no consensus among researchers on the number of group members, but most of them argue that it is easier to reach consensus in groups of 5-7 members. Depending on the degree of complexity of the decision, the number of group members can increase to 12, but if they are more, it is argued that we are dealing with an ineffective group (Kume, 2010).

Large groups often operate as an aggregate of two or more subgroups. In some cases, the size of the functional group which is represented by the number of members actively participating is smaller than the size of the nominal group (Baron et al., 1992). The size of the group depends on various factors, such as the nature of the situation for which it have to decide (Noorderhaven, 1995).

Within large groups, competitiveness is high. If we refer to the experiments of Triplets (1898), competitive situations increase individual commitment. But on the other hand, Allport (1924) highlights that the presence of others stimulates a member to commit more and leads to better results only for simple tasks. The opposite is true for difficult tasks.

Furthermore, in large groups some members may take passive positions, a phenomenon known as "social loafing" (Liden, Wayne, Jaworski and Bennett, 2004). Individuals often commit less when they have to achieve a goal by operating in a large group than when they operate alone (Latané, Williams and Harkins, 1979). This means that in large groups some members become unproductive. Thus, in large groups motivation may decrease even if this depends on how the situation is perceived. The more the decision is perceived as being of particular importance, the more involved the group members are. Another reason that can lead to social loafing is tasks' interdependence. It has been proven that more the individual perceives that his task is interdependent, more difficult becomes for him to feel personal achievement referring to his work. When perceptions about the interdependence of tasks are high, individuals believe that their efforts are indistinguishable from the efforts of other members of the group. Thus, they think that it would be better to minimize their commitment, since there is no possibility for personal thanks or gratitude.

On the other hand, larger is the group, more the cohesion decreases. Coordination problems (Steiner, 1972) and productivity blockages (Diehl and Stroebe, 1987, 1991) can also occur within these groups. Experiments have shown that there is an important correlation between the degree of cohesion and social loafing. If group members do not like each other or do not have a close relationship with each other, they are more prone to social loafing. Moreover, if group members have a highly developed sense of "we", they perceive social loafing as a behavior that should not be adopted. In fact, studies have shown that there is a negative correlation between cohesion and social loafing.

Difficulties in coordination may appear during problem-solving phase and also decision-making phase. Thus, coordination losses can arise in particular in the analysis phase, but also in the selection phase, because the exchange of information is crucial for the generation, evaluation and selection between alternative courses of action. One possible source for coordination losses is productivity blockage: only one member of the group can speak and others have to wait for their turn.

Noorderhaven (1995) points out that small groups are more vulnerable because individual incompatibilities can paralyze decision-making, while large groups with more than 10 people tend to develop a more formal style of interaction, where individual differences can be covered more easily.

Within large groups are formed subgroups, which tend to deviate from the common objectives of the group and pursue their own interests. According to Scott (1987), within a group we can distinguish three types of subgroups. The first is the subgroup of the primary position, which is the epicenter of the group, because it constitutes the rules and guide the group towards the targets. The second subgroup is the subgroup with special status, composed by important members, which are supporters of the first subgroup, but they have the privilege to act independently of the primary position. The third is the subgroup without status, made up of members who have not influence on group decisions and that are often chosen to respect the predetermined size of the group. More subgroups are formed within a group, the greater is the risk of ineffective decisions.

Large groups must also be avoided because they damage the true interdependence and significant interactions between the members (Straus, Parker, Bruce and Dembosky, 2009). However, small groups fall more often in the use of the various biases and are more affected by the positivity towards their own group (Hewstone, Rubin and Willis, 2002).

Kreitner and Kinicki (2007) distinguish between two approaches: the mathematical approach and the approach of laboratory simulations. Mathematical models try to evaluate the optimal group size according to the desired results, such as the quality of decisions. According to these models it is not possible to establish the right size, which can vary from 3 to 13 members. There is no agreement on the size of the group even for the approach of laboratory simulations. Thus, Yetton and Bottger (1982) believe that the most effective groups are those of 4-5 members, while Laughlin, Hatch, Silver and Boh (2006) have concluded that for the decisions that require high intellect, the best groups are those of 3 members.

It should be noted that it is not always easy to determine the size of the group and to be sure that the number only is enough for good decisions, even when it is met as a condition. Referring to this, an important role is played by the personal perceptions on membership. Four types of group membership can be distinguished, as shown in Figure 1.

Psychological membership refers to the situation in which a member of the group feels attracted to the group and at the same time accepted by the other members. In the case of preferential membership, the individual feels attracted to the group, but finds it difficult to be accepted by others. In the marginal membership the situation is totally contrary. The individual is accepted by the other members of the group, but his attraction towards the group is low. Instead, in the alienative membership where both the attraction to the group and the acceptance by the other members are low, the individual can be considered outside the group.

Figure 1. Four kinds of group membership

| | | Acceptance | |
|------------|------|--------------------------|-------------------------|
| | | High | Low |
| Attraction | High | Psychological membership | Preferential membership |
| | Low | Marginal membership | Alternative membership |

(Source: Noorderhaven, 1995, p.98)

According to what has been discussed above, to establish the size of the group, but also to choose the members, some questions must be answered: What is the individual propensity towards group decisions, is he an individualist or not? Furthermore, do the other members of the group agree on his participation and accept him as a member? This model demonstrates how acceptance and attraction are two important criteria to determine the size of a functional group.

Groups face problems and situations with different levels of complexity. Consequently, the different stages of the decision-making process require a different commitment. Decision-making process can be difficult for large groups, but can be successfully accomplished in groups of up to 12 people. The following table evaluates the effectiveness of the group according to its size.

Table 1. Group effectiveness and size

| | 2-3 members | 4-6 members | 7-12 members | 13-20 members | More than 20 members |
|---------------------------------|------------------|------------------|-----------------|------------------|-------------------------|
| <i>Problem solution</i> | <i>Very low</i> | <i>Low</i> | <i>Normal</i> | <i>High</i> | <i>Very high</i> |
| <i>Speed of judgement</i> | <i>High</i> | <i>Very high</i> | <i>Normal</i> | <i>Low</i> | <i>Low</i> |
| <i>Participation of members</i> | <i>Very high</i> | <i>High</i> | <i>Normal</i> | <i>Low</i> | <i>Low</i> |
| <i>Cohesion</i> | <i>Very high</i> | <i>High</i> | <i>Normal</i> | <i>Low</i> | <i>Low</i> |
| <i>Consensus</i> | <i>Low</i> | <i>Low</i> | <i>Normal</i> | <i>Very high</i> | <i>Low</i> |
| <i>Flexibility</i> | <i>Very high</i> | <i>High</i> | <i>Normal</i> | <i>Low</i> | <i>Low</i> |
| <i>Personal productivity</i> | <i>Very low</i> | <i>Low</i> | <i>Normal</i> | <i>Low</i> | <i>Very low</i> |
| <i>Group productivity</i> | <i>Very low</i> | <i>Low</i> | <i>Normal</i> | <i>Very high</i> | <i>Low</i> |

(Source: Kume, 2010, p.89)

The size of the group affects objectives achievement and is related to the type of objectives and decisions (Kreitner and Kinicki, 2007). As the group becomes larger, the interaction between members decreases and relationships become less affective. Furthermore, large groups tend more towards political than analytical solutions. But within larger groups, the energy and technical resources increase. The information collected is greater and is possible to identify more courses of action. Also, within large groups there are more critical judgments and the decisions made are more acceptable.

4. Research methodology

For the current study was adopted the quantitative research and for the data collection was used the questionnaire. This tool was considered useful in gathering facts and knowledge, behaviours and attitudes, opinions, motivations and perceptions regarding group's size and its impact on group effectiveness. The questionnaire facilitates the collection of more information in less time.

The formulation of the questions is very important and in this regard it has been tried to be clear in the content and to choose the most suitable form. Thus, the questions made were closed, which facilitate a quantitative evaluation. The questionnaire was developed based on the Likert Scale 1-5. It represents a simple technique that records the intensity of the agreement of each interviewee at each proposed statement, instead of simply approving or refusing them. The questions were formulated carefully, keeping in mind the object of the research. This field is characterized by a high level of confidentiality. Therefore, the risk was that the respondents gave unrealistic answers.

For the current research is chosen the non-probability sampling technique, mainly in the form of purposive sampling. So, the units of analysis are chosen for participating to group decision-making or for having the necessary knowledge and information about it. In some cases was also used the information provided from important or privileged subjects in order to identify other participants, anyway trying to meet certain criteria established previously. So, in addition to purposive sampling it was also used the snowball technique.

The sample was also determined based on the geographical criteria. Thus, the current research was focused on the banking institutions and their branches in Tirana and Durrës as

the two main cities of Albania. It was considered more convenient to distribute the questionnaires to managers because they can provide more precise and detailed information about groups' size and decision-making effectiveness, as participants and compilers of decision-making policies and procedures. The managers selected for the survey belong to strategic and departmental level.

Table 2: The distributions of participants by hierarchical level

| Position | City | Tirana | Durrës | Total | % |
|------------------|------|--------|--------|-------|------|
| Strategic level | | 96 | 24 | 120 | 35% |
| Department level | | 118 | 106 | 224 | 65% |
| Total | | 214 | 130 | 344 | |
| % | | 62% | 38% | | 100% |

Table 3: The distributions of participants by years of experience

| Interval of years | No. | % |
|--------------------|-----|------|
| 1-5 years | 77 | 22% |
| 6-10 years | 54 | 16% |
| 11-15 years | 112 | 33% |
| 16-20 years | 86 | 25% |
| More than 20 years | 15 | 4% |
| Total | 344 | 100% |

5. Empirical findings

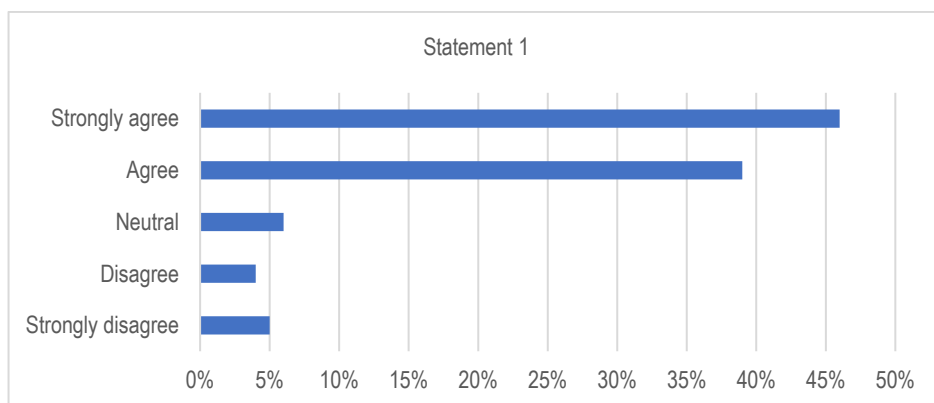
Through the distribution of the questionnaires, we have tried to collect information about the impact of group size on its effectiveness, based on the participants' experiences and perceptions. A total of 412 questionnaires were distributed and 344 collected, for a response rate of 83.5%. Following, through tables and charts are summarized the data collected for each statement included in the questionnaire.

1: In the company where I work, groups are largely used for making decisions.

Table 4. Number of responses for each scale (Statement 1)

| Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|-------------------|----------|---------|-------|----------------|
| 18 | 13 | 21 | 134 | 158 |

Figure 2. Percentage of responses for each scale (Statement 1)



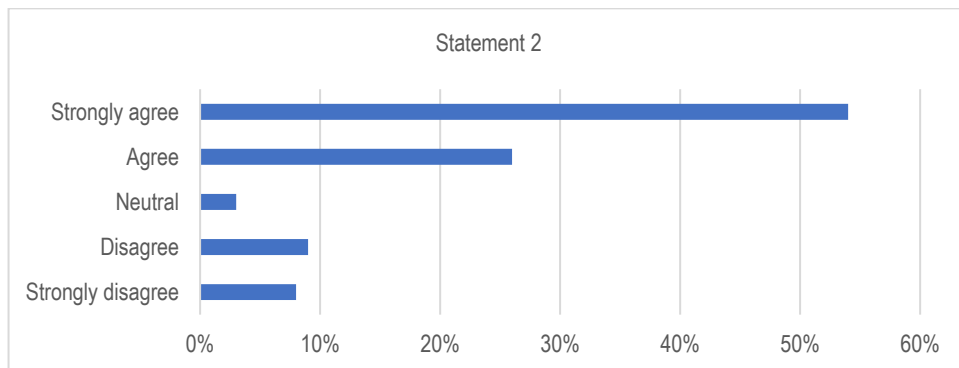
It was decided to take into analysis the banking sector because from the information collected informally prior to the current research, we were informed that almost all the decisions within the banking institutions are made by groups. As we can note from Figure 2, 85% of the participants affirm that group decision-making processes are widely used within their organizations.

2: The number of group members affects the quality of the decisions made.

Table 5. Number of responses for each scale (Statement 2)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 26 | 31 | 12 | 88 | 187 |

Figure 3. Percentage of responses for each scale (Statement 2)



From Table 5 and Figure 3, we can easily notice that 80% of the participants agree that the number of group members affects the quality of the decisions made. This is in consistency with the discussion made previously in the literature review. There are many studies and researchers that consider the group size an important variable that impacts the quality of decisions. However, we must underline that the right group size is not a guarantee for good decisions.

3: I prefer large groups to make decisions.

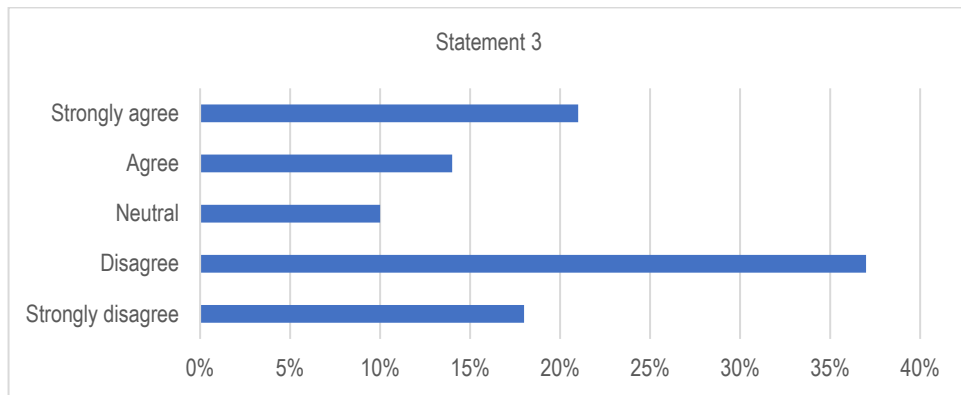
Table 6. Number of responses for each scale (Statement 3)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 62 | 129 | 34 | 47 | 72 |

It is so much discussed on group size, if large groups are better than small groups, but there is not an accordance by the previous studies regarding this. The results of Table 6 and Figure 4 show that 55% of the participants prefer small groups, 35% of them prefer large groups, while 10% of the participants have not a preference.

With the other statements of the questionnaires, we have tried to understand what are the most important benefits and limits of large groups. However, we consider the current study as a starting point for future researches in order to understand better why large groups are and are not preferred.

Figure 4. Percentage of responses for each scale (Statement 3)

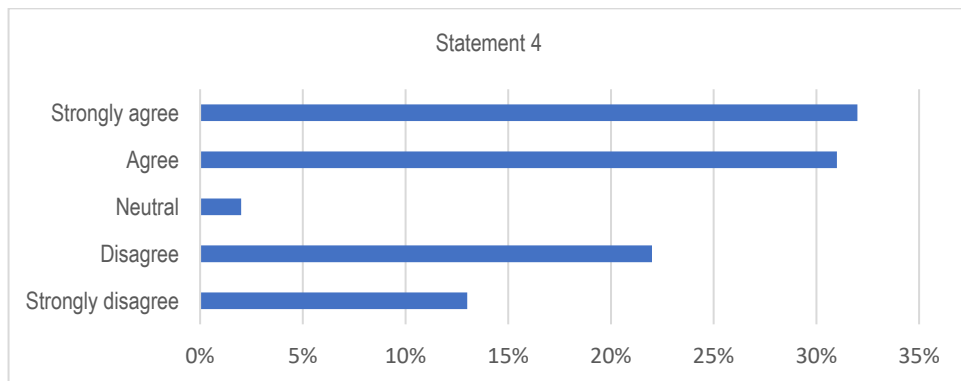


4: Within large groups, there are more conflicts.

Table 7. Number of responses for each scale (Statement 4)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 45 | 77 | 8 | 105 | 109 |

Figure 5. Percentage of responses for each scale (Statement 4)



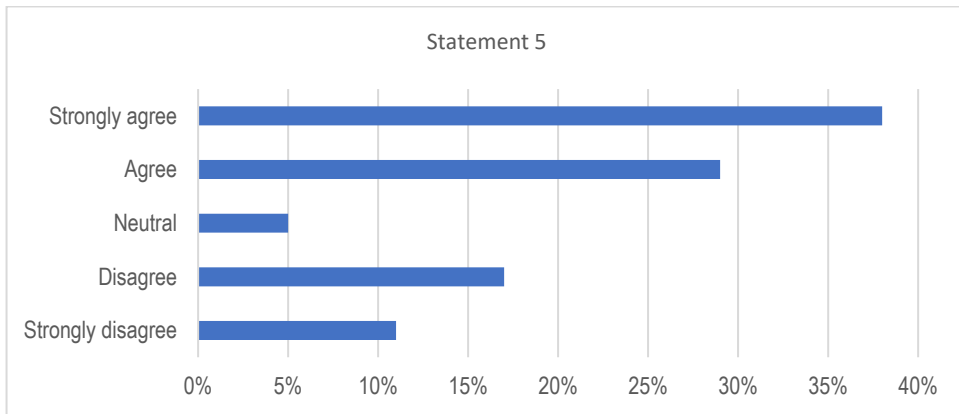
Previous researches have shown that for large groups conflicts are higher and cohesion is lower than for small groups. The results of the current study are in consistency with the previous studies. 63% of the participants of the current research agree that within large groups are more conflicts, while 35% of them doesn't think so.

5: If the group is large, the relationships between members are more formal.

Table 8. Number of responses for each scale (Statement 5)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 37 | 58 | 17 | 101 | 131 |

Figure 6. Percentage of responses for each scale (Statement 5)



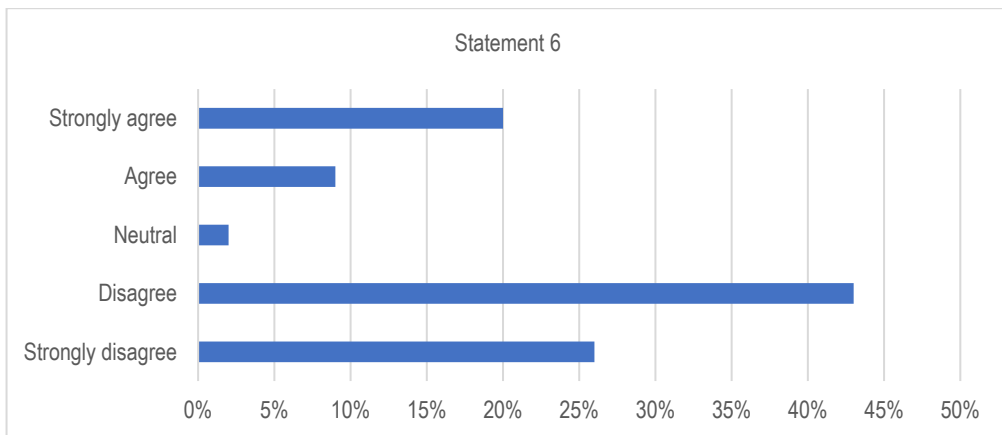
67% of participants of the current research admit that the relationships between members of a large group are more formal. Also, this result is in consistency with the conclusions of previous studies.

6: In large groups, the attention and individual commitment are lower than in small groups.

Table 9. Number of responses for each scale (Statement 6)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 89 | 147 | 7 | 32 | 69 |

Figure 7. Percentage of responses for each scale (Statement 6)



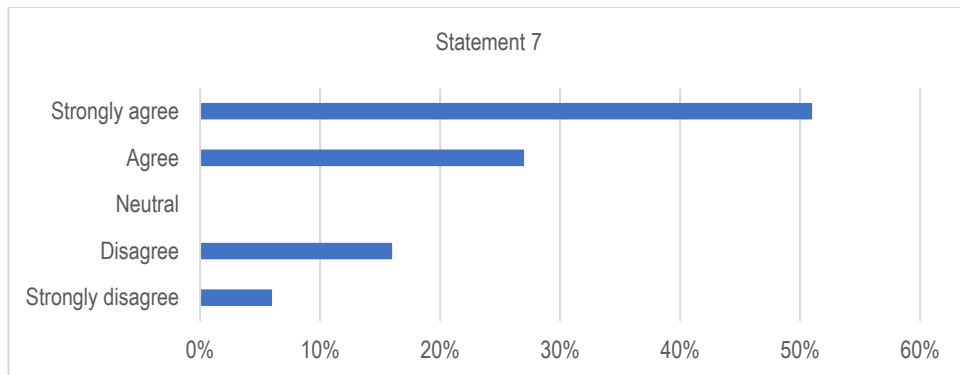
According to Liden et al. (2004), in large groups some members may take passive positions, a phenomenon known as “social loafing”. Individuals often commit less when they have to achieve a goal by operating in a large group than when they operate alone. This means that in large groups some members become unproductive. 69% of the participants in the current research agree that within large groups, the attention and individual commitment are lower than in small groups. One more time, the results of the current research are in consistency with the previous studies.

7: In small groups, the consensus is easier than in large groups.

Table 10. Number of responses for each scale (Statement 7)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 22 | 54 | 0 | 94 | 174 |

Figure 8. Percentage of responses for each scale (Statement 7)



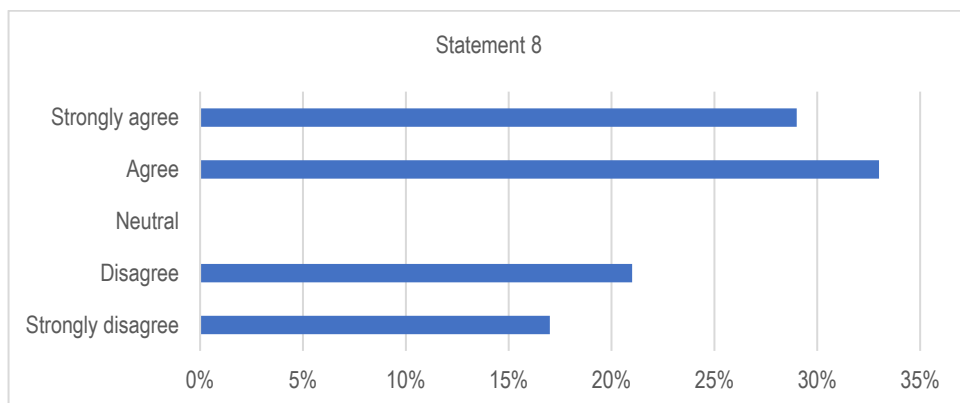
There are evidences that take into analysis the impact of group size on consensus achievement. It is believed that in small groups the consensus is easier than in large groups. 78% of the participants of the current research agree with this conclusion.

8: In large groups, decisions can be made only through a voting process.

Table 11. Number of responses for each scale (Statement 8)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 59 | 73 | 0 | 113 | 99 |

Figure 9. Percentage of responses for each scale (Statement 8)



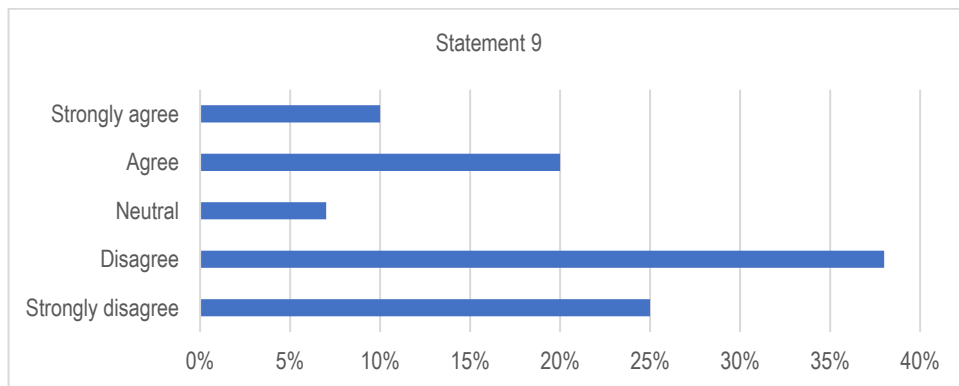
62% of them believe that in large groups decisions can be made only through a voting process. So, there will be always a minority that will have to submit to the majority.

9: In large groups, there are often delays in decision-making.

Table 12. Number of responses for each scale (Statement 9)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 86 | 130 | 24 | 69 | 35 |

Figure 10. Percentage of responses for each scale (Statement 9)



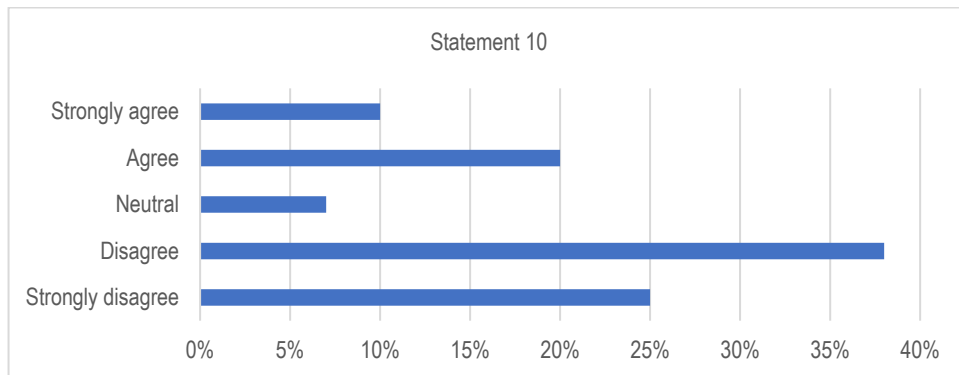
63% of participants do not believe that in case of large groups, there are often delays in decision-making. This conclusion is in consistency with the previous one. A voting process shortens the time required for making a final decision.

10: For small groups, group operation and coordination are easier.

Table 13. Number of responses for each scale (Statement 10)

| <i>Strongly disagree</i> | <i>Disagree</i> | <i>Neutral</i> | <i>Agree</i> | <i>Strongly agree</i> |
|--------------------------|-----------------|----------------|--------------|-----------------------|
| 32 | 147 | 14 | 57 | 94 |

Figure 11. Percentage of responses for each scale (Statement 10)



According to Steiner (1972), large groups are characterized by coordination problems. 44% of the participants believe that for small groups, group operation and coordination are easier. So, coordination problems does not depend only on group size.

6. Conclusion

The main purpose of the current research was to identify what are the most important benefits and limits of the group referring to its size. Thus, in consistency with the main purpose, the research questions were formulated in order to understand how much are preferred large groups to make decisions and what are the advantages and problematic aspects of large groups compared to small groups. It was decided to take into analysis the banking sector because from the information collected informally prior to the current research, we were informed that almost all the decisions within the banking institutions are made by groups, a fact which is also confirmed by the present research. Thus, 85% of the participants affirm that group decision-making processes are widely used within their organizations. But what think the participants about the importance of group size? 80% of them agree that the number of group members affects the quality of the decisions made.

It is so much discussed on group size, if large groups are better than small groups, but there is not an accordance by the previous studies regarding this. The results of the current research show that 55% of the participants prefer small groups, 35% of them prefer large groups, while 10% of the participants have not a preference.

But what are the benefits and limits of group decision-making according to its size? Previous researches have shown that for large groups conflicts are higher and cohesion is lower than for small groups. 63% of the participants of the current research agree that within large groups are more conflicts, while 35% of them doesn't think so. On the other hand, 67% of them admit that the relationships between members of a large group are more formal. According to Liden et al. (2004), in large groups some members may take passive positions, a phenomenon known as "social loafing". Individuals often commit less when they have to achieve a goal by operating in a large group than when they operate alone. This means that in large groups some members become unproductive. 69% of the participants in the current research agree that within large groups, the attention and individual commitment are lower than in small groups. There are evidences that take into analysis the impact of group size on consensus achievement. It is believed that in small groups the consensus is easier than in large groups. 78% of the participants of the current research agree with this conclusion. Furthermore, 62% of them believe that in large groups decisions can be made only through a voting process. So, there will be always a minority that will have to submit to the majority. 63% of participants do not believe that in case of large groups, there are often delays in decision-making. This conclusion is in consistency with the previous one. A voting process shortens the time required for making a final decision. According to Steiner (1972), large groups are characterized by coordination problems. 44% of the participants believe that for small groups, group operation and coordination are easier. So, coordination problems does not depend only on group size.

7. Recommendations

The group is a study object in many domains. Due to the change of contextual factors, but not only, as the more dynamic environment, the increasing level of problems' complexity, the transition from vertical structures to more flexible structures, etc., organizations are increasingly using groups to make decisions. However, the use of the group does not absolutely guarantee good decisions. A very important factor that affects the effectiveness of group decisions is its size. There is no consensus among researchers on the optimal size of the

group, but there are enough studies that show that large groups of more than 12 members bring more problems than benefits.

At the end of the present research, we would recommend:

- The avoidance of large groups, in order to minimize conflicts and delays in decision-making;
- A careful selection of group leader, with good organization and coordination skills;
- A careful selection of group members according to their problem knowledge and skills;
- The creation of a positive climate and spirit of cooperation within the group;
- Conditions for each member of the group to have the opportunity to contribute to the decision-making process.

References

- [1] Allport F.H. (1924), *Social psychology*, Boston: Houghton Mifflin Company
- [2] Baron R., Kerr N., Miller N. (1992), *Group decision-making*. In Noorderhaven N.G. (1995), *op. cit.*
- [3] Cohen S.G., Bailey D.E. (1997), What makes teams work: Group effectiveness research from the shop floor to the executive suite, *Journal of Management*, Vol. 23, No. 3, pp. 239-290
- [4] Diehl M., Stroebe W. (1987), Productivity loss in brainstorming groups: Toward the solution of a riddle, *Journal of Personality and Social Psychology*, Vol. 53, No. 3, pp. 497-509
- [5] Diehl M., Stroebe W. (1991), Productivity loss in idea-generating groups: Tracking down the blocking effect, *Journal of Personality and Social Psychology*, Vol. 61, pp. 392-403
- [6] Hewstone M., Rubin M., Willis H. (2002), Intergroup bias, *Annual Review of Psychology*, Vol. 53, pp. 575-604
- [7] Kreitner R., Kinicki A. (2007), *Organizational behavior*, 7th Edition, New York: McGraw-Hill/Irwin
- [8] Kume V. (2010), *Marrja e vendimeve manaxheriale, Botimi i 4-t, Tiranë: Pegi*
- [9] Latané B., Williams K., Harkins S. (1979), Many hands make light the work: The causes and consequences of social loafing, *Journal of Personality and Social Psychology*, Vol. 37, No. 6, pp. 822-832
- [10] Laughlin P.R., Hatch E.C., Silver J.S., Boh L. (2006), Groups perform better than the best individuals on letters-to-numbers problems: Effects of group size, *Journal of Personality and Social Psychology*, Vol. 90, No. 4, pp. 644-651
- [11] Liden R.C., Wayne S.J., Jaworski R.A., Bennett N. (2004), Social loafing: A field investigation, *Journal of Management*, Vol. 30, No. 2, pp. 285-304
- [12] Noorderhaven N.G. (1995), *Strategic decision making*, Wokingham: Addison-Wesley Longman

- [13] Scott W.R. (1987), Group theory, New York: Dover Publications Inc.
- [14] Steiner I.D. (1972), Group process and productivity, New York: Academic Press
- [15] Straus S.G., Parker A.M., Bruce J.B., Dembosky J.W. (2009), The Group Matters: A review of the effects of group interaction on processes and outcomes in analytic teams, Project Memorandum: PM-2392-1-USCA. RAND Corporation Working Paper, National Security Research Division, Washington, DC
- [16] Triplett N. (1898), The dynamogenic factors in pacemaking and competition, American Journal of Psychology, Vol. 9, No. 4, pp. 507-533
- [17] Yetton P.W., Bottger P.M. (1982), Individual versus group problem solving: An empirical test of a best member strategy, Organizational Behavior and Human Performance, Vol. 29, pp. 307-321

Socio-Cultural Mobility as a Condition for Professional Activation of Staff

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Abstract

We have identified the basic types of human mobility: social, professional, academic and some mixed types: socio-professional, professional-academic, socio-cultural, etc. Carried out a comparative, comprehensive analysis, applying the method of sequential comparison of different interpretations of the concept of "socio-cultural mobility" with the use of systematic analysis, we substantiated the basic meaning of this concept: quality inherent in human (individual) which indicate a high level of social and cultural competence, social and general culture of the individual; the process of individual and group mobility of people in different socio-cultural environments (including professional environments in which a person operates), the process of realization of personal qualities, especially those that determine their ability to master social and cultural values and norms of a particular environment; achieved (or determined) result of activity, mobility in different socio-cultural environments (realized the potential of this type of human mobility for a certain period); criterion for evaluating activities in different socio-cultural environments, effectiveness, productivity, efficiency of the specified socio-cultural activities of man.

Keywords: socio-cultural mobility, condition, professional, activation, staff

Introduction

We emphasize that the socio-cultural mobility of a person develops in the social, and therefore – in the relevant professional and academic environments.

Socio-cultural mobility of the individual as a synthetic integrative quality of human is understood in broad and narrow meanings. In a broad sense, the concept of "socio-cultural mobility" is the quality of the individual to find and change socio-cultural position, status, to master new patterns of culture in different social, professional, academic and cultural environments. The narrow sense of the term "socio-cultural mobility" is the quality of human (individual), which is manifested in the acquisition of sufficient personal resources, social and cultural competence, personal, professional and academic culture, personal and professional

experience. This in turn provides effectiveness of social and cultural activities relations, rapid mastery of values, norms within one or more cultures or subcultures (stratum of society, profession, government, institution, organization, etc.).

From the scientific and practical view, the activity (operational, role, process) expression of human socio-cultural mobility is of special relevance. A broad understanding of the concept of "socio-cultural mobility" will include the ability, willingness and ability of a person to carry out their own activities in a fairly broad context, to acquire new competencies (social, cultural, individual, personal, and professional etc.) not only in one specific cultural environment, but also in the conditions of intercultural movements of the person (intercultural type of cultural mobility), or activity of the person in the conditions of multiculturalism and in the conditions of difficult social and cultural stratification of a society. Conditionally that is a multicultural person that able to operate in a wide range of social and cultural environments. Thus, the expression of socio-cultural mobility from a theoretical view should be broader, and go beyond the activity expression of the concept of "social culture", which traditionally refers to the integrated characteristics inherent in people as a rule of one particular society and culture.

The activity aspect of socio-cultural mobility presupposes its understanding in certain activity aspects, namely, in indicators, characteristics, attributes, signs of activity. We are talking, in other words, about the role interpretation of socio-cultural mobility. In such interpretations of cultural mobility can be found those internal and external factors, different conditions, visible and latent processes, which ultimately must ensure the sustainable formation of socio-cultural mobility of human in certain social, sociocultural, professional, organizational and other conditions, in a certain social, cultural, academic, professional space or environment. In essence, a somewhat narrowed aspect of the "style of activity" (its socio-cultural aspect) is studied, which, from our point of view, will not always be subject to algorithmization and modeling.

The functional structure of socio-cultural mobility of the employee can be represented as follows: socio-cultural mobility of a person in relation to the use of ascending materials, norms, standards, tools, approaches and methods of applying these tools, final results, ways of transition of ascending materials, norms and standards to the final product social, socio-cultural, professional, academic and other activities; socio-cultural mobility of a person (activity, process, role aspect of socio-cultural mobility with a focus on the result of activity). In the last sense, the concept under consideration, the most realized activating aspect (function) of socio-cultural mobility of the individual as its quality which is realized as a social, cultural competence only in activities.

Using some approaches of O. L. Emelyanov [1], we note that socio-cultural mobility of man can be further divided into elements: socio-cultural mobility in terms of understanding and acceptance of the content of values, norms of activities (goals, plans, programs, content of functions and tasks, technologies, methods, approaches, means, etc.) and socio-cultural mobility in relation to the presence of a person, from our position, a set of value-oriented and competency qualities in a person: abilities required (semantic, essential and activating aspect of socio-cultural mobility (structure of socio-cultural mobility of a person).

Substructure 1 of this structure is defined by us on the basis of structural and structural-functional analysis and functional-procedural purpose of social, cultural, socio-cultural, professional, academic and other environments, using methods: system analysis, structural-functional, expert-analytical, decomposition, parametric, modeling, structuring goals.

Substructure 1 of the structure of socio-cultural mobility consists of the functions of the socio-cultural environment, which are determined by the relevant objective factors (factors) necessary to maintain and develop socio-cultural mobility of people: socio-cultural orientation (formation of internal picture, worldview, internally consistent norms, values, preferences, etc.), norms (standards) of culture (socially approved behavior); socio-cultural adaptation, socio-cultural motivation, socio-cultural activation, socio-cultural education (training) and education. These are objective factors of socio-cultural mobility of people.

The first group of substructure 2 includes qualities that have a value-oriented nature and belong to the internal psycho-emotional, motivational, value-motivational areas: socio-cultural interests, intentions, expectations, socio-cultural orientation of the person, socio-cultural suitability, satisfaction with the social and cultural aspects of life.

Another group of substructure 2 consists of competency qualities, which, interacting with value-oriented, undoubtedly affect in the formation of social and cultural competencies and influencing the professionalism and various types of human mobility mentioned above. These are: innate abilities and acquired abilities; professional culture (cultural mobility); professional learning (academic mobility); social and cultural competence; socio-cultural experience. Value-oriented and competence qualities are subjective factors (factors) of socio-cultural mobility, they develop the internal needs of the individual in this type of mobility, and their formation takes place in close interaction with each other.

It is established that certain objective and subjective factors provide a systematic understanding of the impact of internal and external factors on a person in the process of his socio-cultural and professional development. They are activators of human activity in any field. These factors (activators) determine the quality, content, directions of formation, the results of the process not only socio-cultural but also professional development and development of the individual. The characteristics of the elements of the structure of socio-cultural mobility of people, including those involved in professional and academic (educational) activities indicate that each of them acts either as a certain internal process, as the purpose, result and quality of the process.

Literature

- [1] Emelyanov A. L. Level's typology of professionalism of civil servants / A. L. Emelyanov [El. resource]. - Access mode: <http://mmpk1.narod.ru/tugs.htm>.

Towards machine evaluation of human produced comments in Turkish

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Abstract

The digital era has significantly altered the traditional human relationships. Opinions, emotions, and ideas are continually being shared. If these data out of various fields of life can be used and processed using different applications, significant outcomes can be obtained. Each passing day the number of such kind of applications is increasing, proving the benefits achieved by social media text analysis. This paper describes the process of classifying movie reviews gathered from social media as positive or negative by using their characteristic features in sentiment analysis. The aim of this study is to classify new reviews automatically. Huge data can be analyzed and the summarized results can be provided to users in seconds, saving so valuable human resources and time. First, features selected out of all word roots used in the comments were used to train the system according to known machine learning algorithms. Next, important words and groups of words determining positive or negative sense were extracted. Another method was tested including only the important class-determining words and groups of words to build vocabulary with them. The results obtained were compared and important conclusions were extracted.

Keywords: Digital era, social media, comments, reviews.

Introduction

The web has become an ocean of comments composed on social media. Presently that the world population is drawing closer to 7.8 billion, more than 4.6 billion individuals (58% of the complete population) is dynamic in web and 3.9 billion people accounting for 49% of the world population being active in social media (Internet World Stats, 2020). As an illustration of a social media platform, Facebook gets visited at least daily by 74% of its clients in the US (Zephoria - Digital Marketing, 2020). People are highly influenced from other unknowns' opinions. You can find numerous supportive or opposing feedback for many products, policies, trends, news, event, literally for everyting in our life.

Reaching for relevant information is a way of doing things in today's society. For instance, Google is the most used serach engine, with about 5.5 billions of daily searches. 97% of consumers find out about a company online. 91% of 18-34 years old people trust more

products they get a positive feedback online. 88% of people who performed a mobile search for an address called or visited a shopping center within 24 hours, while 72% of people who googled something visited an address within 8 km to their location. These data are few indicators of the involvement of social media into our everyday life. Companies are more than aware of this trend, shifting a lot of their marketing budget towards digital investment. In order to efficiently make advantage of social media comments, powerful tools able to summarize and classify data positively or negatively are a lifesaver. It is already known that movie production industry spend large budgets and makes high profits. This research aims the sentiment analysis of movie reviews in social media in Turkey. The paper will proceed giving an overall picture of the state of art in SA, explaining the details of the study, evaluating the methodology used as well as revealing and analyzing the obtained results.

Literature Review

Movie comments classification is an important domain of SA, as Mostafa (2013) claims in one of his studies. Indeed, a large number of studies have accomplished the task of movie reviews categorization. One of them (Na, 2010) performed SA in four domains considering sentence length, lexicon, and parts-of-speech information. Zhuang (2006) performed opinion polarity summarization by retrieving feature sets of terms and the opinion expressions. Pang (2002) used unigram and bigrams in his research. Another study (Thet, 2008) extracted different indirect aspect information by means of pronouns and not only nouns. Taboada (2011) applied a lexicon-based approach to six different corpora, while another research made use of a semi-supervised lexical model by merging lexical sentiment information, unlabeled data, and labeled training data (Sindhvani V., 2008).

There exist few studies in other natural languages, generally not applying very different methodologies than those used in text classification in English. Nevertheless, they are important in their field as novel applications in other languages. Martínez-Cámara (2011) conducted a study for movie reviews classification best results with Support Vector Machine algorithm.

Several studies have been fulfilled in Turkish in sentiment analysis area, with similar methodologies with previous works done in English, but adding the specific characteristics of the language. Turkish, being part of Altaic group of languages, is agglutinative, generating many derived words from the same root just by adding suffixes and prefixes. In natural language processing and machine language approach, different forms of the same word should not yield new features, because the information gained from the frequent usage of same or similar words, which is determinant in sentiment polarity prediction cannot be used in this case. Some tools are needed to use in order to achieve the plain word root. This can somehow be done by using language rule information, implemented to some tools. This output though doesn't result in the desired form yet, because of numerous disambiguous results of the same word. Again the redundant results should be get rid of, leaving only one most probably fitting to the context and the rules of the language. Once the word roots, differently called stems are acquired, the rest proceeds as in traditional data classification process.

Some studies held in Turkish can be mentioned. Kaya (2013) made use of Turkish political online news. He used unigram and bigram features and four machine learning algorithms with accuracies varying in 65%-77% range, concluding that the n-gram character model and Maximum Entropy gave the highest results. Eroglu (2009) classified two movie datasets at 85% accuracy level with SVM classifier. On the same dataset Vural (2013) applied

unsupervised approach successfully, by translating Sentistrength library into Turkish. (Akba, 2014) applied information gain chi square to effectively reduce feature sets, together with SVM classifier to achieve 83.9% and 63.3% accuracies respectively for two-class and three-class categorization.

Experimental Setup

Data selection

Movie comments were collected from well-known Turkish movie sites, as (IMDb, 2014), (Sinemalar.com, 2014), and (beyazperde, 2014) because of their popularity, and high amount of reviews. Based on the high and low ranking of the comments positive and negative were partitioned respectively. In total 305 positive and 305 negative comments were gathered, for each group 205 of them were used for training and 100 comments per class were used to test the system.

Data Preprocessing

Natural Language Processing (NLP) enables computers process and gain a meaning out of natural languages (Rehman, 2013). The basic NLP steps consist in a series of data preprocessing tasks, such as tokenization, stemming, parts of speech tagging, stop words removal, etc. Additionally morphological analysis and disambiguation are performed to prepare the dataset for feature selection.

The tokenization process consists in using punctuations as delimiters, the sentences are separated from the whole text to further proceed with splitting the words by spaces, and some stop words elimination.

Subsequently stemmings are done by cleaning the obtained tokens from inflectional morphemes, which specify the state, possession, plurality, or time of words and are used to link a word to a sentence. The remaining parts, the stems, are achieved by the process of morphological analysis through tr-tagger. The multiple results are given as input to a morphological disambiguating tool, tr-disamb. The disambiguation process is quite challenging, as it is in all agglutinated languages, with close to half of the words being ambiguous. The algorithms used from provide up to 96% of correctness in the disambiguation process. Both tools are reached online from a site (Turkish Language Resources, 2019).

Feature Selection

Once all the stems are determined, feature selection task is done, being one of the most important ones in SA procedure. All the stems will be used as the initial set of the features for various methods. After the unique stems and their respective frequencies of their occurrence are specified for all individual documents and all the dataset as a whole, it is easy to combine them and form the positive and negative lists of words used, according to the source the comments were gathered from. This process involves some normalization related to the length of texts and the overall documents number in each class. The obtained positive and negative lists of words together with their frequencies provide the basic information needed for effective feature selection, followed by machine learning classification. Although of commonly highest occurrences, most of the times the top words of each list fail from being discriminative, because they are mutual for both classes. Pronouns, articles, auxiliary verbs and other grammar based words can be an example for this category. According to one of the approaches, the common terms are reduced from both lists, or from just one of them, adjusting

the value of that term in the other list accordingly, leaving thus more robust feature values. The elimination process is done according to some thresh values. Following some preliminary concepts, each of the methods and some of the data clearing techniques together with their parameters will be defined.

Thresh values: Some of the words appearing in similar ratio in both positive and negative word lists have been eliminated from both lists according to this ratio value.

Erase methods: Some terms which fall between determined thresh values are erased from one or both lists, according to the erase method.

Erase from both lists erase method: The terms of similar frequencies whose values appear in each of the lists fall within given thresh percentage are erased from both the positive and negative lists.

Erase from one list erase method: The terms within thresh percentage of similar frequencies are erased from the list that they appear less often, while their frequencies difference is kept in the other respective list.

Binary List feature selection method: Initially all words (roots) are considered as candidate features. According to which thresh ratio and erase method is going to be used, the positive words list and negative words list are built. If the word used in the positive comment exists in the positive words list, then it contributes to the positivity of the comment as much as the frequency of the word used inside the same comment. The same is done for the negativity of the word from the positive comment, if the word appears in the negative word list for the given thresh and erase method, the frequency of appearance in the positive document is added to the negativity value of the comment. This is done for all the words of the comment. This process is repeated for all positive comments in the train set. The whole process is done also for all negative data from the train set. At the end of the process, a comment will have a positive and a negative value which will be the estimated class value (P for positive, N for negative determined from the difference of the negative value from the positive value calculated). Again all the above is repeated for the test data set, for positive and negative comments.

Frequency List feature selection method: The difference from Binary List method is that each word value occurrence in the document is multiplied by the frequency coming from the positive and negative words list of words. This calculation will affect the total positivity and negativity value of each comment. The rest of the process is as above.

Classification with Machine Learning techniques

Feature sets prepared according to the methods explained in the previous section are the key attributes applied to train the machine learning algorithms in order to recognize the characteristics of the supplied data. The following step is system testing, which provides us with the classification accuracy values, needed to evaluate the system.

Several existing Machine Learning algorithms are used and their results are evaluated. The results obtained from the following algorithms: Voted Perception (VP), Bayesian Linear Regression (BLR), and Random Forest (RF) are shown in Table 1 and Table 2 for Binary List and Frequency List feature selection methods, respectively, in combination or not with erasing according to a thresh value.

Table 1: Results for Binary List feature selection method

| <i>VP</i> | <i>BLR</i> | <i>RF</i> | <i>Erase Mode</i> | <i>Thresh</i> |
|-----------|------------|-----------|-----------------------|---------------|
| 74 | 54 | 70 | No Erase | No Thresh |
| 75 | 59 | 79 | Erase From Both Lists | 25% |
| 75 | 73 | 78 | Erase From Both Lists | 50% |
| 74 | 54 | 70 | Erase For Smallest | 25% |
| 71 | 60 | 69 | Erase For Smallest | 50% |

Table 2: Results for Frequency List feature selection method

| <i>VP</i> | <i>BLR</i> | <i>RF</i> | <i>Erase Mode</i> | <i>Thresh</i> |
|-----------|------------|-----------|-----------------------|---------------|
| 84 | 84 | 83 | No Erase | No Thresh |
| 90 | 89 | 87 | Erase From Both Lists | 25% |
| 88 | 90 | 87 | Erase From Both Lists | 50% |
| 84 | 84 | 87 | Erase For Smallest | 25% |
| 84 | 84 | 85 | Erase For Smallest | 50% |

Results and Conclusions

When comparing Binary and Frequency List feature selection methods, Frequency List clearly outdoes the Binary one to an extent of 83% to 54% for the lower bound and 90% to 79% for the respective highest accuracies.

In Binary List features selection method, generally for all the classifiers the results improve when some of the features get erased. The improvement when 25% of the common features are removed only from one of the lists is lower than when both lists are compressed, to a value up to 9% for the Random Forest algorithm. Similarly, even though the highest result is achieved with the combination Random Forest, Erase from both lists with 25% thresh, the 50% thresh value, in general, achieves highest results, up to a difference of 14%. When erase methods get compared, erasing from both lists method is much more efficient (up to 13%) than erasing from only the list with lower value, while adjusting the value from the opposite list as the difference of both.

In Frequency List features selection method, we get higher accuracies always when diminishing some of the nearby frequency features from one or both lists. The improvement can be up to 13% for Bayesian Linear Regression with erasing from both lists to 50% of threshing. Again the greatest effect is shown when 50% thresh is applied opposed to 25%, and when erasing features from both lists compared to one side removal. The combinations of Voted Perception and Bayesian Linear Regression give the highest 90% accuracy with respective 25% and 50% of feature erasing from both of the lists.

To conclude, although Binary and Frequency Lists principle is quite primitive, the correctness in predicting the negativity or positivity of comments can be quite high with the correct combination of machine learning classifier, erase method, and thresh amount. The simplicity

of calculations implies that the frequency of the usage of any of the features within the text, matters compared to the binary information of appearance in each of the positive or negative lists. Even though in a first thought guessing that the larger the number of features, the better the overall information would be, results false since the number of features counts only when each of them is discriminative enough, thus bearing an important piece of distinctive information. The same reasoning applies also to the case when the more frequent common terms should not be left in any of the lists, because high number of features is worth only for significant features that make the difference for each of the classes.

To sum up, a sentiment analysis study was performed using movie reviews from social media by using the polarity information of the words appearing in each of the positive or negative comment group. This study evaluates some techniques using all the set of unique word roots in every class list as features, together with their frequency of usage or not. Entire or reduced sets of features after common terms elimination from one or both lists are prepared. The unique roots of the words for each class information and their respective frequencies serve to train a system with machine learning known methods to further forecast the polarity of the test set of data. The highest precision is achievable when a set of meaningful features with high positive or negative significance and respective frequencies is obtained as a result of clearing the similar frequency terms falling inside a determined thresh value from both positive and negative lists. 50% thresh with Bayesian Linear Regression and 25% thresh with Voted Perception get the highest accuracies of 90% polarity classification. The automatic classification system is very efficient, at the same time providing very high accuracy predictability, compared with the research performed for Turkish, but also for English and other natural languages in two-class sentiment analysis.

Other studies in this field should check for training systems with not only linear information, provided the features set can be improved to keep only the meaningful classification information, due also to the heavy calculations needed to be done in order to keep evidence of the overfitting patterns of data of a domain in large vectors for machine learning approach.

References

- [1] (2019, December). Retrieved from Turkish Language Resources: <http://www.denizyuret.com/2006/11/turkish-resources.html>
- [2] Akba, F. &. (2014). Assessment of feature selection metrics for sentiment analyses: Turkish movie reviews. 8th European Conference on Data Mining 2014. Lisboa, Portugal. doi:10.13140/2.1.1205.3286
- [3] Amanet, H. (2017). Sentiment analysis in turkish social media texts. Karadeniz Technical University.
- [4] Amasyalı, M. F. (2012). Türkçe Metinlerin Sınıflandırılmasında Metin Temsil Yöntemlerinin Performans Karşılaştırılması" - "A Comparison of Text Representation Methods for Turkish Text Classification. EMO Bilimsel Dergi, 2(4).
- [5] beyazperde. (2014, May). Retrieved from <http://www.beyazperde.com/>
- [6] Can, F., Kocberber, S., Ocalan, C. H., & Vursavas, O. M. (2008). Information retrieval on Turkish texts. (F. Can, S. Kocberber, C. H. Ocalan, & O. M. Vursavas, Eds.) Journal of the American Society for Information Science and Technology, 59(3), 407-421. doi:doi:10.1002/asi.20750

- [7] Eroğul, U. (2009). Sentiment analysis in Turkish. Middle East Technical University, Ms Thesis, Computer Engineering.
- [8] IMDb. (2014, May). Retrieved from <https://www.imdb.com/>
- [9] Internet World Stats. (2020). Retrieved from <https://www.internetworldstats.com/stats.htm>
- [10] Kanburoglu, A. B. (2018). Graph clustering approach to sentiment analysis. Işık University.
- [11] Kaya, M. (2013). Sentiment analysis of Turkish political columns with transfer learning. Middle East Technical University.
- [12] Martínez-Cámara E., M.-V. M.-L. (2011). Opinion Classification Techniques Applied to a Spanish Corpus. In: Muñoz R., Montoyo A., Métais E. (eds) Natural Language Processing and Information Systems. NLDB 2011. Lecture Notes in Computer Science. 6716. Berlin, Heidelberg: Springer. doi:10.1007/978-3-642-22327-3_17
- [13] Mostafa, M. M. (2013). More than words: Social networks' text mining for consumer brand sentiments. *Expert Syst. Appl*, 40, pp. 4241-4251. doi:<https://doi.org/10.1016/j.eswa.2013.01.019>
- [14] Na, J. T. (2010). Comparing sentiment expression in movie reviews from four online genres. *Online Information Review*, 34(2), 317-338. doi:10.1108/14684521011037016
- [15] Orhan, Z. G. (2014). CUSTOMER SATISFACTION MEASUREMENT TOOL BY ANALYSING TURKISH PRODUCT REVIEWS. *Türkiye Bilişim Vakfı Bilgisayar Bilimleri ve Mühendisliği Dergisi*, 7(1), 12-18. <https://dergipark.org.tr/en/pub/tb>.
- [16] Pang, B. &. (2004). A Sentimental Education: Sentiment Analysis Using Subjectivity Summarization Based on Minimum Cuts. *ArXiv, cs.CL*. doi:0409058
- [17] Pang, B. L. (2002). Proceedings Of The ACL-02 Conference On Empirical Methods In Natural Language Processing - EMNLP '02. doi:<https://doi.org/10.3115/1118693.1118704>
- [18] Rehman, Z. A. (2013). Morpheme matching based text tokenization for a scarce resourced language. *PloS one*, 8(8), 1-8.
- [19] Sindhvani V., M. P. (2008). Document-Word Co-regularization for Semi-supervised Sentiment Analysis. Eighth IEEE International Conference on Data Mining, (pp. 1025-1030). Pisa. doi:10.1109/ICDM.2008.113
- [20] Sinemalar.com. (2014, May). Retrieved from www.sinemalar.com
- [21] Statista. (2020). Retrieved from <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/>
- [22] Taboada, M. B. (2011). Lexicon-based methods for sentiment analysis. *Computational Linguistics*, 37, 267-307. doi:10.1162/COLI_a_00049
- [23] Thet, T. N. (2008). Sentiment classification of movie reviews using multiple perspectives. Proceedings of the international conference on Asian digital libraries (ICADL), 184-193.
- [24] Turkmen, H. (2016). Turkmen, H., "Discovering product features from Turkish reviews by using aspect based sentiment analysis. Kocaeli University.

- [25] Turksent. (2010). Retrieved May 2017, from Annotation tool developed specifically for manual sentiment analysis of social media posts: <http://www.turksent.com>
- [26] Vural, A. G. (2013). A framework for sentiment analysis in Turkish: Application to polarity detection of movie reviews in Turkish. *Computer and Information Sciences III*, 437-445.
- [27] Webster, J. &. (1992). Tokenization as the initial phase in NLP., (pp. 1106-1110). doi:10.3115/992424.992434
- [28] Zephoria - Digital Marketing. (2020). Retrieved from <https://zephoria.com/top-15-valuable-facebook-statistics/>
- [29] Zhuang, L. J.-y. (2006). Movie Review Mining and Summarization. *Proceedings of the ACM SIGIR Conference on Information and Knowledge Management (CIKM)*.

Pre-Negotiation Activities: a Study of the Main Activities Undertaken by the Negotiators as Preparation for Negotiation

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Abstract

The most part of the researches has largely been focused on what happens at the negotiation table, rather than in its preparation and planning. Through this paper we will try to underline the importance of the preparation and planning activities which are necessarily undertaken in a business negotiation. For this purpose, we have reviewed the negotiation literature regarding these pre-negotiation processes and the necessary activities for each of them. One of the most important concerns is the extent to which the negotiators follow the literature recommendations about pre-negotiation processes. This is a quantitative research design which tries to collect data, through interviews and a questioner designed for it and makes analyzes and logical deductions on the results achieved. The results of this study derive from a questioner with 68 respondents, who provide an understanding of the preparation and planning activities they conduct as part of their negotiations. This study finds out that the negotiators follow the most important activities which are suggested by the negotiation literature. It is literally understandable that the *preparation* and *planning* processes precede the negotiation, which means that they are conducted generally before the meeting between the negotiating parties. In fact, even this study shows that these activities occur not only before a meeting but also after it, as the first step in preparing for the next meeting. In this regard we suggest seeing the preparation and planning not as a single event, but as cyclical processes. These findings can be used by business negotiators and by different companies.

Keywords: negotiation, preparation, planning, activities.

Introduction

People negotiate all the time; it is something that everyone does. Negotiations occur for several reasons: (1) to agree on how to share or divide a limited resource, such as land, property, or time; (2) to create something new that neither party could do on his or her own; or (3) to resolve a problem or dispute between the parties (Roy J. Lewicki; David M. Saunders; Bruce Barry, 2010). People fail to negotiate because they do not recognize that they are in a

negotiation situation or because they negotiate poorly because of misunderstanding the process or not having good negotiation skills (Roy J. Lewicki; David M. Saunders; Bruce Barry, 2010). Negotiation occurs whenever the parties cannot achieve their objectives without the help of others (Thompson, Leigh and Wang, Jiunwen and Gunia, Brian, 2010) and when they believe that a better deal can be reached by negotiating rather than by simply accepting or rejecting an offer from the other party.

Negotiation is a process of communication and the consolidation of results through agreements. It promotes cooperation through constant communication. If a substantive agreement can be reached, negotiators will implement better cooperation and maintain sustained good relations. Negotiation is a process of communicating back and forth for the purpose of reaching a joint decision (Roger Fisher and William Ury, 2011). Based on all definitions made on *negotiation*, it becomes clear that negotiation is essentially a process of communication, which has a specific purpose: to settle a dispute, or to reach a compromise. But, as we all know, communication is never an easy thing, even between people who have an enormous background of shared values and experience (Roger Fisher and William Ury, 2011).

The process of negotiation, defined as a collective decision-making can be described by two basic attempts: to create and to claim as much value as possible (D. Lax and J. Sebenius, 1986). *Creating value* describes the process of increasing the value of the negotiation subject through trade or reframing ("to expand the pie"); *Claiming value* means the attempt to get as much as possible of this value ("to divide the pie") (Thompson, Negotiator, 2009). The first, and often the most important step toward successful negotiation are *planning* and *preparation*. According to Thompson, about 80% of negotiators' efforts should go toward the preparation stage (Thompson, 2009). However, planning and preparation go beyond what negotiators should do *before* negotiation (Teucher, B.M. & Brett, J.M. & Gunia, Brian., 2013).

Negotiation is a dynamic communication process where new information, concerns, emotions, and goals may arise. That's why negotiators should also be prepared for dealing with contingencies as well as other factors that may interfere with goal pursuit (Teucher, B.M. & Brett, J.M. & Gunia, Brian., 2013).

In practice, although negotiations are very important to business activities, there is a lack of information about what actually occurs during business negotiations (R. Fells, H. Rogers, P. Prowse, U.F. Ott, 2015). We need to focus more on what negotiators should prepare before going to the negotiating table (Lewicki, R. J., Barry, B., & Saunders, D. M., 2010). If we do not focus on preparation and planning we are going to make a lot of mistakes and will have poor outcomes. It is really important to understand what drives the behavior of the negotiators at the negotiation table. That is exactly why this paper tries to analyze the *preparation* and *planning* processes, as well as practicing them in the business activities. We also will try to understand who conducts these processes and their respective actions.

I. Literature review

Negotiation

There has been a dramatic growth in the international trade in terms of volume and complexity. Nowadays no one can act without interference and competition, which came from

all over the world. The globalization has changed the basic requirements of doing business. In this point of view the negotiation is a field of interest.

Negotiation is an interpersonal decision-making process necessary whenever we cannot achieve our objectives single-handedly. Negotiations include one-on-one business meetings, but also multiparty, multi-company, multinational relationships, and the public sector. Whether simple or complex, negotiations boil down to people, communication, and influence. Even the most complex of business deals can be analyzed as a system of one-on-one relationships (L.Thompson, 2012). Simona Sliogeriene begins her course handbook "Negotiation and Business Ethics" by saying that: when you hear the word *negotiation*, you know there are two sides and they're willing to talk to each other (Sliogeriene, 2015).

Negotiation framework

Negotiation framework defines the problem or opportunity, which involves eliminating irrelevant clutter. If a negotiator wants to make a proposal or consider an offer, he considers only the applicable positive and negative effects. By organizing the information so he/she can sharpen his/her understanding of what's on the table. A framework allows the negotiator to interpret important information through analysis. A frame focuses on problems, issues, interests and solutions. It enables senior managers and executives to decide what the substantive issues would be in critical negotiations and start to develop some workable scenarios. It should focus the team on the results; this means that as a leader the manager needs to measure a range of possible outcomes, not just the money.

Every negotiation is different and having a practical and successful framework allows the manager to focus on his/her preparation. From the literature of the negotiation as a negotiation framework, we can be focused in the model of Ghauri in 2003, as one of the latest model in this field. This model has three groups of variables; background factors, process and atmosphere (Pervez N. Ghauri and Jean-Claude Usunier, 2003). As we can notice in the figure below the pre-negotiation is one of the three stages of negotiation. A stage of the process refers to a specific part of the process and includes all actions and communications by any party pertaining to negotiations made during that part.

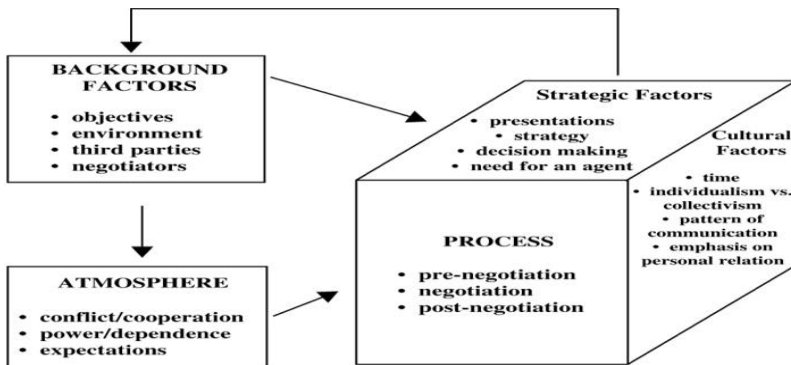


Figure 15: Ghauri model of the negotiation framework

Pre-negotiation process

Negotiation strategy formulation is necessary for access to the negotiating context. In the negotiations between the entities even within the same country or region, preparation can be

really complicated. Nowadays the parties are more involved in complex negotiations than in just local negotiations. In practice there are a lot of obstacles. Although there is an extensive research literature into the practice of negotiation itself there is a limited peer-reviewed literature covering empirically grounded research into the practice of preparation and planning activities. In our country it is really difficult to find researches in negotiation or in preparation and planning activities.

As we mentioned, negotiation is a process of decision making by which people, who have conflicting interests, determine how they are going to allocate resources, or work together in the future. Interests are the concerns, needs, fears or desires underlying negotiators' conflicting positions (Roger Fisher and William Ury, 2011). The three negotiation stages are: 1) pre-negotiation, 2) active negotiation (face to face negotiation) and 3) post-negotiation, meaning implementation and follow-up issues. This paper has in focus the stage of *pre-negotiation*, which steps (or phases) are shown in figure 2.



Figure 16. The steps of pre-negotiation

Generally all the academic text book literatures agree that being prepared to negotiate requires a set of activities which are typically divided into three or four steps.

The first step or component in the framework, "*Information Gathering*", focuses on environmental factors and on information collection from the other party, including research into their organization and learning about their style and personality. The second step, "*Formulation Activities*", concerns planning activities which involves objectives, interests, the assessment of the best alternative to a negotiated agreement etc. The third and the fourth component, "*Strategy Development*" and "*Preparation Activities*" respectively, concern planning activities involving the development of a plan (strategy) to reach the goals outlined, the development and preparation of the customer presentation in addition to addressing the logistical concerns.

The study of Peterson and Shepherd has contributed on exploring the activities that negotiators perform when preparing for a negotiation meeting within a business-to-business sales negotiation (Robert M. Peterson, C. David Shepherd, 2010). According to them, pre-negotiation planning activities are:

a. Information Gathering Activities; the act of collecting, processing, analyzing and evaluating available data concerning the other party and relevant environmental factors.

Collect primary data (consult with others in your firm, client's firm, 3rd party firms);

Collect secondary data (industry, government, trade publications, internet, annual reports, etc.);

Gather data on market conditions, future trends, and how they may affect each party;

Understand other party (general profile, personality profiles, and communication patterns of others involved);

Knowledge of the competitive alternatives the client may be pursuing;

Review history of the relationship from internal sources/data;

Review the previous strategies used by both you and the client;

Knowledge of client's anticipated preparation;

Understand the other's decision-making unit (structure and process);

b. Formulation Activities; involves developing goals, specific objectives and setting the parameters for each issue to be negotiated.

Set negotiation objectives;

Define your interests;

Define issues to be deliberated;

Define the mix dealing (what is on the table and what is not);

Set limit levels on issue(s) (optimistic, realistic, pessimistic);

Contrive BATNA (Best Alternative to a Negotiated Agreement), point where you agree not to do business;

Create an agenda for negotiation;

Incorporate potential plans of the other party;

Create a negotiating team (assign responsibilities, role, and deadlines);

Outline the role you will assume (if part of a team);

Consult with others regarding your plan/strategy;

c. Strategy Development Activities; strategy is a plan that integrates a person's goals and action sequences into a cohesive whole.

Develop team strategy (who will speak, who will introduce demands, concessions, solutions);

Develop trade-off strategy on the issues (what you will give for what in return);

Develop collaborative strategies (cooperative ideas and options);

Develop competitive attacking strategies (options to be highly aggressive);

Develop competitive defending strategies (options to defend against attacks);

Develop concession strategy (slow, but planned concessions to pacify client);

Develop strategy/ies that use a 3rd party to influence client actions (friendly/strong influence asserted from 3rd party);

d. Preparation Activities; involves rehearsing verbal communication, arranging/creating support materials and attending to logistical concerns.

Role Play;

Script opening ceremonies (formal opening statement);

Prepare questions from client (questions that are in need of answers);

Prepare for anticipated questions from client (answers to questions or objections);

Prepare a mutual interest business topic (topic both parties find relevant to business concerns);

Prepare visual and other aids (charts, graphs, presentation aids);

Logistical concerns (seating arrangements, food, drink, room availability);

II. Research methodology

Lewicki (2010), Peterson and Shepherd (2010), and other sources have made the observation that despite the extensive research into negotiation, few have focused on what is actually prepared in anticipation of negotiations. (Lewicki, R. J., Barry, B., & Saunders, D. M., 2010) Even in our country there are very few studies regarding the preliminary issues on which the negotiators are prepared before entering into negotiations.

This paper tries to examine the preparation practices of a group of commercial negotiators with the aim to understand how they prepare for their negotiations. The purpose of this study is to explore the activities that individuals undertake in preparation for a sales-oriented negotiation situation. The objective of the research is to analyze what negotiators do before going to the negotiation table in order to obtain the best outcomes. Our research questions are: Which preparation activities are undertaken to perform a business negotiation? When are taken this preparation and planning activities?

First we have tried to identify a comprehensive list of activities which are often used in preparing for a business negotiation. The literature review served to identify and categorize around 34 activities, which were recommended as part of the preparation process. This list of activities was first discussed with students at MBA program in our faculty. In this way we can have better results in our attempt to develop the theory. Then we have used a scenario, a version of Graham's Bolter Simulation (1984) which is widely used in negotiation researches now days (you can find it in the appendix).

After reading the scenario all the participants have more possibilities to think about the activities which are performed before going to the negotiation table. An open-ended questionnaire, with 68 purposefully selected respondents, provided an understanding of the preparation and planning activities they realize as part of their ordinary customer negotiations. The practitioners were all employed by different companies in the private sector and them all negotiated contracts with a customer (typically a private or public entity). A pre-negotiated activity will be counted as being commonly conducted only if 15% or more respondents have reported this activity as having been conducted.

III. Data analyses and finding from the research

III.1. Information gathering activities.

In this section we will try to present data on activities cited as having been conducted, that is, those activities that the respondents said they undertook in preparation for a sales-oriented

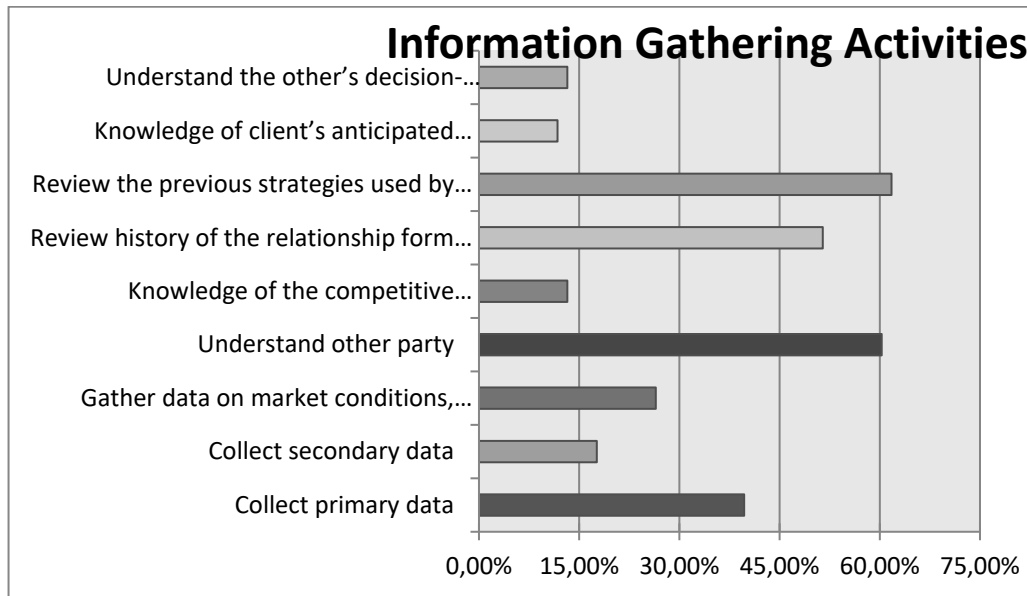
negotiation situation. The questionnaire was distributed to 80 negotiators, resulting in 68 usable responses. The respondents were predominantly male 45/23, mostly under 45 years old, and had an average of 3-5 years of professional experience. The findings have been summarized in the tables below and 23 of the 34 categories were commonly conducted.

It has been found that negotiators' preparation is generally consistent with the prescriptions in the literature but there are some activities, included in our questionnaire, that negotiators do not do while others are conducted less often than expected. Furthermore, negotiators often conducted activities from their own perspective, rather than from the other side's perspective, and more negotiators collect primary data rather than secondary data.

The argument underlined from the literature was that consulting the *trade publications* and *annual reports*, with subject within the field of negotiation, is the best way to collect secondary data. But, business negotiators in the company usually work within the same industry and are expected to be familiar with it and, therefore, do not need to make any specific preparations in that respect. Supporting this theory, regarding our research, there are only five respondents whose mentioned *annual reports* and *trade publications* in the entire study.

A deeper look into the comments confirms that, with few exceptions, the negotiators of the small companies negotiate in their own country of citizenship or in a country in which they have a deep understanding. On the other hand, the buyers are becoming more globalized and the use of globally diverse negotiation teams is becoming more common. These may justify extra attention to other party issues by the seller. Similarly, the complex business negotiations

which are conducted by smaller companies, which may not have negotiators with large experience, would do better to dedicate some extra time to this part of preparation.



Graph 1: Information gathering activities

III.2. Formulation activities.

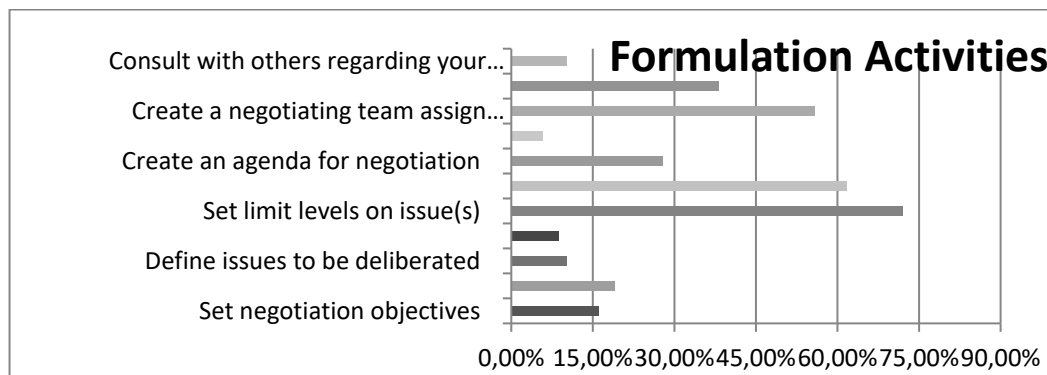
Under this category, we find that more respondents consider the customer's position rather than their own position. While the interest in understanding the other side is understandable, it may still be confounding that fewer people report on their own positions. A plausible reason, behind the high number of concerns for the other party's positions compared to their own, may simply be that these negotiators are deal makers who are constantly engaged in making similar deals and their own priorities have become implicit to them.

Regarding the *goal setting* category, none of the respondents referred to how the setting or development of the goal should take place. This omission may be an indication that in several cases the negotiators do not set goals as a team. One explanation for the absence of *goal setting* may be that negotiators consider the goal to be a given one by confusing it with the mandate given by management which may induce a lower outcome for the seller. A second explanation might be that negotiators see little reason to engage in this type of planning, as they often overestimate their ability to achieve their goals.

Within the category of *goal setting*, once again we find that respondents are mainly self-concerned. The low number of responses to priorities in general, and to the priorities of the other side specifically suggest that negotiators are not adequately prepared to take advantage upon the differences and are, thereby, possibly entering into suboptimal agreements. This

finding confirms the claims made by various scholars that negotiators consistently leave money at the table.

Contrive *BATNA* were found to be the second largest category in this theme and in the whole data-set with 42 (67%) respondents. The high number is not surprising considering the importance of understanding the point where negotiators agree not to do business.



Graph 2: Formulation activities

Within this category, one more time, we observed not so much attention to the other part and to their plans.

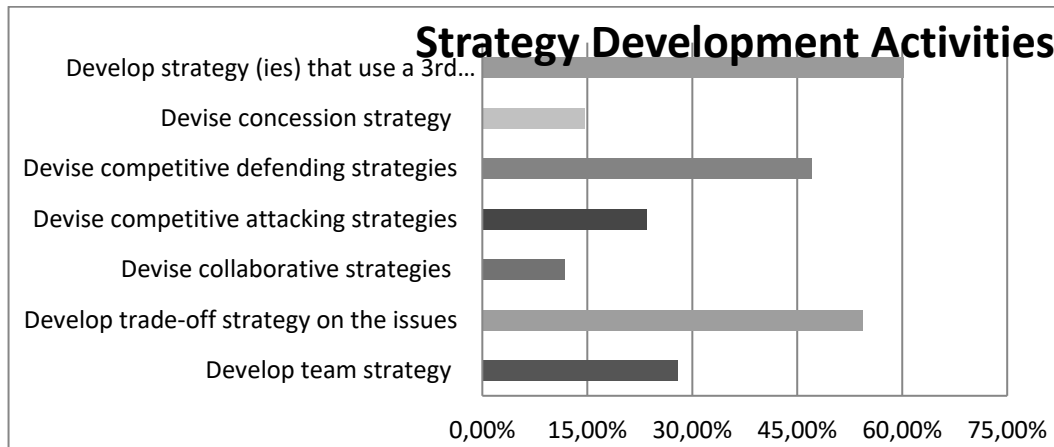
III.3. Strategy Development Activities.

As we can notice in the table below, a large number of responders underlined the importance of the strategy to use a third part to influence client actions (41 from 68). The results show also that collaborative strategies were mentioned only by eight respondents out of 68 respondents. This strategy is known as "constructive", "ethical" or "interest-based" strategy and is treated as an important and valuable element, while seeking an equitable and fair agreement. One goal of collaborative negotiation is keeping the relationship intact because the parties may want to continue to do business together.

Understanding the other side interests, motivation, and value is the key of reaching a *win-win* solution and if negotiators tend not to be focused on the other part side, during the preparation and planning activities, than they do not pay the right attention to the collaborative strategies. The reason for this low number of respondents may be attributed to procedural precedent in which negotiators simply follow the normal process, used when they negotiate similar deals, or it is because of their low experience in the negotiation field.

We observed also not much attention to the *concessions*. The reason for the apparent lack of attention to developing a concession plan, prior to the customer meeting, may simply be that the negotiators do not get this far into the preparation with their busy schedules. Another reason may be that the time required to conduct this complex activity is not considered

valuable, compared to other more pressing possible activities. Overconfidence may again partly explain why negotiators do not engage in this activity.



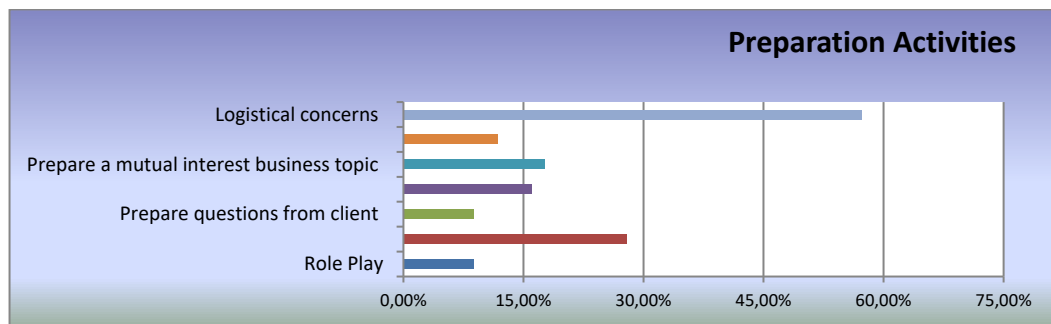
Graph 3: Strategy development activities

III.4. Preparation Activities.

Although *how to negotiate* and *what to negotiate* enjoys full support from the authors selected from the literature review, other researchers such as Kolb and Williams (2001) have found evidence to suggest that executives ignore aspects concerning *how* and *what* to negotiate as a way to achieve the goals of the negotiation. As we can notice in the table 4, the *preparation of the visual and other aids* and *role plays* are activities not used in the preparation phase of a negotiation. The reason for this low number of respondents may be attributed to procedural precedent in which negotiators simply follow the normal process, used when they negotiate similar deals and maybe even with the same customers.

Research has found that testing the assumptions made about the other party’s interests, priorities and other issues will facilitate the discovery of integrative agreements. *Testing* is typically achieved through the use of questions (one should expect negotiators to prepare which questions to ask when entering into the negotiation with the customer). Still, only six survey participants planned to ask questions. One explanation may be that negotiators consider their assumptions, made earlier in the preparation as being valid and complete, possibly as a result of the overconfidence, and see no need to prepare questions in order to test these. Another related explanation may be that negotiators simply do not consider this part of preparation, even though they ask questions during the customer negotiation. Whatever the reasons, we suggest that negotiators should consider preparing questions.

The *logistical* and *openings ceremonies* are the most mention activities in this theme.



Graph 4: Preparation activities

Conclusions and recommendation

Negotiation preparation and planning has always been regarded as important and the advice concerning how to prepare is extensive. The comparison between advice and practice has revealed that, although the principles which have been recommended are usually followed, some apparently important aspects are not. This study is drawn on practitioner data to examine how negotiators prepare and plan for business negotiations and, in particular, has examined the extent to which they follow the prescriptions given in academic literature. The findings have practical implications not only for the company from which the data were collected but, more importantly, for other companies and negotiators involved in negotiating business deals.

Summarizing the findings, 23 of the 34 recommended planning and preparation activities were found to be conducted. Negotiators often conduct formulation activities from their own perspective, rather than from the other side's perspective, and more negotiators collect primary data rather than secondary data. Now days the buyers are becoming more globalized and the use of globally diverse negotiation teams is becoming more common, which may justify extra attention to other part issues by the seller. Similarly, other complex business negotiations which are conducted by smaller companies, but which may not have negotiators who are well versed in the annual reports contexts, would do well to dedicate some extra time to this part of planning and preparation.

Regarding the formulation activities we can say that 7 of 11 activities are conducted. In this way, the negotiators are paying more attention to the setting limits levels on different issues. Due to the relationship between setting goals and outcomes in negotiations, the *goal setting* category was expected not only to support the proposition but also to yield many respondents, which were not the case compared to the larger categories in this theme and in the dataset as a whole. Moreover, none of the respondents referred to how the setting or development of the

goal should take place. This omission may be an indication that in several cases the negotiators do not set goals as a team.

We also observed not much attention to the concessions. The reason for the apparent lack of attention in developing a concession plan, prior to the customer meeting, may simply be that the negotiators do not get this far into the preparation with their busy schedules.

Although one of the most important activities, part of the preparation activities, are the *questions*, we noticed that only six survey participants planned to ask questions. Recent researches suggest that testing the assumptions, made about the other party's interests, will facilitate the discovery of integrative agreements, which is typically achieved through the use of questions. Whatever the reason of the low number of participants planning to ask questions, in our survey, we strongly recommend to prepare questions before going to the negotiation table.

By developing a comprehensive and clearly structured checklist of preparation activities, this study has provided a framework for further research into the practices of negotiators. The checklist provides structure for the analysis of the broad aspects of preparation activities in negotiation. Moreover, the checklist helps on detailed investigation of particular preparation tasks, such as the way in which negotiators develop their interest and goals.

Bibliography

- [1] Backhaus, Klaus & Van Doorn, Jenny & Wilken, Robert. (November 2008). the Impact of Team Characteristics on the Course and Outcome of Intergroup Price Negotiations. *Journal of Businesses- to- Business Markering*, 365-396.
- [2] D. Lax and J. Sebenius. (1986). *the Manager as Negotiator*. New York.
- [3] Lewicki, R. J., Barry, B., & Saunders, D. M. (2010). *Negotiation*. Boston: Mcgrawhill/Irwin.
- [4] *Negotiation and Business Ethics* (2015). Klaipeda
- [5] *Negotiation Theory and Strategy* (2009). New York: Aspen Publishers, Inc.
- [6] *Negotiator* (2009) Ed. São Paulo Pearson Prentice Hall
- [7] Pervez N.Ghauri and Jean-Claude Usunier (2003), *International Business Negotiation* Oxford, UKELSEVIER Ltd.
- [8] R.Fells, H.Rogers, P.Prowse, U.F. Ott (2015) *Unraveling Business Negotiations Using Practitioner Data, Negotiation and Conflitv Management Research*, 119-136
- [9] Robert M.Peterson, C.David Shepherd (2010) *Preparing to Negotiate: An Exploratory Analysis of the Activities Comprising the Pre-Negotiation Process in a Buyer-Seller Interaction*, *Marketing Management Journal*, 6675
- [10] Roger Fisher and William Ury (2011), *Getting to Yes: Negotiating Agreement Without Giving in*, Random House Business Books
- [11] Roy J. Lewicki; David M. Saunders; Bruce Barry (2010), *Negotiation*, Mcgraw-Hill
- [12] Teucher, B.M. & Brett, J.M. & Gunia, Brian. (2013), *Negotiation the Mind and Heart of the Negotiator* (2012), New Jersey Pearson Education, Inc.
- [13] Thompson, Leigh and Wang, Jiunwen and Gunia, Brian (2010), *Negotiation. Annual Review of Psychology*, 491-515

APPENDIX A

The Bolter Scenario

You are the lead sales representative in a contract negotiation between two firms over the sale of a complex compressor system used in the offshore production of natural gas. Stated simply, the compressor forces the natural gas from the seabed into a system that allows for its capture. The two involved firms are: 1) Bolter Turbines Inc.—a manufacturer of natural gas production equipment (with whom you are a salesperson), and 2) Maverick Natural Gas Inc.—a producer of natural gas with production operations concentrated in the Gulf of Mexico. This contract negotiation is based on the potential purchase by Maverick of one compressor system, but there is always a desire of selling additional units. Maverick has been a customer for several years and knows you and your company through previous work you have performed for them. This compressor system would represent a lucrative increase in business from your client, and would be one of the first sales for a new and improved compressor system. The sales process has proceeded relatively smoothly, a few bumps here and there, but now the big decisions must be made during the negotiation. Over the past few months, you (the Bolter sales representative) have been actively involved in preliminary sales negotiations with the Maverick purchasing agent and other Maverick staff members over the purchase of the system. This product is a specialized compressor system recently developed by your firm, and is rated as the best in the market at extracting natural gas. You have offered Maverick a general price range for the system (\$2-3 million), but have not talked any specifics yet. Your role in the negotiation will be to negotiate with the other party to reach a decision on a contract for the system, including finalizing the price on the compressor, the price of the service contract, and the delivery date. Again, your task is to complete the negotiations and get a signed agreement for the 1) compressor system, 2) service contract, and 3) delivery date of the equipment.

An Exploratory Study of Place Marketing Factors in Albanian Football

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Abstract

Beyond the beautiful game, place is another factor in terms of importance for mix marketing. In football industry place is mainly related to the stadium where the football is produced and consumed from the fans of clubs. For football marketers the atmosphere of the stadium that must prevail to make the fans experience unique, remains one of the most important challenges every week of the seasons. Fans around the world tend to have special experiences in the stadiums, not only for the conditions and services but also mainly for the equipment with the latest technology around it. In Albania, poor quality stadiums and their hostile environment is still an obstacle to the development of football. The main purpose of this study is to understand how the place marketing factor affects football fans in Albanian championship. Using a national representative sample of football fans (N=800), we use exploratory factor analysis to analyze place marketing factor, thus exploring dimensions that define football consumption behavior. The analysis results in four factors, which display nuances of the place marketing factor in the football consumption of Albanian fans. Further, ANOVA is used to examine differences between groups.

Keywords: football, place marketing factor, stadium, attendance, Albania championship

Introduction

The importance of the stadium dates back to ancient Rome when various sports took place in stadiums or arenas with very large capacity in terms of the number of benches. Over time, the stadium has gained special importance not only to make the experience of the game within it as attractive as possible for the fans but also becoming an important asset and source of incomes for football clubs.

For both clubs and fans, the stadium is considered fanatically as their home, and from business and marketing point of view stadium has become a necessity for generating significant financial incomes. Generally, studies focused on stadiums are based on economic aspects like population, GDP and salaries comparing with other entertainment alternatives audience

attendance (Body & Krenbeil, 2003). Factors that affect fans attendance on the stadium may vary on the context and on the consumer's characteristics (Silveira et al., 2019).

Based on the championships and elite European clubs that offer spectacular football for their fans we can understand that the stadiums and services included within it have a primary impact on their satisfaction, thus influencing the constant repetition of this experience. Having loyal fans is a key success for the club, because their consumer behavior can be repetitive and continually purchasing the football products (Bee & Havitz, 2010). In sport context, a game place can be a focal point providing many pleasant experiences to fans and participants (Cho et al., 2019).

Recently in Albania football championship the stadium issue has become very sensitive among club and few of them are in construction funded from the government and UEFA through the Football Albania Federation (FSHF). The importance of football that has prevailed for decades in Europe has received attention in the Albanian championship and particularly its elite clubs in "Kategoria Superiore". Facing such a challenge, in a way all the actors of this sport are committed to improving the infrastructure and the services of the stadiums for increasing their fans experiences. The aim of this paper is to understand how the Albanian football fans are influenced from the stadiums in "Kategoria Superiore" based on conditions and services within them.

The aim of this study is to understand the underlying dimensions of place marketing factors in influencing football consumption in the Albanian championship. Further we purpose to explore differences in these factors between various relevant groups.

Literature review

For every football clubs building and maintaining a stadium is an important strategy that requires considerable time and effort to be implemented (Gómez-Gonzales et al., 2016). Normally this arena requires professionals who have ability to ensure their function by offering the highest fans experiences and profits for club finances. Elements who are directly related with stadiums and increasing the fans satisfaction during the game attendance are, stadium conditions, security, day and the time of the match, the weather conditions, positions in the stadium, the distance from the stadium, the transport and the parking around it.

According to Wakefield and Sloan (1995) arena infrastructure levels depends on the age and design of the stadium while other aspects of cleanliness and services can improve the image of the stadium, especially when are offer with a convenient price. Prior research shows that providing high quality services is a precondition to make it as easy as possible for fans to show up in the stadium supporting their team, creating loyalty and increasing revenues for the football clubs (Dale et al, 2005).

The parking is another element that affects fans experience because they don't prefer to spend a lot of time to find or parking around the stadium (Bitner, 1992). Basically in "Kategoria Superiore" the stadiums are situated near the urban area and only during the derby match the parking around the stadium become frustrated for the fans.

Security is another crucial element during every week of the season, because fans behaviors change among different groups and their safety has become essential (Ali et al., 2011). Most of them tend to be violent depends on the rivalry with other teams (Bernstein, 1991) and sometimes they react also aggressively from the consumption of alcohol (Leerhsen, 1988). In

Albanian championship violent rivalry between fans is familiar and the security within the stadium frequently is not at the right level to prevent such situation.

The match day has an important impact on the fan's behavior because during the weekend they are most prepared to support their club in the stadium instead following the match through the television (Uribe et al, 2020), without neglected the time of the match. In Albania comparing with different realities of European football championship only the national stadium (Air Albania Stadium) has the UEFA standards, the rest of stadiums are uncovered and is very frustrated for fans to support their team when is raining, snowing or sunny day. In addition to sports purposes, stadiums are increasingly used for other activities such as concerts, outdoors film festivals and events with large attendance spectators, where for their pleasure should be provided protection form wind and rain (Persoon, 2008).

In the end an important element that affects fan experience during the match is the visual appearance of the game which consensually depends on the position where the fan sits during the game. Based on this position, marketers fixed ticket prices considering the positions of the benches in the stadium. Closer is the position of the benches with the field of the game the more expensive would be the ticket price. In "Kategoria Superiore" the stadiums are smaller so the benches positions are not distant with the field of the game. These are the main elements related to the stadium which influence the football fans for supporting their closely, although other elements may be taken or included in these studies.

Methodology

Considering the nature of the Albanian championship, the questionnaire was conducted across 11 football matches. The questionnaire was distributed on average 30 minutes before the game, as it took only 10 minutes to be filled. Based on the literature, questions capturing place marketing factor were composed in a five-point Likert scale (one = not important to five = very important). Pre-testing and piloting were conducted to validate the relevance and full understanding of the motives included. Although no important changes were made, small changes and fine tunings resulted in an improved questionnaire. The questionnaire was finally piloted during two championship matches to validate the instrument.

The conduction of the questionnaire resulted in 800 interviews. Originally there were collected 873 hard copy questionnaires, but after the data cleaning process, 73 of them had considerable deficiency, such as groups of unanswered questions, or even discovered patterns of providing the same answer for a large group of questions. About 96% of the sample is composed of male football fans, while only 4% of female football fans. The absence of women attendance in Albanian stadiums is much due to the primitivity and vulgarity still occurring, and on the other hand to the marginalized role of women in the Albanian society, which is mostly manifested in the regions rather than in the capital city. However, this stands as a general observation, an assumption, as there is no particular study to explore this issue.

On the other hand, the sample covers all age categories: 18 – 24 y.o. (27%); 25 – 34 y.o. (24%); 35 – 44 y.o. (12%); 45 – 54 y.o. (16%); 55 – 64 y.o. (16%); 65 y.o. and over (5%). Some other sample profile information includes: (i) 30% of the sample declare to attend every match (or almost every match); 33% to usually attend matches (2 - 3 times per month); 21% to sometimes attend matches (once a month); while 16% to rarely attend matches (once in two months or less); (ii) 3% of the sample declared not being a football fan of a particular team, but rather general football enthusiast, while the remaining were fans who identified

themselves with a football club ; (iii) 25% of the sample includes fans who are part of an organized football fan club (ultras), while the rest are regular fans.

The analysis aims to identify key construct pertaining to the place marketing factor, affecting football fan's sport consumption. To identify such patterns, we use exploratory factor analysis (EFA). According to Fabrigar & Wegener (2011) EFA serves as a method to develop measurement instruments by determining the dimensionality of a set of measured variables and to determine the specific measured variables that best reflect the conceptual dimensions underlying the set of measured variables. Analysis of variance (ANOVA) is further used to explore whether there are differences in the factors between age groups and between organized football fans (ultras) and non-organized football fans.

Results

The two reasons with the lowest means, offer an individualistic taste of the football fans. But looking further, the reason "to be with the friend in the stadium" (4.44) shows a significantly high mean, which inclines the motivation towards a certain group.

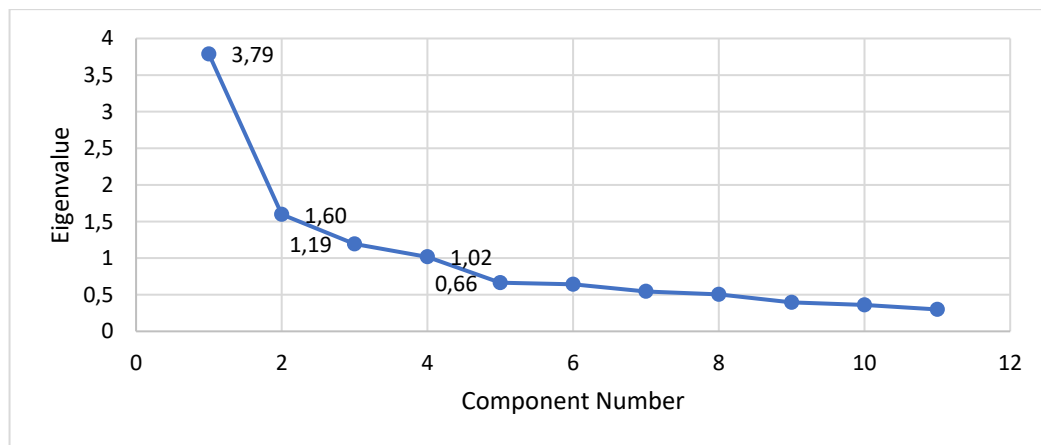
The descriptive data shows that "level of security in the stadium" (3.95) has the highest mean, followed by "condition of the stadium" (3.93). The high values of these components suggest a considerable influence of the maintenance of the stadium on the decision to attend a match, and quite clearly the game type. The lowest values are "transportation to get to the match" (2.13), closely followed by "distance of the match from the fan's residency area" (2.31).

Table 6: Descriptive Statistics

| <i>Variable</i> | <i>Mean</i> | <i>Standard Deviation</i> |
|--|-------------|---------------------------|
| <i>Distance of the match from the fan's residency area</i> | 2.31 | 1.50 |
| <i>Name of the stadium</i> | 2.37 | 1.63 |
| <i>Condition of the stadium</i> | 3.93 | 1.48 |
| <i>The position of the seat in the stadium</i> | 3.17 | 1.57 |
| <i>Level of security in the stadium</i> | 3.95 | 1.50 |
| <i>Weather conditions</i> | 3.58 | 1.60 |
| <i>Day of the match</i> | 3.42 | 1.60 |
| <i>Match during the weekend</i> | 3.58 | 1.60 |
| <i>Time of the match</i> | 3.32 | 1.61 |
| <i>Transportation to get to the match</i> | 2.13 | 1.43 |
| <i>Having parking near the stadium</i> | 2.49 | 1.60 |

To determine the number of common factors, Kaiser's criteria (eigenvalue above 1) show in the Scree plot is employed. Examining Figure 1, the Scree plot and produced eigenvalues, it shows a departure from linearity with a 4-factor result. Hence, the criteria show the usage of 4 factors in this case. The total variance explained by these factors is 69.03%, which according to Hair et al. (2018) is considered a satisfactory value (as it is above 60% threshold), especially among social sciences. Decreasing the variance factor explain is: 24.38%; 18.21%; 14.24%; 12.20%. The KMO values are 0.80, above the cut-off point of 0.5, showing sampling adequacy and suitability for EFA. Bartlett's Test of Sphericity shows significance at $p < 0.01$ (Chi-Square=2632.05, $df=55$), which confirms that our sample has patterned relationships.

Figure 17: Scree Plot



Considering the nature of the composing variables, the resulted factors are labeled as follows (Table 2):

Set up (factor 1)

Atmosphere (factor 2)

Transportation (factor 3)

Distance (factor 4)

"Set up" includes a group of factors mostly composed by the match arrangements, day and time of the match, weather condition and whether the match is played on weekends. Out of the loadings, playing the match during the weekend displays the highest coefficient, having so the highest influence of the factor. Day of the match and time of the match show high influence as well, while on the other hand weather conditions appear to have week impact out on the "Set up" factor.

The "Atmosphere" factor consists of environment characteristics of the stadium. Out of environmental components, condition of the stadium is the most important one, followed by level of security in the stadium. These results show the nature of the Albanian football context.

Most of the stadiums are in bad condition and a poorly regulated match security law lead to football matches without proper security, and violence became more prone to happen.

"Transportation" factor is composed of two highly loaded variables, which are related to the transportation to the stadium. This first one is the method of transportation to get to the match and the second is the parking near the stadium, which apparently is the most influential variable of both. Actually, the saddest phenomena in the Albanian football stadiums, is the large absence of visiting team fans, as only their "ultras" group shows up. So, the stadiums are always only filled with the home time fans. Transportation is an important factor, especially for the visiting team fans to attend a football match. This is also related with the last factor, "distance", which is compiled of the distance of the match from the fan's residency area and the name of the stadium, which determines also the distance.

Table 7: Rotated factor loading matrix

| | <i>Factor 1</i> | <i>Factor 2</i> | <i>Factor 3</i> | <i>Factor 4</i> |
|--|-----------------|-----------------|-----------------|-----------------|
| <i>Distance of the match from the fan's residency area</i> | | | | 0.716 |
| <i>Name of the stadium</i> | | | | 0.864 |
| <i>Condition of the stadium</i> | | 0.848 | | |
| <i>The position of the seat in the stadium</i> | | 0.514 | | |
| <i>Level of security in the stadium</i> | | 0.842 | | |
| <i>Weather conditions</i> | 0.574 | | | |
| <i>Day of the match</i> | 0.839 | | | |
| <i>Match during the weekend</i> | 0.852 | | | |
| <i>Time of the match</i> | 0.805 | | | |
| <i>Transportation to get to the match</i> | | | 0.828 | |
| <i>Having parking near the stadium</i> | | | 0.852 | |

Further, ANOVA was used to determine whether the place marketing factors differ for age groups. The results are displayed in Table 3. The results show that age-differences are significant in atmosphere factor ($p < 0.05$) and distance factor ($p < 0.05$), while no significant differences are found in set up factor ($p > 0.05$) and transportation factor ($p < 0.05$). The atmosphere factor displays a pattern between age groups, as older ages seemingly are more affected by it. Considering the construction of the factor, having both the condition of the stadium and the level of the security, there is also a very strong practical sense of these results. On the other hand, distance since to influence more the youngest age groups (18 – 24 y.o.) and the oldest ones (65+ y.o.).

Table 8: Univariate comparisons of place factors by age groups

| | <i>Overall</i> | <i>18 - 24 y.o.</i> | <i>25 - 34</i> | <i>35 - 44</i> | <i>45 - 54</i> | <i>55 - 64</i> | <i>65+</i> | <i>F</i> | <i>p</i> |
|-----------------------|----------------|-------------------------|--------------------|--------------------|--------------------|--------------------|------------|----------|----------|
| <i>Set up</i> | 3.48 | 3.28 | 3.46 | 3.60 | 3.61 | 3.54 | 3.69 | 1.742 | 0.123 |
| <i>Atmosphere</i> | 3.68 | 3.41 | 3.41 | 3.74 | 4.03 | 3.99 | 4.23 | 10.331 | 0.000 |
| <i>Transportation</i> | 2.31 | 2.32 | 2.43 | 2.32 | 2.30 | 2.29 | 1.78 | 1.732 | 0.125 |

| | | | | | | | | | |
|-----------------|------|------|------|------|------|------|------|-------|-------|
| <i>Distance</i> | 2.34 | 2.53 | 2.40 | 2.27 | 2.13 | 2.15 | 2.45 | 2.398 | 0.036 |
|-----------------|------|------|------|------|------|------|------|-------|-------|

Further, we test differences between those who are part of an organized football fan's groups (usually referred as ultras) and those who are not. Conduction ANOVA, the results show that there are significant differences between the two groups in regard to set up and atmosphere factors ($p < 0.05$). In both cases the "ultras" are less influenced by the match set up and also by the atmosphere. Considering the nature of the factors, it shows that ultras groups, as more emotionally attached to their team, are less influenced by the match arrangement, or by the conditions of the stadium and the security level of the match.

Table 9: Univariate comparisons of place factors by participation in an organized fan club

| | <i>Overall</i> | <i>Part of a group</i> | <i>Not part of a group</i> | <i>F</i> | <i>p</i> |
|-----------------------|----------------|------------------------|----------------------------|----------|----------|
| <i>Set up</i> | 3.48 | 3.01 | 3.65 | 40.155 | 0.000 |
| <i>Atmosphere</i> | 3.68 | 3.14 | 3.88 | 64.055 | 0.000 |
| <i>Transportation</i> | 2.31 | 2.32 | 2.30 | 0.014 | 0.906 |
| <i>Distance</i> | 2.34 | 2.41 | 2.32 | 0.787 | 0.375 |

Conclusions

The analysis of the place marketing factors in Albania is a rather essential one. The exploratory factor analysis resulted in 11 items measuring four place related factors, namely the: set up; atmosphere; transportation; distance. The variables loading on these factors are relatively high, which shows influence of almost all variables in their specific dimensions.

Relating to the set-up factor, having matches during the weekend has a higher influence on the football consumption. Considering the atmosphere factor, two particular elements stand out: the stadium conditions and security. Both express the need for a better and more suited football environment, while the current one being in poor condition in the majority of the clubs. Distance and transportation are perceived differently by the fans. The reason for this is that the distance is quite irrelevant for the home team fans, as usually stadiums are easily accessible and as most of the Albanian towns are quite small, it doesn't constitute of a problem. On the other hand, the transportation might be more problematic when considering the visiting match, as distances between towns might be perceived as long and if traveling by car the cost might be perceived as high (considering the Albanian economic situation).

Analyzing differences between age groups and participation in an "ultras" group, there are some interesting patterns. Atmosphere and distance factors differ between age groups, as older ages are apparently more affected by atmosphere, especially the condition of the stadium and the level of the security. Further, differences between "ultras" and regular fans are significant for set up and atmosphere factors, as ultras groups are less influenced by both.

Undoubtedly, this paper is not exhaustive, but serves as a starting point to expand the studies that have as object the stadium and its variables, taking into account the fact that some other projects related to the construction of new fields are expected to start in the Albanian football championship.

References

- [1] Ali, I.M., Hashim, A.E., Wan-Ismail, W.Z., Isnin, Z., & Mohd-Nazeri, M.A. (2011). Spectators Safety Awareness in Outdoor Stadium Facilities. The 2nd International Building Control Conference, Vol. 20, pp. 98-104.
- [2] Bee, C. C. & Havitz, M. E. (2010). Exploring the relationship between involvement, fan attraction, psychological commitment and behavioural loyalty in sport spectator context. International Journal of Sport Marketing and Sponsorship, Vol. 11, No. 2, pp. 140-157.
- [3] Bernstein, S. (1991). The sorry state of 'sport heroes' (antisocial behavior of well-paid sport figures). Advertising Age, Vol. 62, p. 25.
- [4] Bitner, M. J. (1992). Servicescapes: the impact of physical surrounding on customer and employees. Journal of Marketing, Vol. 56, No. 2, pp. 57-71.
- [5] Body, T. C. & Krehbiel, T. C. (2003). Promotion timing in major league baseball and the stacking effects of factors that increase game attractiveness. Sport Marketing Quarterly, Vol. 12, No. 3, pp. 173-183.
- [6] Cho, H., Lee, H.-W. & Pyun, D.Y. (2019). The influence of stadium environment on attendance intentions in spectator sport: The moderating role of team loyalty. International Journal of Sport Marketing and Sponsorship, Vol. 20, No. 2, pp. 276-290.
- [7] Dale, B., Iëaarden, J.V., Wiele, T.V.D. & Williams, R. (2005). Service improvements in a sport environment: a study of spectator attendance. Managing Service Quality, Vol. 15, No. 5, pp. 470-484.
- [8] Fabrigar, L. R., & Wegener, D. T. (2011). *Exploratory factor analysis*. Oxford University Press.
- [9] Gómez-González, C., García-Unanue, J., Sánchez-Sánchez, J., Guisado, E. U., & del Corral, J. (2016). Evidence on soccer-specific stadiums and attendance: The Major League Soccer case, Revista de Psicología del Deporte, Vol. 25, Suppl.1, pp. 19-22.
- [10] Hair, J. F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L. (2018). *Multivariate data analysis, 8th edition*, Upper Saddle River, NJ: Prentice hall.
- [11] Leerhsen, C. (1988). When push come to shove: baseball faces a crisis in crowd, fueled by beer and rowdies. Newsweek, Vol. 111, pp. 72-73.
- [12] Persoon, J., van Hooff, T., Blocken, B., Carmeliet, J., & de Wit, M.H. (2008). On the impact of root geometry on rain shelter in football stadia. Journal of Wind Engineering and Industrial Aerodynamics, Vol. 96, Iss. 8-9, pp. 1274-1293.
- [13] Silveira, M.P., Cardoso, M.V. & Quevedo-Silva, F. (2019). Factors influencing attendance at stadiums and arenas. Marketing Intelligence & Planning, Vol. 37, No. 1, pp. 50-56.
- [14] Wakefield, K. L. & Sloan, H. J. (1995) The effects of team loyalty and selected stadium factors on spectator attendance. Journal of Sport Management, Vol. 9, No. 2, pp. 153-172.

Effects of Biomimicry on Architecture

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Abstract

The sociological, psychological and physiological problems experienced by humanity, which have been exposed to dark offices, high flats and city life far from nature, have been strikingly exposed with researches. In addition, the nature-based design approaches that emerged due to the need to meet the need of humanity for nature and the desire to return to nature have taken their place among the design parameters of the new age in architecture. However, concepts where biology and design come together have emerged. Biomimicry is a discipline that explores the best ideas for design processes by imitating nature. It takes all the ecological needs that users expect from architecture directly from the nature. It provides an integration model with the nature that people yearn for, and also creates a model that takes the solutions created by nature in architectural designs as an example. In this period of architectural design turning to nature, biomimicry has the feature of being a pioneer of a new architectural trend by providing designers with a different view of nature. The main purpose of this study is to determine the application areas and basic features of the biomimicry approach in architecture and to create a road map for designer architects. To achieve this goal, a research methodology has been designed to achieve two objectives. First, it will carry out an in-depth research on biomimicry, architecture and environmentally friendly designs with existing literature studies. Secondly, listing the biomimicry designs applied in architecture and classifying them according to their ecological gains to the building. As a result, a guide will be created for the designer architects to provide ease in producing more efficient buildings.

Keywords: Biomimicry, Sustainable Design, Biology based design, Biophilic architecture,

1.Introduction

Today, one of the most important obstacles to the experience of nature is the paradigm that dominates the design and development of the modern built environment. Because even though the human developed in the natural world, closed spaces where 90% of the time is spent today have taken the place of the people's "natural habitat". While the need for interaction with nature is critical for people's health and fitness, it is very difficult to be satisfied in this respect in today's-built environments. Because the dominant approach to the design of living spaces sometimes sees nature as an obstacle and sometimes an insignificant detail (Kellert & Finnegan, Heerwagen, 2011). However, if a person bonds with nature and can see himself as a part of nature, he can reflect this love in nature by feeling a love for nature. (Yilmaz, 2017).

Mankind has taken the nature as a guide and benefited from the structures and forms of nature in its designs. Although this has been an ongoing approach since the classical period, it should now take on a new dimension. In this sense, the architectural design based on ecology is understood as a return to the traditional or primitive, due to the application examples that are frequently encountered in the literature. However, this is an approach that needs to be hung. It is important to produce designs that can utilize all the possibilities of science and technology but go beyond the understanding of effective use of energy and that can be part of the system in a holistic, mutually beneficial relationship with its environment, in line with the principles included in scientific theories.

However, in this way, the holistic approach of the concept of ecology can also find a place in ecological architecture. Designing by imitating nature is one of the methods used by designers for years. When designing in architects, they are often inspired by nature. During the times when technical and material knowledge was insufficient, the solutions produced by nature were used directly to meet the needs of the period in living space designs. Today's architecture has evolved in a different direction with the development of technology. With the widespread use of energy in living spaces, energy consumption has reached high levels in the building sector in parallel with changing comfort conditions. However, with the energy crises experienced, like many sectors, the building sector changed its direction and started to work on strategies to reduce energy consumption.

In the 21st century, people started to live in high-rise buildings under artificial weather conditions. These conditions increased people's longing for nature. Because man is a part of nature and as he moves away from him, he starts to experience physiological and psychological problems. This increasing need of people for nature has also been brought to the agenda within the scope of sustainability strategies and various approaches have been created (Ebrahimpour, Majedi, Mahdiniya, 2017). Biology-based design strategies have been developed for designers, with solutions inspired by nature. In this study, firstly, the biology-based design strategies will be defined and the effects of the biomimicry approach that is used effectively on architecture will be examined. In the last section, sample structures suitable for biomimicry approach will be examined.

2. Biology Based Design Approaches

The main idea at the core of all concepts such as bionics, biomimetics, biomimics, biodesign, biomechanics, organic design is 'learning from nature'. The solutions developed by all living creatures against the problems they face have directed the designers to approaches such as learning from nature and imitating nature in their search for solutions. These approaches have been accepted in many fields such as medicine, architecture, engineering, design and art and have continued their development. The concepts of bionics, biomechanics and biodesign offer designers many possibilities in terms of creativity (Salingaros, Masden, 2008).

The realization of the solutions in nature by using the least amount of energy in the shortest way and its adaptation to the design caused positive results based on the sustainability of the design. The sensitivity of designers and companies in terms of increasing environmental pollution and reduction of natural resources has also been another factor that has led to solutions in nature (Senosian, 2003). Since the principle of nature to realize using the least for the most efficiency is a target that is aimed by the designers today, the idea of searching for the solution of the problems in the examples in the nature has been an accepted approach.

2.1 Biomimetics/bioinspiration

The term "biomimetic" was introduced in 1969 by Otto H. Schmitt. The word is made up of words that mean "bios" (life) and "mimesis" (imitation). There are various sources that the words biomimetic, bionic, biomimicry are synonymous. Although their basic meanings are similar, their emergence and usage areas have changed. While the use of bionic design in medicine has become widespread among these terms that relate to design discipline with expressions such as biomimetic design, bionic design, the expression of biomimetic design is the closest expression to the principle of inspiration-learning in the design of industrial products we mentioned in this study (Low, 2009).

Chiu and Shu (2007) argue that many designers and engineers have come to the conclusion with their own observations about inspiration from biology to find solutions to their design problems, but this method reduces the great potential of biology. In this context, he proposes a method by which the designer can access biological resources and reach more detailed biological resources with the right keywords and obtain more comprehensive results in biomimetic design. The history of biomimetic design existed before the concept of biomimetic emerged. Leonardo da Vinci used nature observations in many of his works, for example, he designed flying instruments by observing the flights of birds. In addition, the Crystal Palace built in London and the Eiffel Tower in Paris are examples of architectural biomimetic design.

We can define concept of biomimesis as follows. The nature-inspired / learning / adaptation and / or application forms in architecture can be handled in two ways: First, as explained in the previous section, the form of the natural object is taken and transferred to the building with formal concerns and an analogy, and the other is the form of formation observed in the building; (the process of material, form, and structure formation) to be transformed into an architectural form with experimental data (Antoniades, 1992). The concept of biomimesis becomes important at this point.

In the literature; It is seen that the concept of biomimetic is used instead of the concept of biomimesis. Briefly, it can be defined as a design that imitates some or all of the biological phenomena in whole or in part. In this chapter, this concept will be considered as the use of what is observed in nature, beyond mere form, as a source of inspiration.

2.2 Biomechanics

As a branch of science, Biomechanics is the field of application of biology and engineering sciences on living creatures. In biomechanical studies, by using engineering methods, how the creatures move, how their movements are controlled, the effect of the force system occurring in different parts during the movement, the conditions of strain on living and inanimate tissues are examined, treatment methods are tested and developed (Bar-Cohen, 2005).

It is a branch of mechanical physics science and examines how force turns into action. These movements provide growth and development and cause injuries if overloaded. Biomechanics provides the conceptual and mathematical tools needed to understand how living things move and how kinesiology specialists can make movements safer (Knudson, 2003).

Biomechanical discipline is based on the basics of physics, chemistry, mathematics, psychology and anatomy sciences. The first biomechanists were Leonardo da Vinci, Galileo, Lagrange, Bernoulli, Euler and Young (Winter, 2009).

Ergonomics is concerned with human-machine interaction and has an important place in the design of industrial products. According to biomechanical analysis, ergonomists can support the development of human machine related systems (McLester and St. Pierre, 2008, p. 12). Ergonomics and biomechanics are very closely related, and in this sense, awareness of biomechanics is important in product design. Biomechanical science is a science that sheds light on engineers and designers in the design of moving objects. The awareness of the biomechanics of living creatures in nature will provide useful information in the context of learning from nature and learning.

2.3 Biomimicry

Biomimicry is a new discipline (Biomimicry Institute) that explores the best ideas of nature and imitates these designs and develops them for people's problems. Janine Benyus first used this term in her book "Biomimicry: Innovation inspired by nature" in 1997. The term "biomimicry", which aims to be a bridge between biology and many other sciences in benefiting from the principles of nature, is frequently used by academic circles today. We find examples of biomimicry in engineering, architecture and design. We can call designs created by using biomimicry in the field of design, biomimetic design. Janine Benyus is an important scientist who has done a lot of work in this field, enabling the emergence of an interdisciplinary concept biomimicry as her specialty. Janine Benyus also founded the Biomimicry consulting firm (Biomimicry Guild) in 1998. This company has worked with many brands and has achieved successful results.

The Biomimicry Institute, founded in 2005 by Janine Benyus, is a non-profit organization. Biomimicry Institute supports bringing together scientists, engineers, architects, designers and innovators who want to use interesting efficient solution models in nature to create sustainable technologies. The Biomimicry Institute consists of 12 employees and focuses on three main areas; developing training programs for students, professionals and the public, trying to create public policies that use biomimicry as a solution for sustainability, encouraging companies that benefit from biomimicry to provide financial support for biodiversity (biomimicryinstitute.org).

Janine Benyus uses the following statement when explaining her biomimicry approach:

"The biomimicry approach seeks the advice of nature at every stage of the design, from concept to creation and evaluation. Innovators discover and ask the correct functions of their designs that they want to finalize by working together with biologists at the design desk: What organism or ecosystem ensures their survival by performing these functions?"

Reed (2004) explains the biomimicry approach as follows:

"We are in the middle of a paradigm shift in the way we view and interact with the natural world. This new line of thinking - biomimicry - has a tremendous impact on the technological products and systems we have already designed. Biomimicry, an extremely important component of technology literature, is also an excellent example of the interdisciplinary nature of science and technology." (Reed, Klumb, Koobatian, & Viney, 2009).

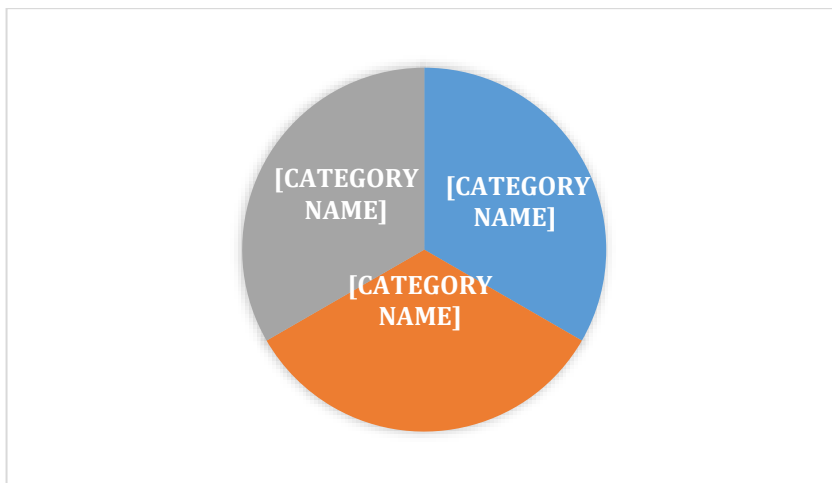


Figure 1. Three Motivations of Biomimicry (Zari, 2018)

Although the biomimicry approach is recognized day by day, new interdisciplinary fields in the academic field are gaining importance. Bio-inspired engineering center at Harvard, bio-design institute at Arizona State University, bio-inspired design center at Georgia Tech, bio-inspired materials and material systems center at Duke University, biomimetic research center at Doshisha University, Royal Insitute Biomimetic fiber engineering in Technology. The number of conferences and books in this area is also increasing. Bioinspiration & Biomimetics, Bionic Engineering, Biyomimetic, Biomaterials, and Tissue Engineering journals are publications related to biomimicry (Benyus, 1997).

2.4 Biophilic

The concept of biophile is defined as the innate emotional affinity that people feel towards nature and the living things in nature. This hypothesis claims that people are instinctively connected to all other life systems. In the field of architecture, it is expressed as a design that allows the human-nature interaction and the beneficial effects of nature to be sustained in built environments (Kaya, 2019).

The biophilic hypothesis is briefly defined as the innate trend towards life and life-like processes. The concept of "biophilic design" based on this hypothesis was first defined by Stephen Kellert in 2005 (Kellert, 2005). Later, the book titled "Biophilic Design: The Theory, Science and Practice of Bringing Buildings to Life" 1, published in 2008, which questions how to apply the benefits of biophily in urban design and architecture, provided a more comprehensive understanding of the subject.

Biophilic design is defined in this book as "transferring the understanding of closeness between natural systems and processes inherent in human to the design of the built environment" (Kellert, Heerwagen & Mador, 2008). It was again defined by Kellert and Calabrese (2015) as more comprehensive and explanatory as "an approach aiming to improve the physical and mental feelings of people's health and well-being by re-establishing the relationship between human and nature in the modern urban area".

3. Biomimicry and architecture

The ongoing cycle and principles of nature are used by designers today to produce sustainable designs. In these studies, instead of imitating the nature, data is collected about what precautions taken by the living creatures in the face of the conditions they face, behaved or structurally changed, and then these data are evaluated during the design process. The entire solution generation and adaptation process constitutes the basis of the approach style that lies at the basis of the concept of biomimicry.

The term biomimicry (biomimicry) originated in 1982. The term "Biomimicry: Innovation Inspired by Nature", published by Janine Benyus in 1997, started to be learned by the masses: or to become a new branch of science inspired by these designs or processes. It is not exactly technology or biology: it is the technology of biology." It is defined as.

Biomimicry was developed as a method used by adapting natural system mechanisms to artificial systems. The points inspired / adapted here are patterns in nature as a system, behavior or form that occurs within certain rules.

As a general approach, biomimicry has three dimensions:

- a) Nine principles of life
- b) Nature as a model, criterion and guide
- c) Design spiral informing the biomimicry practice (Benyus, 1997).

Benyus talks about nine functioning principles of nature to be a useful model in human behavior. These principles reflect the inherent characteristics of the ecosystem and underline that ecologically sustainable products will be produced if these principles are used in designs (McGregor, 2003):

- The continuity of nature is provided by sunlight.
- Nature uses only as much energy as it needs.
- In nature, form and function match.
- Nature recycles everything.
- Nature depends on diversity.
- Nature rewards cooperation.
- Nature demands local mastery.
- Nature prevents excessive need.
- Nature pushes the limits of power

In the concept of biomimicry, it is emphasized that learning from nature should be done beyond analogy, based on concrete data and to understand the process. In order to use nature as a kind of intellectual or an example, it is necessary to first understand nature in the light of its own rules and then take its principles as an example. Benyus (Benyus, 1997) interprets the relationship between nature and architecture in three different ways:

In the proposition of nature as a model, it is emphasized that it takes the models of nature as an example or uses it as an inspiration to solve the problems of human beings. Here, the model

produces as the animals and plants do; It produces fibers, ceramics, plastics and chemicals that can biodegrade using the sun and simple components.

As a measure, nature uses ecological standards to decide on the problem solving and sustainable viability and validity of inventions. Billions of years after evolution, nature has learned what works, what is appropriate and what is based, and has come to today's conditions. For this reason, nature itself has determined the most suitable criteria that can be used as criteria.

As a guide, nature has been explained as the new way to observe and evaluate nature. It is not about what to extract from nature, but about what can be learned from it.

Designers, architects, engineers, managers and many more use biomimicry in their designs. With the design spiral, information about the solution to the problem, how to find a solution from nature and the application process methods can be accessed. The spiral includes methods of using nature for inspiration and making the method used in design to achieve the success of the system in nature (Kuday,2009).

Nature also designs structures like architects. The structures it designs adapt perfectly to its context, it contains solutions for all environmental problems by itself, its form and functions match each other without errors and contains neither missing nor more functions. (Emre GÜNDÜZ) Another important design feature seen in nature is that architects use similar design criteria that they use when designing living spaces for people. "For example; temperature control, oxygen and respiration, humidity control and water management, defense against predators, food storage, operating the soil-cultivation and structure are the basic ones "(Karabetça, 2018). Some animal structures can be given as examples. For example, the mounds of termites forming mounds, while having all these basic functions, are highly efficient and sustainable designs compared to human structures.

On the other hand, it is argued that a two-way approach in design can be maintained with biomimicry. The first is the design that questions biology, and the second is the biology that affects design. In the first approach, the designer works with biologists for identified design problems and tries to find solutions through an appropriate organism in nature. The second is the opposite. The designer and biologist work on an organism or ecosystem. They use the functions and behaviors they determine here in the design according to their current needs (Zari, 2007).

Architecture has often tended to imitate nature. In terms of forming analogy with nature, analogical work in architecture is full of references to shape and biological function. Human beings have taken nature as a guide and have benefited from the structures and forms of nature in their designs. Biomimicry is sustainable development ethics. It is necessary to imitate nature and transfer from nature for a sustainable life. Biomimicry is a multidisciplinary design approach. It has been used in architectural design for many years.

"Future architects will manage genetic engineers, not masonry workers.

The buildings will be self-renovating like living creatures. Forms that build their own ecosystem will be built decisively ... the architect just has to program this chain that will produce everything. "(Alberto Estévez, 2003)

A systematic study is required to find answers to existing design problems in nature, so that the correct answer can be reached in a short time with the right research. We can briefly list the path that this systematic study should follow;

- Identification of the problem
- Finding a biological response
- Observing Nature
- Finding nature models that have succeeded
- Apply the nature-based solution
- Formal imitation
- Functional imitation
- Ecosystem imitation
- Comparison of the compatibility of the solution to the principles of nature (Pawlyn, 2016).

4. Sample Architectural Structures Using Biomimicry

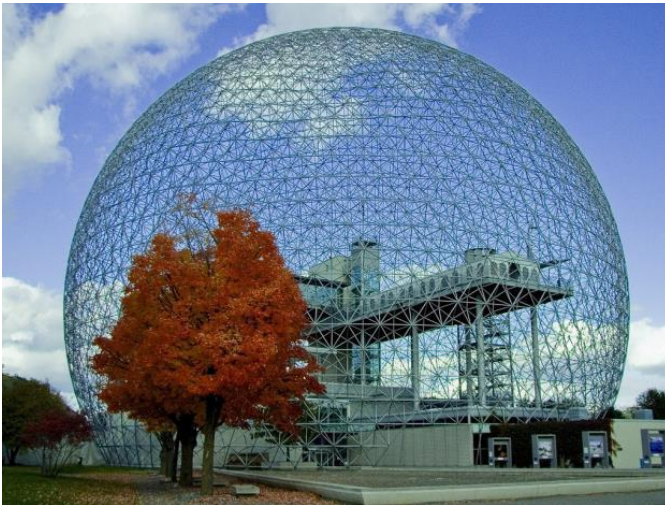


Figure 2. Exhibition building dome designed by Diatom (Ball,1999).

While the dome of the exhibition building was designed in Montreal, it was inspired by the diatom of aquatic microscopic creatures. When the diatom is examined, it is seen that the cage system consisting of triangles, pentagons and hexagons is fully fitted to each other and allows maximum clearance to be exceeded while providing minimum material usage to form the shape. The diatom form has been a model for the roof and ceiling designs for Buckminster Fuller (Ball,1999).



Figure 3. Qatar Cactus project. (Maglic, 2014)

One of the buildings built as an example of ecological architecture in Qatar, MMAA building uses the relationship of "Cactus" with its environment as a model to build in the desert.

- Functional processes that operate quietly in the workplace are inspired by cacti maintaining themselves in a dry and scorching climate.
- The sun shades on the windows are exposed to night sweating instead of daytime to keep the water in water, as well as turning on and off in response to heat.
- The project extends to the ecosystem level in the adjacent botanical dome, following the wastewater management system, which protects water and follows processes with minimal waste efficiency.

Energy quality and efficiency have been considered in the MMAA building, which is called the cactus project, and designs have been made according to this idea. The blinds in front of the windows are designed as a collapsible system to adapt to variable temperatures (thus, we would not be able to hold water, but mimic the activity of the cactus that sweats at night instead of during the day). The dome, green area and garden at the base of the tower will be located and the wastewater can be cleaned in the botanical garden inside (Spray, 2019).

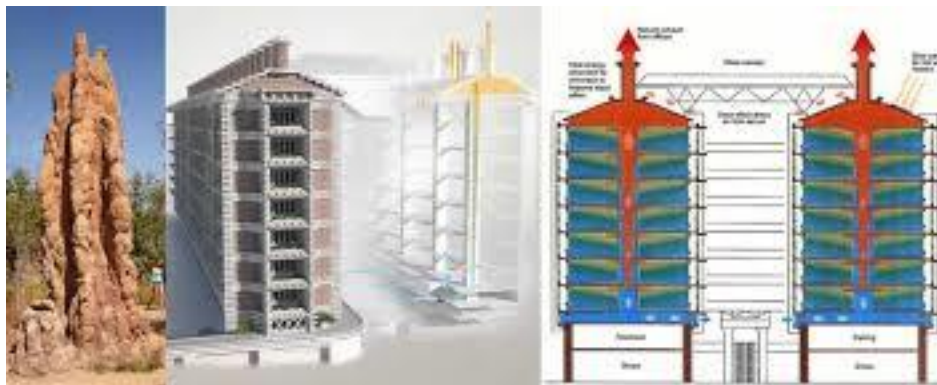


Figure 5. Milwaukee Art Museum by Santiago Calatrava (Calatrava's Rising Pavilion, 2010)

Santiago Calatrava, one of the successful and unlimited architects of the modern era, has always designed in the light of the feature, difference, mathematics, physics, and scientific research that distinguished his works from others. Thanks to the search for technology and new materials, he created quite different designs working with the system of nature.

As a result of Calatrava's engineering researches, it has brought a sculptural architectural structure to the USA with a flawless wing mechanism.

While designing the building, Calatrava, which was designed based on the "wings beat and wing structures", connected the wing mechanism that was opened twice a day with 217 feet that folded.

**Figure 6.** Eastgate Office Building Cross Section, Termite Hill Operation System.

One of the important examples given under the functional approaches in biomimicry design understanding is the Eastgate 26 Building, designed within the biomimicry consciousness of the 21st century. The building, designed and built by designer architect Mick Pearce, is the country's largest shopping and office complex in Harare, Zimbabwe.

The inspiration for the Eastgate building project is the hills and ventilation system built by M. Michaelsen (a termite type) to survive.

With the adaptation of the self-cooling feature of the mound made by incandescent, a sustainable solution has been found for the cooling and heating process that causes the most energy consumption in the building. The natural ventilation system of termites is both structurally and functionally located in the Eastgate Building. In order to ensure that the glass courtyard in the middle of the building consisting of two blocks provides equal light to the spaces and to provide this light equally to the spaces, the size of each neighborhood is considered proportionally to each other (Karabetça, 2016 and Alp, 2013).

5. Conclusion

Although architecture and biology are seen as different disciplines at first glance, they basically have very similar perspectives and goals. Both disciplines are based on material and organization; it's about morphology and structure. Both disciplines consist of systems that are connected simultaneously, and most importantly both have structures of collective parts. With the biomimicry approach, new methods can be developed not only in the fields of architecture

and biology, but also in collaboration with different disciplines such as engineering, materials and chemistry, and innovative projects can be created that will create innovative and sustainable products. Designs that are inspired by nature or produced for the purpose of protecting nature are environmentally friendly in terms of being in harmony with nature.

In designs based on the protection of natural habitats, it is aimed to ensure the continuity and ecological balance of living species. Both approaches are based on the purpose of maintaining the balance of nature from different angles. When these positive efforts are examined in depth, they may still have insolubility in themselves. However, it will be a pioneer in terms of designing living spaces in harmony with nature, creating ideas and developing in this direction.

A real biomimicry approach in architectural design is developing new design methods that combine both the model of behavior and the materialization process in addition to environmental factors. This situation requires understanding of form, material and structure.

Biomimicry has the potential to change our view of the world at the same time, but it also has the potential to develop approaches and possibilities to extend the usable life of the world and resources as well as the life of humankind.

In the coming centuries, studies in the field of Biomimicry will remain up to date. In order to ensure the sustainability of the systems in the designs, the integrity of biomimic applications should be increased. Biomimicry, which showed its effect in the time of Antoni Gaudi and came up with the concept of sustainability in the period of Michael Pawlyn, will continue to emerge with different concepts even in the 21st century and afterwards. The methods of making will also develop in parallel and become flawless.

References

- [1] Antoniadis, A. C. (1992). *Poetics of Architecture: Theory of design*. New York, NY: Van Nostrand Reinhold.
- [2] Ball, P., (1999). *The Self-Made Tapestry- Pattern Formation in Nature*, Oxford University Press, 1. Baski, New York.
- [3] Bar-Cohen, Y. (2005). *Biomimetics: mimicking and inspired-by biology*. Proceedings of the SPIE Smart Structures Conference, San Diego, ABD. SPIE, (5759-02), Mart 7-10.
- [4] Benyus, J. M. (1997). *Biomimicry: innovation inspired by nature*. New York: Quill.
- [5] Ebrahimpour, M., Majedi, H., Mahdiniya, M. (2017). *Biophilic planning new approach in sustainability (Proposing conceptual model of livable city)*. International Journal of Urban Management and Energy Sustainability, 1(2), 26-41. doi: 10.22034/IJUMES.2017.06.15.011
- [6] Karabetça, A.R. (2018). *Biyomimikri Destekli Tasarım Ölçütleri İle Yenilikçi Mekanlar Yaratılması*, The Turkish Online Journal of Design, Art and Communication, TOJDAC 8, 104-111.
- [7] Kaya, H., (2019). *Biophilic Design and Healing Architecture: An Assessment On Children Hospitals*. (M. Sc. Thesis). Gazi University, Ankara.

- [8] Kellert S.R., Heerwagen J.H., Mador M.L. (2008). "Biophilic Design: The Theory, Science and Practice of Bringing Buildings to Life", Hoboken, NJ: John Wiley & Sons, p. vii, viii, 3, 13.
- [9] Kellert, S. (2005). Building for Life. Washington: Island Press.
- [10] Kellert, S. (2008). Biophilia. Yale University, New Haven, CT, USA. 462-466.
- [11] Kellert, S. ve Calabrese, E. (2015). The Practice of Biophilic Design. Erişim www.biophilic-design.com. 3-21.
- Knudson, D. (2003). Fundamentals of biomechanics. New York: Kluwer Academic-Plenum Publishers.
- [12] Kuday, I. (2009). Tasarım Sürecini Destekleyici Faktör Olarak Biyomimikri Kavramının İncelenmesi, Yüksek Lisans Tezi, Mimar Sinan Güzel Sanatlar Üniversitesi Fen Bilimleri Enstitüsü, İstanbul.
- [13] Low, K. H. (2009). Preface: Why biomimetics? Mechanism and Machine Theory, 44, 511-512.
- [14] Maglic, Michael J., (2014) "Biomimicry: Using Nature as a Model for Design" .Masters Theses 191, University of Massachusetts Amherst, USA..
- [15] McGregor, S., L., T., (2013). "Transdisciplinarity and Biomimicry", Transdisciplinary Journal of Engineering and Science, 4: 57-65.
- [16] McLester, J., St. Pierre, P., (2008). Applied biomechanics: concepts and connections. Thompson, Wadsworth, Belmont, CA
- [17] Pawlyn, M. (2016). Biomimicry in Architecture. RIBA, London, UK.
- [18] Reed, E. J., Klumb, L., Koobatian, M., & Viney, C. (2009). Biomimicry as a Route to New Materials: What kinds of Lessons are Useful? Philosophical Transactions Royal Society, 367, 1571-1585.
- [19] Salingeros, N., & Masden, K. (2008). Neuroscience, the natural environment, and building design. Biophilic Design: The Theory, Science and Practice of Bringing Buildings to Life. New York: John Wiley, 59-83.
- [20] Senosian, J., (2003). Bio-Architecture, Oxford, Amsterdam
- [21] Winter, D.A. (2009) Biomechanics and Motor Control of Human Movement. 4th Edition, John Wiley & Sons, Hoboken.
- [22] Yılmaz, S. (2017). Investigation of 5-year-old preschool children's biophilia and children's and their mothers' outdoor setting preferences. Middle East Technical University, Ankara, Turkey.
- [23] Chiu, I., Shu, L.H., 2007, Biomimetic Design through Natural Language Analysis to Facilitate Cross-Domain Information Retrieval, Artificial Intelligence for Engineering Design, Analysis and Manufacturing, 21/1:45-59.
- [24] Zari, M. P. 2007. Biomimetic Approaches to Architectural Design for Increased Sustainability. Paper presented at the Toronto Sustainable Building Conference 07. Toronto, Canada.

[25] Zari, M. P. 2010. "Biomimetic Design for Climate Change Adaptation and Mitigation." *Architectural Science Review* 53 (2): 172–183.

[26] Zari, M.P. (2018). *Biomimetic Approaches To Architectural Design For Increased Sustainability*.

Establishment of a Subsidiary European Company

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Abstract

One of the four exhaustively formulated legal means for the emergence of a European company, Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (Societies Europaea –SE) is the constitution of a Subsidiary European company. Compared to the other legal models for establishing this new organizational form for business association in the company typology within the European Union, the establishment of this particular entity possesses its own specific characteristics. The regulatory framework for the establishment of a Subsidiary European company is of a hybrid legal type. On the one hand, it takes account of the Community Act Regulation. However, in a number of cases the Community Act refers to the national law of the Member State where the company has its registered office under its constitution within the Union, and where its head office is located. The article discusses the legal prerequisites and the individual components of the procedure for the establishment of a Subsidiary European company.

Keywords: Subsidiary European company, European company, Societies Europaea –SE, participation of workers and employees in the business activities of European companies, informing and consulting the workers and employees

Introduction

Council Regulation (EC) N^o 2157/2001 of 8 October 2001 on the Statute for a European company (Societies European - SE)¹ [hereinafter Regulation (EC) N^o 2157/2001] establishes the legal mechanism for the creation of a European company [hereinafter SE] in a special Part Three entitled "Formation" comprising Articles 15-38 each with a number of paragraphs. The structural relation of the Regulation compared to the legal framework of the other components of the SE legal status is much more detailed and exhaustive.

The Community act imperatively establishes the rules for the establishment of the European Company (hereinafter referred to as the "ES"). It expressly states that 'subject to this Regulation the formation of an SE shall be governed by the law applicable to public limited-liability companies in the Member State in which the ES has its registered office. The Regulation thus establishes the primacy of its provisions over the national shareholder legislation of the individual countries. This is a new form of manifestation of the hierarchical

¹ OJ L 294, 10.11.2001, p. 1–21.B

structure of the sources of the legal framework of SE enshrined in Art. 9, para. 1¹. The defined regulatory framework is in line with the characteristics of the Regulation as a legal act of the Union that has general application. It is binding in its entirety and is also directly applicable in all Member States (Article 288 TFEU (former Article 249 TEC)). The Community imperative provision in question eliminates the possibility for national legislation to derogate from some of the established ways for creating an SE and to formulate new ones, taking into account the economic, demographic, historical, geopolitical and other specific characteristics of the respective country.

Methodology

In this research general and specific methods are used. The logical method of comparison and juxtaposition of the legal provisions concerning the matter in view are applied involving both induction and deduction. A historical and a systematic approach to the studied fragments of the establishment process and the functioning of the European subsidiary are combined. The comparative legal method is particularly extensively used in outlining the regulatory framework in the Member states of the European Union. This allows for further harmonization of the existing regulatory packages in these countries and raising the role of European subsidiaries in the sustainable competitive and intellectual development of the Community economic environment.

On the basis of the documentary method an analysis of the relevant provisions contained in the Regulations and Directives of the European Union, the national legislation and the jurisprudence of the European Union in the considered field that are related to the objectives of the research is conducted

Legal identity of the subsidiary European company (results of the analysis)

The Regulation exhaustively specifies the ways in which ES emerges:

- a) merger of joint stock companies into ES;
- b) establishment of a European parent company;
- c) formation of a European subsidiary; and
- d) transformation of an existing joint stock company into an ES.

By defining these four ways the possibility of the emergence of a new SE in a different way is excluded. Each of these methods has its own legal identity.

It is noteworthy that the Bulgarian lawmaker has excluded from the catalogue three of the imperatively regulated methods in the Regulation of the ways to establish an SE based in our country. These are: the establishment of a European parent company; the formation of a European subsidiary, and the transformation of an existing joint stock company into an ES.

¹ Draganov, J. European Union law, Sofia, UNWE, 2012, 288 p. (Драганов, Ж., Право на Европейския съюз, София, УНСС, 2012, 288 с.); Tormanov, Z. Sole entrepreneur, Sofia, Sibi, 2006, 544 p. (Торманов, З. Едноличен търговец, София, Сиби, 2006, 544 с.); Grozdanov, A. International commercial law. Short course. VFU, 2014 (Грозданов, А. Международно търговско право. Кратък курс. ВСУ, 2014).

I believe that this is a significant lapse in our legislation. However, this shortcoming has no serious legal consequences and does not hinder the establishment and functioning of SE in our country. Regulation (EC) (2157/2001 exhaustively regulates the nomenclature of methods for the emergence of SE in the Member States. It is an act of general application which is binding and directly applicable in all Member States (Article 288 TFEU¹, ex Article 249 TEC²). Therefore, regardless of the absence of the other three ways of establishing an SE in the Bulgarian legal system, they can be used to create ES. Along with this, it should be pointed out that according to Art. 5, para. 4 of the Constitution, the international treaties ratified in accordance with the constitutional order that promulgated and entered into force for the Republic of Bulgaria, are part of the country's domestic law. They have an advantage over those norms of domestic law that contradict them. The Treaty of Accession of the Republic of Bulgaria and Romania to the European Union³ meets all constitutionally established requirements. As a result, the Regulation as an Act of the Union takes precedence over the Commerce Act. Therefore, all the ways formulated by the Community act for the establishment of SE in Bulgaria will have legal effect on the territory of our country.

The possibility of setting up an SE in the ways set out in the Regulation, has found a *mutatis mutandis* expression in the current bylaws. Ordinance № 1 of 14 February 2007 on keeping, storing and accessing the Commercial Register and the Register of non-profit organizations⁴ issued by the Minister of Justice is a valid normative administrative act. The Ordinance is formulated by the central body of the executive power within its competence. It is in compliance with the established form, the administrative procedural rules are observed, and it corresponds to the purpose of the Regulation and to the law. Art. 33k para. 1 designates the necessary documents for the circumstances subject to entry at the establishment of an SE by merger/ acquisition; para. 2 - upon the establishment of a European parent company; para. 3 - upon the establishment of a European subsidiary, and para. 4 - upon the transformation of a joint-stock company into an ES. This approach is even more clearly expressed in the template of the Application for the entry circumstances concerning a European company in form A 12 attached to the Ordinance. In item 70 it requires the applicant to indicate the manner of creation of the SE according to the relevant provisions of the Regulation:

by acquisition under Art. 2, para. 1 and Art. 17 to Art. 31;

by merger under Art. 2, para. 1 and Art. 17 to Art. 31;

by establishing a European parent company under Art. 2, para. 2 and Art. 32 to Art. 34;

by establishing a European subsidiary under Art. 2, para. 3 and Art. 35 and Art. 36 and

by transforming an existing joint stock company into a European company under Art. 2, para. 4 and Art. 37.

Three European companies have been established in our country: one through the establishment of a European parent company and two European companies through the

¹ Treaty on the Functioning of the European Union, *OJ C 326, 26.10.2012, p. 47-390.*

² Treaty on European Union, *OJ C 326, 26.10.2012, p. 13-390.*

³ In force as of January 1, 200, State Gazette of the Republic of Bulgaria (hereinafter SG) № 103 and 105 of 20 December 2006, last amend. SG, № 17 of 28 February 2012.

⁴ SG, № 18 of 27 February 2007, last. ed. and ext. SG, № 23 of 14 March 2020. As of January 1, 2018, the said by-law shall give rise to legal consequences under a new title - Ordinance № 1 of February 14, 2007 on keeping, storing and access to the Commercial register and the register of non-profit organizations, SG, № 77 of 26 September 2017.

transformation of existing joint stock companies. Unlike in other Member States, there is currently no European subsidiary registered in this country.

Regulation (EC) № 2157/2001 in the mandatory catalogue of the methods for creation of a European company provides for the possibility of setting up a European subsidiary. Compared to the other models for the emergence of ES¹, this method has its own specifics². A wide range of legal entities can participate in the process of establishing a subsidiary ES. It includes companies under Art. 54, para. 2 of the Treaty on the Functioning of the European Union. The regulation refers to Art. 48, para. 2 of the Treaty establishing the European Community. After the Lisbon Treaty this provision takes a new numbering in the TFEU. It therefore refers to "companies established in accordance with Civil or Commercial law, including cooperatives and other legal entities governed by Public or Private law, with the exception of non-profit institutions". This wide range of possible founders covers practically all corporate entities, except the non-profit legal entities. These should be established under the right of a Member State and under their Constitutional Act shall have their registered office³ and headquarters in the territory of the European Union. This is a significant difference compared to the other ways of establishing a SE. A European company can be created by a merger through the acquisition or creation of a new company from existing joint stock companies only. The legal situation is different when establishing a parent SE, which can be created only by functioning joint stock companies and limited liability companies⁴.

¹ The establishment of a subsidiary SE in different Member States is as follows: Austria - Gründung einer Tochter-SE; Belgium - Constitution d'une SE/filial; Bulgaria - Учредяване на дъщерно Европейско дружество; Croatia - Osnivanje društva kćeri u obliku SE; Cyprus - Σύσταση θυγατρικής SE; Czech Republic - Založení dceřiné SE; Denmark - Stiftelse af et SE-datterselskab; Estonia - Tütar-SE moodustamine; Finland - Tytäryhtiö-SE:n perustaminen; France - Constitution d'une SE/filial; Germany - Gründung einer Tochter-SE; Greece - Μετατροπή ανώνυμης εταιρίας σε SE; Hungary - SE leányvállalat alapítása; Ireland - Formation of a subsidiary SE; Italy - Costituzione di una SE affiliate; Latvia - SE meitas uzņēmuma dibināšana; Lithuania - Dukterinės SE steigimas; Luxemburg - Constitution d'une SE/filial; Malta - Formazzjoni ta' sussidjarja SE; Netherlands - Oprichting van een dochter-SE; Poland - Powstanie spółki zależnej SE; Portugal - Constituição de uma SE «filial»; Romania - Constituirea unei filiale a SE; Slovakia - Založenie dcérskej SE; Slovenia - Ustanovitev hčerinske SE; Spain - Tytäryhtiö-SE:n perustaminen; Sweden - Bildande av ett SE-dotterbolag.

² Cathiard, C. La Société Européenne – Aspects de droit comparé, Droit et patrimoine, 125, avril 2004; Fouassier, Ch. Le statut de la société européenne: Un nouvel instrument juridique au service des entreprises. Revue du Marché Commun et de l'Union européenne 2001, n° 445. Grundmann, S. Europäisches Gesellschaftsrecht: eine systematische Darstellung unter Einbeziehung des europäischen Kapitalmarktrechts, Heidelberg (C. F. Müller), 2014.

³ Vodenicharova, K. Headquarters of the company, Commerce and Competition Act, Sofia, 2010, vol. 8, pp. 5 – 11 (Воденичарова, К. Седалище на търговското дружество, Търговско и конкурентно право, София, 2010, кн. 8, стр. 5 – 11); Vodenicharova K. Systems for linking companies and their impact on their mobility in the European Union. Annual Scientific Conference 2014 "Problems of Legislation and Law Enforcement Related to Business Development in the Republic of Bulgaria and Europe". Sofia, Publishing Complex of the University of National and World Economy, 2015, pp. 194-204 (Воденичарова К. Системи за привръзка на дружествата и влиянието им върху тяхната мобилност в Европейския съюз. Годишна научна конференция 2014 „Проблеми на законодателството и правоприлагането свързани с развитието на бизнеса в Република България и Европа“. С., Издателски комплекс на Университета за национално и световно стопанство, 2015 с., 194-204.)

⁴ Rickford, J. The European Company: Developing a Community Law of Corporations: Collected Papers from the Leiden University Unilever Programme, 2013, 154 p.; Geens, K., Klaus J. Hopt. The European Company Law Action Plan Revisited. Leuven University Press, 2010. p. 376; Gubin, E.P., P.G. Lakhno. (Eds.). Enterprise Law of the Russian Federation. Moscow: Norma Publisher. 2018, p. 993 (Губин,Е.П., Лакно, П.Г. – отв. редакторы, Предприемателское право Российской Федерации. Москва, Издательство. Норма, 2018, 993 с.). Judgment of the Court (Second Chamber) of 21 June 2017. N. W and Others v Sanofi Pasteur MSD SNC and Others. Request for a preliminary ruling from the Cour de cassation (France). Case C-621/15., T-109/02, T-118/02, T-122/02, T-125/02, T-126/02, T-128/02, T-129/02, T-132/02, T-136/02, EU:T:2007:115, т. 132

It is necessary that either each of at least two of the companies be governed by the law of a different Member State, or, have had a subsidiary governed by the law of another Member State, or a branch located in another country of the European Union for at least two years¹.

The European subsidiary is one of the effective legal instruments for exercising the right of association².

The Regulation does not provide a legal definition of a "European subsidiary" (Subsidiary SE, SE filial, Gründung einer Tochter - SE). The establishment procedure is simplified and facilitated for its implementation. Compared to other ways of creating European companies is less formal.

The Community act states that companies and other legal entities participating in the establishment of a subsidiary operation are subject to the provisions governing their participation in the formation of a subsidiary under their national law (Article 36)³. In this connection, the Commercial Law stipulates that a subsidiary should operate in another Member State and its legal status will be regulated by the legislation of that country (Article 273, para. 3). In this respect, the "Rule of law" principle should be strictly observed⁴.

Based on these regulations, the regime for a subsidiary SE with its registered office in Bulgaria is determined by the Commerce Act⁵. It indicates that a subsidiary is one in which the parent company directly or indirectly owns or indirectly controls at least 25 per cent of the shares or units or may appoint directly or indirectly more than half of the members of the management board (Art. 277, para. 3 of the Commerce Act). This percentage is not large and therefore cannot have a decisive influence on the decisions of the General Meeting. Through it, however, the parent company can influence to some extent its sustainable development in a competitive business environment and receive comprehensive information about its activities⁶.

¹ Menjucq, M. La société européenne. *Revue des sociétés*, 2017, № 4; Wymeersch, E. Cross-Border Transfer of the Seat of a Company – Recent EU Case Law and the SE Regulation. – In: *The European Company: developing a Community Law of Corporations: collected papers from the Leiden University Unilever Programme*, 2002.

² Чернева, В. The institutional essence of law as a manifestation of the limits of legal knowledge. – In: *Law and Limits*. Sofia, 2018, University Publishing House "St. Kliment Ohridski", pp. 46-53; Чернева, В. The Pilot-Judgment Procedure of the European Court of Human Rights – Bulgarian Experience. In: Dei, M. (Ed.). *Human Rights: Theory and practice*. Collection of scientific papers. London: Iashe, 2017, pp. 65-78 (Чернева, В. Институционалната същност на правото като проявление на границите на правното познание. – В: *Право и граници*. С., 2018, УИ"Св. Климент Охридски", с. 46-53).

³ Vodenicharov, A. *European Company*, Sofia, Siela, 2018, 448 p. (Воденичаров, А., *Европейско дружество*, София, Сиела, 2018, 448 с.); Vodenicharov, A. *European Cooperative Society*, Sofia, Siela, 2019, 388 p. (Воденичаров, А., *Европейско кооперативно дружество*, София, Сиела, 2019, 388 с.). Grozdanov, A. *European Economic Interest Grouping*. In: *Notifications of Union of scientists-Varna. Series "Humanities science"*, 1 2008, pp. 83-85. (Грозданов, А. *Европейското обединение по икономически интереси*, В: *Известия на Съюза на учените - Варна. Серия „Хуманитарни науки“*, 2008 г., No 1, стр. 83-85.).

⁴ Neykova, M. *Basic democratic principles of public administration*. Burgas, BFU, 2014 (Нейкова, М. *Основни демократични принципи на държавното управление*. Бургас, БСУ, 2014); Topchiyska, D., *Rule of Law. Theoretical aspects*. S., "Avangard Prima", 2016, p. 320 (Топчийска, Д., *Върховенство на правото. Теоретични аспекти*. С., Авангард Прима, 2016, с. 320); Topchiyska, D., *Social Justice and the Rule of Law*. In: *Collection "The Law of Law and the Law of Law"*, Sofia: NBU, 2016, pp. 222 - 231.

⁵ SG. No. 48 of June 18, 1991, last. ed. and ext. SG. No. 83 of 22 October 2019.

⁶ Judgment of the Court (Second Chamber) of 21 June 2017. *N. W and Others v Sanofi Pasteur MSD SNC and Others*. Request for a preliminary ruling from the Cour de cassation (France). Case C-621/15., T-109/02, T-118/02, T-122/02, T-125/02, T-126/02, T-128/02, T-129/02, T-132/02, T-136/02, EU:T:2007:115, т. 132.

Council Directive 2011/96 / EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries in different Member States¹ defines "parent company" stating that it is a company from a Member State with a minimum of 10% of the capital of a company from another Member State where the latter meets the same conditions as the company from the Member State which participates with a minimum of 10% in the capital of a company from the same Member State. Such participation shall be wholly or partly held by the place of business of the first company situated in another Member State. A "subsidiary" is defined as a company whose capital includes the above mentioned participation. A subsidiary shall operate in another Member State and its legal status shall be regulated by the legislation of that country (Article 273, para. 3 of the CL).

A necessary precondition for the emergence of a subsidiary SE is that the founders subscribe for its shares. This is a mandatory condition, which means that if the subsidiary is by form a joint stock company, it is inadmissible for the entities participating in its establishment not to have the status of its shareholders.

The group of possible founders of a subsidiary includes *mutatis mutandis* the existing European companies. That is why they can set up a European subsidiary themselves. This hypothesis is explicitly regulated in Art. 31 para. 2, stating that the SE itself may establish one or more subsidiaries in the form of European companies. As the owner of the capital is the parent SE company, then the established subsidiary will be a sole European joint stock company. In this way, the founding SE becomes a parent SE. In all cases, the latter is imperatively obliged to have a legal organizational form of a capital trading company in the form of a joint stock company, a limited partnership with shares, or a limited liability company. Under this hypothesis, the parent European structure is created vertically from top to bottom. Initially, an SE is established, later a subsidiary (s) is established and this eventually leads to the establishment of a parent SE company.

When establishing a subsidiary SE from an already existing SE, there will be no requirement for the former to have shareholders from at least two Member States. This is especially evident in the case of a sole proprietorship subsidiary SE, whose capital belongs entirely to the already established SE.

It is particularly important that the provisions of the national law of the Member State in which the subsidiary is established set out in its Constituent Act, which require public limited-liability companies to have more than one shareholder, do not apply in the case of a SE subsidiary.

The European legislator has found a suitable solution in view of the identity of the number of holders of assets of sole proprietorship European subsidiaries and sole proprietorship companies with limited liability. It is explicitly emphasized that the legislation of the Member States transposing Directive 2009/102 / EC of the European Parliament and of the European Council of 16 September 2009 in the field of Company Law concerning sole proprietorships with limited liability² also applies to European companies *mutatis mutandis*. The Regulation

¹ Official Journal of the European Union, L 345, 29.12.2011, pp. 8-16. The Directive has been transposed into Bulgarian legislation with an amendment to the Corporate Income Tax Act. SG, No. 40 of 29 May 2012.

² Directive 2009/102/EC of the European Parliament and of the Council of 16 September 2009 in the area of company law on single-member private limited liability companies (Text with EEA relevance), OJ L 258, 1.10.2009, p. 20-25.

refers to the Council Directive in the field of Company law of 21 December 1989 on sole proprietorships with limited liability (86/667 / EEC)¹, which was in force at the time of its adoption². It has been substantially changed many times. In the interests of clarity and rationality, it has been codified by the said Directive.

The entity of a subsidiary is established in the regulatory area and the business practice in our country. A number of provisions regulate its legal position in various spheres of public life. The detailed regulatory framework of European subsidiaries is available in the Law on Information and Consultation of Employees in multinational enterprises, groups of enterprises and European companies³. Thirty-four provisions regulate the status of a European subsidiary with a view to the participation of employees in its management. It is stated that when the management bodies of the participating companies draw up a plan for the establishment of a European company and its European subsidiaries, immediately after the announcement of the merger, the acquisition plan, the creation of a holding company, or after the coordination of a plan for setting up a subsidiary or for a transformation of a company into a European one, the management body of the company or the companies operating in the territory of the Republic of Bulgaria and participating in the establishment of a European company shall provide to the managements of the trade unions in the enterprise and to the representatives of the employees information according to Art. 7, para. 2 of the Labor Code about the participating companies, the subsidiaries or branches and the number of the employees in them in order to establish a special body for negotiations.

Where the outcome of the negotiations results in a reduction of the rights to participate, the required majority shall be two-thirds of the members of the special negotiating body, representing at least two-thirds of the employees, including the votes of the members representing the employees in at least two Member States, where the European company is established by setting up a parent company or a subsidiary, if the participation covers at least 50 per cent of the total number of employees in the participating companies. There are a number of other provisions in the field of the regulated matter.

The entity of the subsidiary is subject to legal regulation in a number of laws and regulations, such as the Public Offering of Securities Act⁴; The Law on the Activity of Collective Investment Schemes and Other Collective Investment Enterprises⁵; The Civil Aviation Act⁶; The Markets in Financial Instruments Act⁷; Law on Rehabilitation and Restructuring of Credit Institutions and Investment Intermediaries⁸, etc. They are also applicable to European subsidiaries registered in the Republic of Bulgaria.

Conclusion

The subsidiary European company has taken its significant place in the process of expanding and enriching the institutionalized European business partnership. It contributes to the

¹ Twelfth Council Company Law Directive 89/667/EEC of 21 December 1989 on single-member private limited – liability companies. No longer in force. OJ L 395, 30.12.1989 r. p. 40–42.

² The Directive has been transposed into Bulgarian legislation by the Law on Amendments to the Commerce Act. SG, No. 66, August 12, 2005.

³ SG. No. 57 of July 14, 2006, last ed. and ext. SG No. 93 of November 21, 2017.

⁴ SG. No. 114 of December 30, 1999, last. ed. SG. No. 44 of 13 May 2020.

⁵ SG. No. 77 of October 4, 2011, last ext. SG. No. 26 of March 22, 2020.

⁶ SG. No. 94 of December 1, 1972, last. ed. SG. No. 62 of August 6, 2019.

⁷ SG. No. 15 of 16 February 2018, last ext. SG. No. 26 of March 22, 2020.

⁸ SG. No. 62 of August 14, 2015, as amended and ext. SG. No. 37 of May 7, 2019.

sustainable and intelligent economic development of the European Union's economic segment, to enriching the diversity of its organizational structures, and to speeding up the integration processes between the Member States and the full completion of the internal Community market. They contribute to achieving optimal economic, technological, social and organizational outcomes. The rationalization of the legal regulatory framework for the formation of European subsidiaries is an effective legal instrument for their expansion on a Community and a national level.

References

- [1] Cathiard, C. La Société Européenne – Aspects de droit comparé, Droit et patrimoine, 125, avril 2004
- [2] Cherneva, B. The institutional essence of law as a manifestation of the limits of legal knowledge. - In: познание. – В: Право и граници. С., 2018, УИ"Св. Климент Охридски", с. 46-53).
- [3] Directive 2009/102/EC of the European Parliament and of the Council of 16 September 2009 in the area of company law on single-member private limited liability companies (Text with EEA relevance), OJ L 258, 1.10.2009, p. 20–25.
- [4] Draganov, J. European Union law, Sofia, UNWE, 2012, 288 p. (Драганов, Ж., Право на Европейския съюз, София, УНСС, 2012, 288 с.); Tormanov, Z. Sole entrepreneur, Sofia, Sibi, 2006, 544 p. (Торманов, З. Едноличен търговец, София, Сиби, 2006, 544 с.); Grozdanov, A. International commercial law. Short course. VFU, 2014 (Грозданов, А. Международно търговско право. Кратък курс. ВСУ, 2014).
- [5] Menjucq, M. La société européenne. Revue des sociétés, 2017, № 4; Wymeersch, E. Cross-Border Transfer of the Seat of a Company – Recent EU Case Law and the SE Regulation. – In: The European Company: developing a Community Law of Corporations: collected papers from the Leiden University Unilever Programme, 2002.
- [6] Neykova, M. Basic democratic principles of public administration. Burgas, BFU, 2014 (Нейкова, М. Основни демократични принципи на държавното управление. Бургас, БСУ, 2014);
- [7] Official Journal of the European Union, L 345, 29.12.2011, pp. 8-16. The Directive has been transposed into Bulgarian legislation with an amendment to the Corporate Income Tax Act. SG, No. 40 of 29 May 2012.
- [8] Rickford, J. The European Company: Developing a Community Law of Corporations: Collected Papers from the Leiden University Unilever Programme, 2013, 154 p.; Geens, K., Klaus J. Hopt.
- [9] SG. No. 94 of December 1, 1972, last. ed. SG. No. 62 of August 6, 2019.
- [10] The Directive has been transposed into Bulgarian legislation by the Law on Amendments to the Commerce Act. SG, No. 66, August 12, 2005.
- [11] The establishment of a subsidiary SE in different Member States is as follows:
Austria - Gründung einer Tochter-SE;

- [12] Treaty on European Union, OJ C 326, 26.10.2012, p. 13–390.
- [13] Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390.
- [14] Twelfth Council Company Law Directive 89/667/EEC of 21 December 1989 on single-member private limited – liability companies. No longer in force. OJ L 395, 30.12.1989 г. p. 40–42.
- [15] Vodenicharov, A. European Company, Sofia, Siela, 2018, 448 p. (Воденичаров, А., Европейско дружество, София, Сиела, 2018, 448 с.);
- [16] Vodenicharova, K. Headquarters of the company, Commerce and Competition Act, Sofia, 2010, vol. 8, pp. 5 – 11

Underlying Trends and Seasonality in Kosova Gasoline Demand: A Time-Series Analysis

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Abstract

This paper analyzes the demand for fuels in Kosovo automotive sector, using the data to estimate price and income elasticities for all the available fuels in the automotive sector: gasoline, automotive gas oil distributed among months of the year. These estimates can be very useful in predicting the overall impacts of price policies designed to reduce fuel consumption and to address concerns of carbon emissions or energy security. The paper aimed at estimating the price and income elasticities of automotive fuels demand in Kosovo. The analysis of the expenditure allocation process among the gasoline, Gas oil and LPG was carried out through the estimation of a linear approximation of an ECM model. This model is very convenient due to its ability to fulfill much of the desired theoretical properties of demand, being at the same time parsimonious regarding the number of parameters. Furthermore, the equations to be derived from ECM are linear in parameter, which allows the use of econometric methods widely available in terms of testing and estimating procedures. Uncompensated (Marshallian) price and expenditure elasticities were calculated from estimated parameters of the ECM. The results show that all own-price elasticities are negative and statistically significant. The own-price elasticity of LPG is most elastic. Moreover, expenditure elasticities for gasoline and gas oil are positive and significant at the 5 percent significance level; the expenditure elasticity for gasoline is the most elastic. The estimations here produced suggest that LPG is inferior good. Overall this paper tried to improve the understanding of the consumer's behavior and their possibilities and criteria to choose automotive fuel in Kosovo. Empirical results indicate all own-price elasticities are negative and significant at 5% level. The own-price elasticity for gas oil, gasoline and LPG were estimated by about -0.22, -1.01 and -3.58, respectively. The findings also show that gasoline and gas oil are normal goods and LPG being an inferior good.

Keywords: automotive fuel, gasoline, elasticity, ecm model

Introduction

A potential candidate for EU membership, the Republic of Kosovo is a lower-middle-income country with a solid economic growth performance since the end of the war in 1999. It is one of only four countries in Europe that recorded positive growth rates in every year during the crisis period 2008–12, averaging 4.5 percent. The resilience of Kosovo's economy reflects (i) limited international integration into the global economy; (ii) the success of its diaspora in the labor markets of, especially, the German-speaking countries of Central Europe, resulting in a steady

reflux of remittances; (iii) a generally pro-growth composition of the budget, allowing for about 40 percent of public expenditures to be spent on public investments; and (iv) a steady influx of donor support.

In this paper, we estimate the price and income elasticity of demand for automotive fuel in Kosovo. Few previous studies, have attempted to estimate the price and income elasticities for all the available fuels in the automotive sector in the Kosovo. Therefore, we adopted a system of demand approach and included all the fuel. Petroleum product prices are very high in Kosovo. The petroleum infrastructure in Kosovo and access to the market is one explanation.

However, limited supply options imply some lack of market competition and monopoly like status. On top of this petroleum products are given high duties and taxes, which in total constitute about 40% of revenues of the Kosovo budget.

The high excise duties makes petroleum products less competitive compared to e.g. electricity. The consequence is that there exist only low consumer incentives to switch from electricity heating to gas oil, which results in high peak loads for the electricity supply. Therefore, one option is to decrease significantly the excise duties on fuel oil for heating purposes compared to the present taxation level.

Efforts aimed at strengthening domestic productivity—particularly critical in a euroized country—will need to remain the pivotal policy anchor, as Kosovo continues to struggle with high rates of unemployment and poverty. Joblessness in particular - estimated at about 40 percent - remains a central economic-policy challenge. With the difficult labor market conditions affecting youth and women disproportionately, these conditions risk undermining the country's social fabric. Largely reflecting historical legacies, Kosovo remains one of the poorest countries in Europe, with a per-capita gross domestic product (GDP) of about €2,700 and about one-third of the population living below the poverty line - and roughly one-eighth in extreme poverty.

Kosovo declared independence in February 2008, but this step has not been universally

Table 1 Some key macroeconomic indicators

| Series Name | 2000 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|------|------|------|------|------|------|------|------|------|------|
| Population, total (thousands) | 1700 | 1705 | 1719 | 1733 | 1747 | 1761 | 1775 | 1790 | 1807 | 1824 |
| Population growth (annual %) | -4 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Energy use (kg of oil equivalent per capita) | 909 | 1141 | 1144 | 1180 | 1268 | 1382 | 1406 | 1411 | .. | .. |
| GDP (current Million US\$) | 1849 | 3743 | 3918 | 4694 | 5687 | 5653 | 5830 | 6692 | 6499 | 7071 |
| GDP growth (annual %) | .. | 6 | 6 | 4 | 4 | 3 | 4 | 3 | 3 | 3 |
| Inflation, GDP deflator (annual %) | .. | -3 | -2 | 5 | 9 | 1 | 4 | 6 | 2 | 2 |
| Exports of goods and services (% of GDP) | .. | .. | 14 | 16 | 16 | 17 | 20 | 20 | 18 | 17 |
| Imports of goods and services (% of GDP) | .. | .. | 51 | 52 | 54 | 52 | 56 | 57 | 52 | 49 |
| Gross capital formation (% of GDP) | .. | 28 | 26 | 25 | 31 | 31 | 33 | 34 | 29 | 28 |

| | | | | | | | | | | |
|--|----|-----|-----|-----|------|------|-----|------|------|------|
| Personal remittances, received (current Million US\$) | .. | 701 | 770 | 918 | 1042 | 1055 | 996 | 1121 | 1059 | 1121 |
| Net official development assistance and official aid received (current million US\$) | .. | .. | .. | .. | .. | 782 | 619 | 657 | 5676 | 533 |
| Fossil fuel energy consumption (% of total) | 84 | 87 | 87 | 88 | 88 | 88 | 88 | 89 | .. | .. |

Source: World Development Indicators, The World Bank 2015

supported. By early 2013, 98 of a total 193 UN member states (51 percent) have recognized Kosovo’s independence, including 22 EU member states. The unresolved status issue remains a key obstacle to attaining the country’s overarching objectives of political integration and socio- economic development. In mid-2009, Kosovo joined the International Monetary Fund (IMF) and the World Bank Group and, 3.5 years later it joined as a full member the European Bank for Reconstruction and Development (EBRD). Kosovo’s candidacy for EU membership was given a perspective, following the European Commission’s Feasibility Study in October 2012, according to which there were no legal obstacles that would prevent the EU from opening negotiations for a Stabilization and Association Agreement with the EU.

Economic development during the 2000-2013 period was characterized by a small economic increase compared to the fairly low base at the commencement of the transition, as a generally unsustainable macroeconomic indicator, which may be observed from the table provided below. In table 1 are represented some key macroeconomic indicators from Kosovo Republic, available from the World Bank Database. We notice that the weight of Remittances is so important in the overall GDP, round 15%.



Figure 1 Map of Kosovo

The potential of natural resources of Kosova represents a good basis for its development in the future, however it is not being used to the extent required due to lack of investments. Due to its climate, good tradition that exists as well as diversity, from orchards, vegetables to wheat, this sector has been determined as one of the sectors of the highest priority. Kosova is known for the production of wheat, cabbages, potatoes, fruits, wines, mushrooms, tobacco etc. However, the agriculture of Kosova is characterized by small farms as well as low production capabilities.

Literature Review

The demand of automotive fuel in the transport sector has always been a challenge to energy analysts, especially for long term energy policy. With growing energy and fuel consumption, the dependency on these scarce resources has become striking, as oil crises in the past and recent oil price developments indicate. In addition, environmental externalities caused by rising fuel consumption, such as emissions of carbon dioxide, nitric oxides, and carcinogenic airborne fine particulates from engines are becoming a major concern. Understanding the sensitivity of fuel demand to changes in prices and income has important implications for policies related to climate change, optimal taxation and national security, hence, policy-makers have an interest in how expected increases in income and fuel prices would affect fuel consumption and automobile use over time (Pock, 2009). In fact combustion of fuels in automobiles especially gasoline and volume of emissions generated by motor vehicles are amongst the most controversial issues faced by most governments and poses some of the most pressing policy concerns of the early twenty-first century.

For evaluation of price policies to control fuel consumption, one of the most critical considerations is the responsiveness of total fuel consumption to changes in fuel price. These are characterized by the price elasticity of demand for fuel and the income elasticity of fuel.

There is a vast literature on estimating price and income elasticities of automotive fuels demand (especially gasoline) at around the world; for instance, Samimi (1995) has identified cointegrating relationship between road transport energy demand and other macro-economic variables in Australia, he found that the output and price elasticities of energy demand in long-run are receptively (0.52) and (-0.12), Ramanathan (1999) uses the ECM to estimate elasticities in India and concludes relatively high long and short run elasticities of income (1.12 and 2.68 respectively) while price elasticities are estimated at -0.32 in the long-run and -0.21 in the short-run, Graham and Glaister (2002) argue that, in general, short run price elasticities lie between -0.2 and -0.3, whilst long run price elasticities tend to be between -0.6 and -0.8 Income elasticities in the short run are in the range 0.35–0.55, whilst long run income elasticities are typically greater than one, between 1.1 and 1.3. Nicol (2003) gasoline demand for the two countries: Canada and America. Cheung and Thomson (2004), gasoline demand For china, Akinboade and Kumo (2008) applied the Autoregressive Distributed Lag (ARDL) bounds testing approach to cointegration to analyze the gasoline demand for South Africa. They analyzed the long run relationship between the variables in the gasoline demand function over the period 1978-2005.

Dahl and Sterner (1991) have reviewed 97 studies on gasoline demand, the most recent one published in 1988. Despite using different estimation methods, all of the studies have estimated real price and real income as explanatory variables. Due to the vastly various models in the studies, they broke the models into ten "distinct

groups" which show nearly unique results. They claim that gasoline demand is mostly inelastic with respect to price and income. Moreover, they argue that correlating the first model with the second models of the ten groups resulted in intermediate run elasticities. There are more recent reviews like this survey. Espey (1998) has surveyed 101 studies on gasoline demand, made within 1966-1997 with data period from 1929 to 1993. According to the survey, functional forms and countries are very different but all of them use real price and real income as explanatory variables. Due to the vast range of elasticities in the previous studies, he classified the short run and long run estimates into several groups. Likewise, Dahl (2012) has classified the gasoline demand price and income elasticities of the previous studies with static models into many groups.

Baranzini and Weber (2013) have estimated the price and income elasticities of gasoline demand in Switzerland, employing cointegrating equation and Error Correction Model (ECM). They showed that it is inelastic with respect to both price and income, over the short run and long run.

The adjustment velocity is low, at -0.27 , meaning a slow rate of adjustment to the long run equilibrium. Wadud et al. (2009) have obtained the elasticities in USA with cointegration technique. They are inelastic too, just like the last study.

Sene (2012), Akinboade et al. (2008), and Ramanathan (1999) concentrated on some developing countries. Sene (2012) has estimated short run and long run price and income elasticities in Senegal, using log linear model. He found that the gasoline demand is inelastic because oil products do not have close substitutes. Akinboade et al. (2008) estimated price and income elasticities of gasoline demand with Autoregressive Distributed Lag Model (ARDL) in South Africa. They showed that the gasoline demand is inelastic in the countries. Ramanathan (1999) has employed cointegrating equation and Error Correction Model (ECM) to estimate the elasticities of gasoline demand in India through two intervals, short run and long run, as well as the adjustment velocity. Although the estimated gasoline demand is income elastic, it is price inelastic in both the spans. The adjustment velocity is low, at 28%, around that of Baranzini and Weber (2013). Eltony and Al-Mutairi (1995) have argued that gasoline demand is price and income inelastic in Kuwait, as a developing and oil producing country.

Data

Time-series data for the consumption of automotive fuels in Kosovo are not abundant in supply. This paper has used the annual data collected by the Kosovo Agency of Statistics. Table 1 shows the main descriptive statistics of the main series used in this analysis, namely, the natural log of the prices and the consumption share gasoline, gasoil and LPG. The study covers the period 2000 to 2014.

Upon inspection of the budget share estimates, it is apparent that the typical Kosovan consumer allocates a higher percentage of its Fuel expenditures (with nearly 85% being distributed to gasoline) to gasoline, gasoil, and LPG and a lower percentage to LPG.

Table 2. Estimated elasticities through the intervals, using the static and dynamic models in brief.

| Variable | Natural log of the price Gasoline | Natural log of the price Gasoil | Natural log of the price LPG | Expenditure-share Gasoline | Expenditure-share Gas oil | Expenditure-share LPG |
|-----------|-----------------------------------|---------------------------------|------------------------------|----------------------------|---------------------------|-----------------------|
| Mean | 6.475 | 4.989 | 4.091 | 0.846 | 0.153 | 0.001 |
| Median | 6.523 | 5.058 | 4.119 | 0.838 | 0.160 | 0.001 |
| Maximum | 6.697 | 5.263 | 4.595 | 0.911 | 0.204 | 0.002 |
| Minimum | 6.084 | 4.466 | 3.434 | 0.795 | 0.088 | 0.000 |
| Std. Dev. | 0.198 | 0.261 | 0.336 | 0.043 | 0.043 | 0.000 |

Table 3. Cumulative Responses

Period after Crude Oil Price Shock (Weeks 2014)

| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Symmetry | 0.046 | 0.318 | 0.432 | 0.494 | 0.520 | 0.554 | 0.565 | 0.666 | 0.661 | 0.689 | 0.674 | 0.666 | 0.659 |
| Positive | 0.083 | 0.341 | 0.361 | 0.440 | 0.436 | 0.442 | 0.413 | 0.488 | 0.569 | 0.600 | 0.590 | 0.591 | 0.607 |
| Negative | 0.019 | 0.241 | 0.453 | 0.498 | 0.534 | 0.591 | 0.630 | 0.762 | 0.680 | 0.708 | 0.704 | 0.701 | 0.685 |

Discussion

Table 2 represents the estimated elasticities through three different intervals, short run, intermediate run, and long run, as well as the adjustment velocity.

Regarding the table, although the short run price elasticity of the dynamic model is, surprisingly, more than that of the intermediate run, the estimates are broadly similar to the previous studies from two perspectives. Firstly, the price elasticities are less than the income elasticities. Secondly, the price elasticities range in the most frequent groups of the classified elasticities by Dahl (2012) and Espey (1998), and the income elasticities in the second most.

Not only the elasticities are low but also the adjustment velocity is slow. While all the signs of the elasticities are consistent with the economic theories, they are less than one in absolute value, meaning inelasticity over the three courses. The adjustment velocity is slow, at -0.19 , implying 19% of the gasoline consumption adjustment occurs during the first year. So disequilibrium lasts more than five years to reach long run equilibrium.

Consequently, the gasoline demand responds to the price and income changes slightly and slowly, relatively the same result as the previous studies.

Conclusions

The gasoline demand responds to price and income changes slightly and slowly in Kosovo during 200-2013.

The gasoline demand is price and income inelastic in all the three intervals which characterizes gasoline as a necessary good with no close substitutes. Not only is the response magnitude of the gasoline consumption to price and income small but also the response speed is slow because the adjustment velocity is low. So price policy reduces the gasoline consumption ineffectively with a long delay. Even more, the price policy may be dominated by income rise in Kosovo as a developing country. Increasing effect of income growth can overtake the decreasing effect of the price policy. The economy of Kosovo, on one hand, is expected to grow because developing economies are less than their potential level. Elasticity of gasoline demand,

on the other hand, is more than the price elasticity. Therefore, other alternatives, besides the price policy, should be developed to reduce the negative consequences of gasoline consumption, for example, supplying more environmentally friendly substitutes, more reliable public transportation systems, and setting higher environmental standards for industries, especially for car factories.

As a future study, estimating the elasticities of these factors can guide the governors and policy makers to pursue the most efficient policies. confirms the existence of a cointegrating relationship and the estimated long run price and income elasticities were, respectively, -0.47 and 0.36, implying that the gasoline demand in South Africa is price and income inelastic. gasoline demand for Fiji, Iooty and others (2009) demand for gasoline, ethanol, CNG and diesel for the country, Brazil. Most studies show that elasticity of gasoline demand suggests that it is necessary goods and also has low price and income elasticity and price elasticity is not significant.

Borenstein *et.al*(2002) concluded the gasoline demand function is inelastic in both in the short term and long term. Another study by Graham (2002) estimated demand for gasoline and diesel in the land transportation sector (roads and railways); they show that gasoline and diesel demand in the land transportation sector with regard to the fuel price variation has a low elasticity. This indicates that fuel demand decreases less than one percent when the fuel price increases one percent. Also fuel income elasticity in the land transportation sector is less than one unit that shows when added value increases one percent, fuel demand increases less than one percent in the country. Also Akhani (1999) estimated demand for transportation fuels in the transportation sector (roads and railways, air ways) using a simple OLS method ,during 1974-1995 , results

indicate very low income and price elasticity for gasoline, but diesel income elasticity is relatively higher. Generally the cited studies suggest that demand is inelastic with respect to price in the short and long run but larger in the long run.

References

- [1] Bachmeier, L. J., & Griffin, J. M. (2003). New Evidence on Asymmetric Gasoline Price Responses. *Review of Economics and Statistics*, 85, 772-776. <http://dx.doi.org/10.1162/003465303322369902>
- [2] Bacon, R. W. (1991). Rockets and Feathers: The Asymmetric Speed of Adjustment of U.K. Retail Gasoline Prices to Cost Changes. *Energy Economics*, 13, 211-218. [http://dx.doi.org/10.1016/0140-9883\(91\)90022-R](http://dx.doi.org/10.1016/0140-9883(91)90022-R)
- [3] Ball, L., & Mankiw, N. G. (1994). Asymmetric Price Adjustments and Economic Fluctuations. *The Economic Journal*, 104, 247-261.
- [4] Bettendorf, L., van der Geest, S. A., & Varkevissier M. (2003). Price Asymmetry in the Dutch Retail Gasoline Market. *Energy Economics*, 25, 669-689. [http://dx.doi.org/10.1016/S0140-9883\(03\)00035-5](http://dx.doi.org/10.1016/S0140-9883(03)00035-5)
- [5] Borenstein, S. (1991). Selling Costs and Switching Cost: Explaining Retail Gasoline Margins. *The RAND Journal of Economics*, 22, 354-369.
- [6] Borenstein, S., & Shepard, A. (1996). Dynamic Pricing in Retail Gasoline Markets. *The RAND Journal of Economics*, 27, 429-451.
- [7] Borenstein, S., & Shepard, A. (2002). Sticky Prices, Inventories, and Market Power in Wholesale Gasoline Markets. *The RAND Journal of Economics*, 33, 116-139.

- [8] Borenstein, S., Cameron, A. C., & Gilbert, R. (1997). Do Gasoline Prices Respond Asymmetrically To Crude Oil Price Changes? *The Quarterly Journal of Economics*, 305-339.
- [9] Damania, R., & Yang, B. Z. (1998). Price Rigidity and Asymmetric Price Adjustment in a Repeated Oligopoly. *Journal of Institutional and Theoretical Economics*, 154, 659-679.
- [10] Engle, R. F., & Granger, C. W. J. (1987). Co-Integration and Error Correction: Representation, Estimation, and Testing. *Econometrica*, 55, 251-276.
- [11] Eltony, M. N. (1998). The Asymmetry of Gasoline Prices: Fresh Evidence from An Error Correction Model for U.K. and U.S.A. *International Journal of Energy Research*, 22, 271-276. [http://dx.doi.org/10.1016/S0140-6701\(98\)80179-3](http://dx.doi.org/10.1016/S0140-6701(98)80179-3)
- [12] Galeotti, M., Lanza, A., & Manera, M. (2003). Rockets and Feathers Revisited: An International Comparison on European Gasoline Markets. *Energy Economics*, 25, 175-190. [http://dx.doi.org/10.1016/S0140-9883\(02\)00102-0](http://dx.doi.org/10.1016/S0140-9883(02)00102-0)
- [13] Godby, R., Lintner, A. M., & Wandschneider, T. S. B. (2000). Testing for Symmetric Pricing in the Canada Retail
- [14] Gasoline Market. *Energy Economics*, 22, 349-368. [http://dx.doi.org/10.1016/S0140-9883\(99\)00030-4](http://dx.doi.org/10.1016/S0140-9883(99)00030-4)
- [15] Granger, C. W. J., & Lee, T. H. (1989). Investigation of Production, Sales and Inventory Relationships Using Multicointegration and Non-Symmetric Error Correction Models. *Journal of Applied Economics*, 4, S145-S159. <http://dx.doi.org/10.1002/jae.3950040508>
- [16] Johnson, R. N. (2002). Search Costs, Lags and Prices at the Pump. *Review of Industrial Organization*, 20, 33-50. Kaufmann, R. K., & Laskowski, C. (2005). Causes for an Asymmetric Relation between the Price of Crude
- [17] Oil and
- [18] Refined Petroleum Products. *Energy Policy*, 33, 1587-1596. <http://dx.doi.org/10.1016/j.enpol.2004.01.013> Kirchgassner, G., & Kubler, K. (1992). Symmetric or Asymmetric Price Adjustment in the Oil Market: An
- [19] Empirical Analysis of the Relations between International and Domestic Prices in the Federal Republic of Germany 1972-1989. *Energy Economics*, 14, 171-185.
- [20] Manning, D. N. (1991). Petrol Prices, Oil Price Rises and Oil Price Falls: Some Evidence for the UK since 1972. *Applied Economics*, 23, 1535-1541.
- [21] Newey, W. K., & West, K. (1987). A Simple Positive Semi-Definite Heteroskedasticity and Autocorrelation Consistent Covariance Matrix. *Econometrica*, 55, 703-708.
- [22] Pindyck, R. S. (1993). The Present Value Model of Rational Commodity Pricing. *Economic Journal*, 103, 511-530.
- [23] Pindyck, R. S. (1994). Inventory and the Short-Run Dynamics of Commodity Prices. *RAND Journal of Economics*, 25, 141-159.
- [24] Radchenko, S. (2005). Oil Price Volatility and the Asymmetric Response of Gasoline Prices to Oil Price and Decreases. *Energy Economics*, 27, 708-730. <http://dx.doi.org/10.1016/j.eneco.2005.06.001>
- [25] Radchenko, S., & Shapiro, D. (2011). Anticipated and Unanticipated Effects of Crude Oil Prices and Inventory Changes on Gasoline Prices. *Energy Economics*, 33, <http://dx.doi.org/10.1016/j.eneco.2011.01.002>
- [26] Reagan, P. B., & Weitzman, M. L. (1982). Asymmetries in Price and Quantity Adjustments by the Competitive *Journal of Economic Theory*, 27, 410-420.

- [27] Reilly, B., & Witt, R. (1998). Petrol Price Asymmetries Revisited. *Energy Economics*, 20, [http://dx.doi.org/10.1016/S0140-9883\(97\)00024-8](http://dx.doi.org/10.1016/S0140-9883(97)00024-8)
- [28] Thurman, W. N. (1988). Speculative Carryover: An Empirical Examination of the U.S. Refined Copper
- [29] *RAND Journal of Economics*, 19, 420-437.

Web pages:

- [1] European Union, General Directorate for Trade:
http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147309.pdf
- [2] The World Bank Group Database: <http://data.worldbank.org/country/kosovo>

Boriding Temperature Effect on Rapid Corrosion of Reinforcing Rebar

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Abstract

The corrosion of steel rebars affects the durability of reinforced concrete (RC) by decreasing the cross-section of the rebar (decreasing its load bearing capacity) and the adherence of the surrounding concrete. When there is a crack in concrete, corrosive species are able to reach directly the steel surface and accordingly the rebars corrosion can be followed more intensively. The durability of RC strongly depends on corrosion of rebars. In the present paper, investigations were carried out to study the corrosion behavior of protected low carbon ribbed reinforcing steel with boron in concrete. The ribbed steel bars were in size of Ø14, and they were coated with boron. The coating process was carried out at 800, 900 and 1000 °C for 2 h and 4 h, respectively. After boriding, the rebars were embedded into the concrete and exposed to rapid corrosion test. Weight loss method was used for estimation the corrosion rate in the current study. The results show that the corrosion rate and cross section loss of protected steel bars decreases when compared to unprotected rebars. According to findings, corrosion beginning time of borided rebars delayed about two times when compared to plain rebar. Boriding process supplies protection against reinforcement corrosion.

Keywords: Boron, coating, corrosion, protection, rebar.

1. Introduction

Surface treatments are an important method used to improve the tribological properties, oxidation and corrosion resistance of engineering materials subjected to aggressive environments and strong wear conditions, which need surfaces with a high hardness and good corrosion resistance. Abrasive and adhesive wear occur in many industrial applications, leading to reduced component durability and performance. Due to its small atomic size, boron can diffuse into a variety of materials, such as ferrous materials, nickel alloys, titanium alloys, copper, and sintered materials. In industry, boriding is generally applied to ferrous alloys to improve their hardness and wear resistance. The diffusion of boron in the crystal lattice of a ferrous alloy leads to the formation of FeB and Fe₂B iron borides depending on process parameters including temperature, time, and the boron potential of the medium. The material alloy composition also plays an important role in the morphology and properties of the boride

layer [1-3]. Corrosion-related maintenance and repairs for reinforced structure cost over \$100 billion per annum in the world. As known, corrosion of steel rebars affects the durability of RC by decreasing the cross-section of the rebar (decreasing its load bearing capacity) and the adherence of the surrounding concrete. The corrosion products of iron have higher volume than the metal so that concrete cracking is caused by their formation. When there is a crack in concrete, corrosive species are able to reach directly the steel surface and accordingly the rebars corrosion can be followed more intensively. The durability of RC strongly depends on corrosion of rebars[4-6]. Many studies on the enhancing of mechanical properties of rebars have been carried out. Ding and Poursae (2017) this investigation aimed to study the passivation and corrosion performance of sandblasted steel in a concrete environment. The surfaces of the steel specimens were modified using sandblasting method for three durations: 5, 10, and 15 min. The specimens were immersed in the chloride-free concrete pore solution for 14 days and then 3% by weight of chloride ions were added to the solution. The specimens were then kept in the chloride-contaminated pore solution for 60 days. Results from the electrochemical tests indicated that the passive layer formed on the surface on all specimens exposed to a simulated concrete pore solution were highly disordered n-type semiconductors. In all specimens, except the 15 min sandblasted ones, the presence of chloride ions decreased the slope of the Mott-Schottky plots and increased the donor density which indicated formation of a thinner passive layer and corrosion. The results of electrochemical experiments on steel rebar exposed to chloride-contaminated pore solution showed significant improvement in corrosion resistance of the sandblasted specimens. This improvement was proportional to the increase in the sandblasting time. Song vd. (2014) this present work focused on investigating the influence of surface nanocrystallization on the surface-microstructure and corrosion resistance of a rebar processed by wire-brushing. A uniform NC layer with thickness of 25 μm and average grain size of 50 nm was formed on the rebar surface. Due to the enhanced passivation performance of the NC layer, corrosion resistance of the SNC rebar was significantly improved in Cl^- -containing saturated $\text{Ca}(\text{OH})_2$ solution. High-energetic crystal defects of the nano-grains leads to the faster passivation and enhanced stability of the passive film of the SNC rebar. From these researches, it was found that the large improvement in surface properties can be achieved by applied surface treatment on engineering materials [7-9].

Boriding is a thermomechanical surface-hardening process, in which boron atoms are diffused into the surface of a workpiece to form borides with the base materials [10]. Thus, the boriding process enhances the corrosion and wear resistance of metallic and non-metallic surfaces covered with boride layers [11]. Thermal diffusion treatments of boron compounds used to form iron borides typically require process temperatures of 700-1000 $^{\circ}\text{C}$ [12]. In this study, the use of boriding coating as alternatively method to protect steel rebars embedded in concrete were investigated experimentally.

2. Experimental Details

2.1. Materials

Reinforcement rebar is made of mild steel, a low carbon steel usually used for structural applications. With too little carbon content ($>0.2\%$) to thoroughly harden, it is weldable, which expands the possible applications. The experiments of this study were performed on ST-IIIa (S 420) ribbed reinforcement steel rebar specimens in size of $\text{Ø}14$. The characteristic properties of rebar were presented in Table 1.

Table 1. Characteristic properties of steel rebars

| Properties | Steel rebar, Ø14 | | |
|-------------------------|------------------|----------------------|-------|
| Area (mm ²) | 153.86 | Tensile fore (N) | 86269 |
| Initial length (mm) | 140 | Yield stress (MPa) | 447 |
| Last length (mm) | 172.06 | Tensile stress (MPa) | 560.7 |
| Yield force (N) | 68775 | Elongation, % | 22.9 |

2.2. Coating of rebars

In the study, boriding layer was performed as coating on the steel rebar surface. Boriding heat treatment was carried out by using a solid boriding method with commercial Ekabor-II powders. All samples to be borided were packed in the powder mix and sealed in a stainless steel container. Boriding heat treatment was performed in an electrical resistance furnace under atmospheric pressure at 800°C, 900 °C and 1000 °C for 2 h and 4 h followed by cooling in air. (Fig. 1)



Figure 1. Coating process of rebar by boriding

2.3. Sample Production and Corrosion Test

Two different aggregate sizes, 0/6 mm and 6/12 mm, were used in the production of concretes. The specific gravity of aggregates are 2.63 for 0/6 mm, and 2.69 for 6/12 mm. They were used in ratio of 50%-50%. In all mixtures, 350 kg of cement is used as binder. The workability values of the produced concrete have been tried to be kept constant, and the slump value has been decided to be around 20 cm. Concrete specimens were produced by using the cylindrical mould of size Ø100x200 mm. The reinforcement rebar was held in position and concrete was poured into the mold. After 24 h, the reinforced concrete specimens were

demolded and cured in a water pool until the time of test was reached. The specimen was allowed to cure for 28 days. The specimens were cast in constant strength classes such as C25 for corrosion test.

The test setup consists of a constant DC supply providing constant voltage of 50 V. The test was carried out in a 4% NaCl solution with an embedded reinforcement bar as a working electrode and a copper bar as a counter electrode. The variable parameter current was recorded at every 20 min interval in constant voltage study. The set up was kept for until cracking of concrete samples without disrupting the power supply. After cracking of concrete, the solution turned to reddish brown in color due to the formation of rust. Then the specimens were removed from the set up, dried in air, visually inspected and carefully split open to access the corroded steel bar. Simultaneously, the temperature of the solution was recorded together with the voltage value. The amount of corrosion in terms of mass loss of the reinforcing bar due to corrosion can be determined by the following equation (1):

$$\%W_c = [(W_0 - W) / W_0] \times 100 \tag{1}$$

Where, W_c is weight loss after corrosion test; W_0 is the initial weight of rebar and W is weight of rebar after corrosion test.

3. Results and Discussions

The thickness of the boride layer formed on the rebar sample is shown in Figure 2. It has been observed that the boride layer thickness increases with the increase in the boriding temperature and time. The thickness of the boride layer increased with increasing boriding temperature and time. Since the boriding process is a thermochemical process, temperature and time provide diffusion of more boron atoms in rebar and cause the boride layers to grow [13-15]. Variation of the thickness of the boriding layer with time at different boriding temperatures in Figure 3 is given. The highest boriding layer was obtained in samples borided at 1000C for 4 hours. The lowest boride layer thickness was obtained in samples borided at 800C for 2 hours.

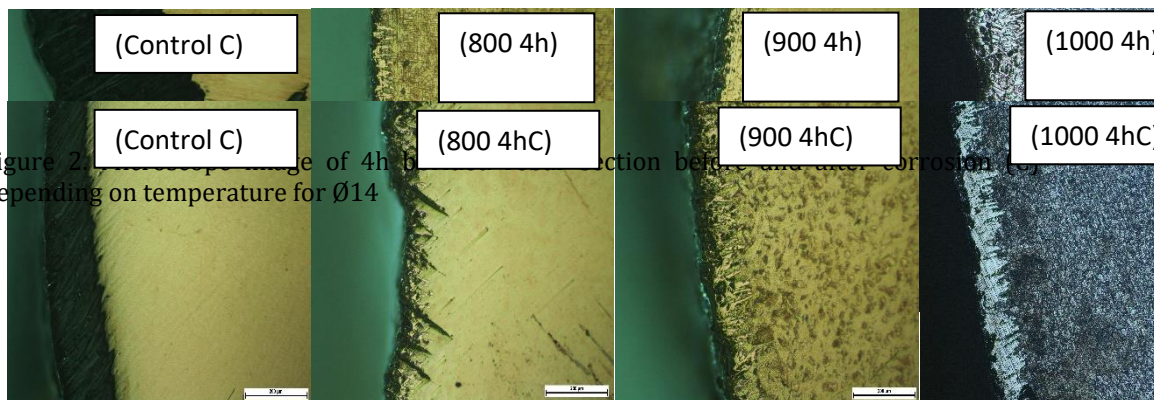


Figure 2. Cross section of 4h boriding before and after corrosion for Ø14 rebar depending on temperature for Ø14

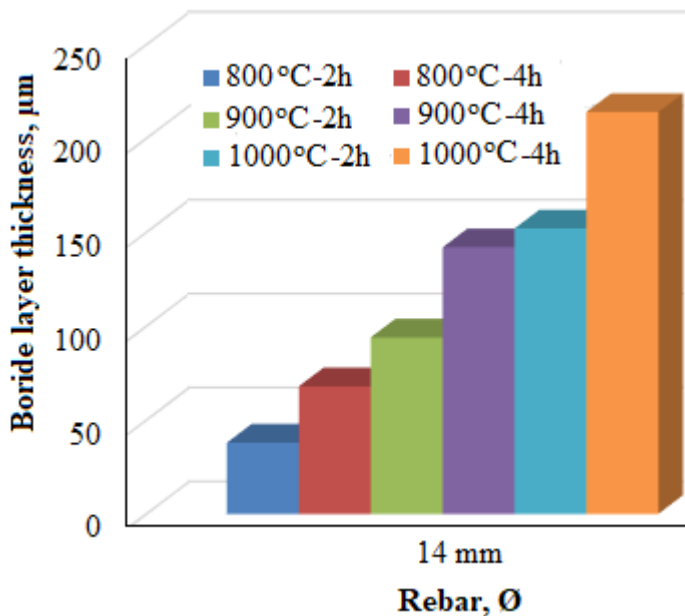
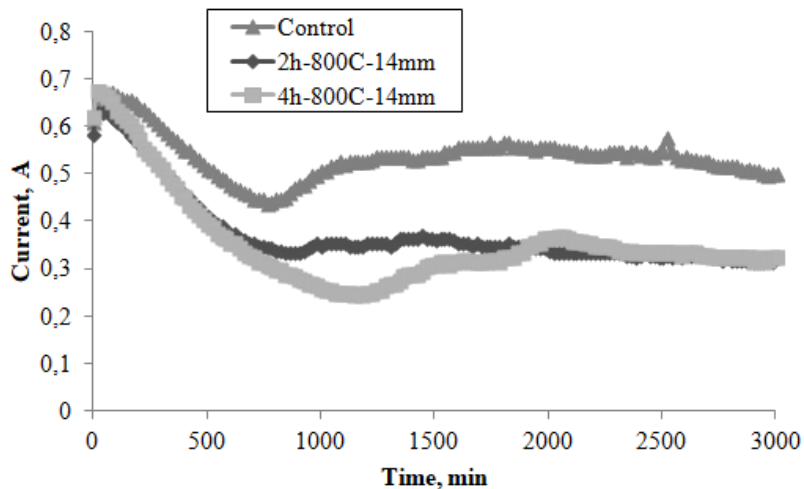
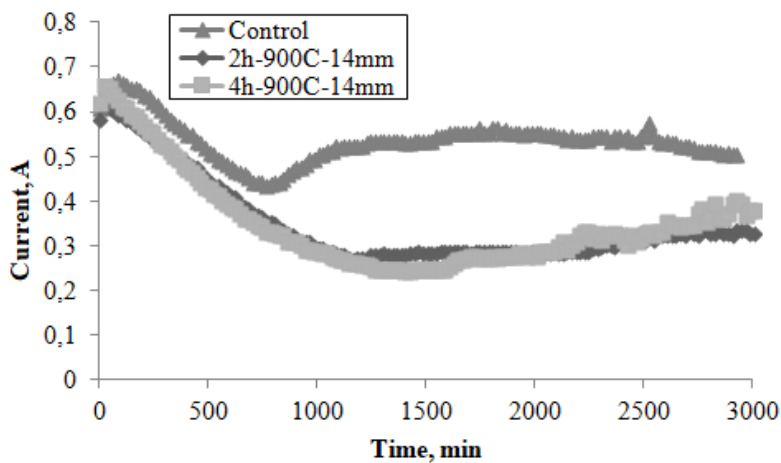


Figure 3. Variation of thickness of boriding layer with time at different boriding temperatures

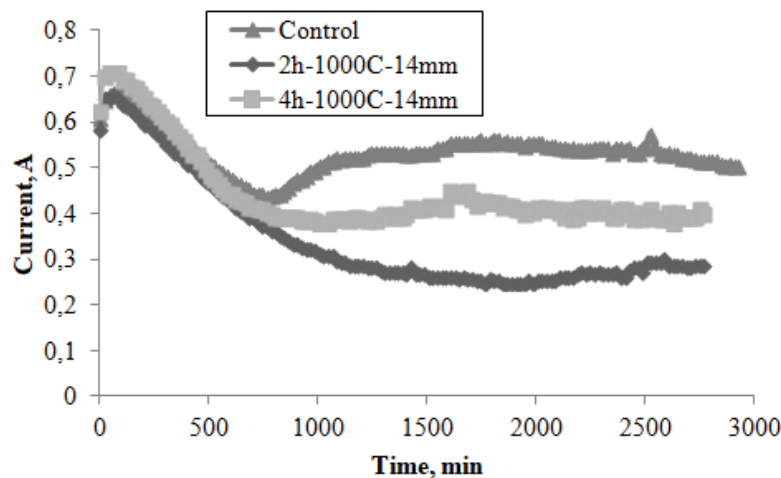
Rapid corrosion tests are widely used by electrical stress method. When there is a difference in electrical potential along the steel reinforcement in concrete, electrochemical cell is setup. In the steel one part becomes anode and other part becomes cathode. They connected by electrolyte in the form of pore water in the hardened cement paste [16]. It is well known that steel rebars exposed to corrosion when ambient conditions are appropriate. Figure 4 shows the current values versus time during rapid corrosion test. When the voltage is applied firstly to the samples, the current values begin to decrease. After a while the current values reach the minimum value and become stable. It is understood that the corrosion process started when the current started to increase again. The current values start to decrease again after taking the maximum value. Here, corrosion time for the started to increase is an indicator of cracking of concrete samples. It can be clearly seen that borided reinforced concrete sample has lower current values than control sample. However, corrosion starting time is also longer for borided reinforced sample when compared to control sample. This is because of the boride layers mainly consist of intermetallic phases (FeB, Fe₂B and CrB) as a result of diffusion of boron atoms from the boriding compound to the metallic lattice with respect to the holding time. Thus, electron flowing from metal to solution carried out very slowly, and corrosion time increases by boriding of rebars.



(a)



(b)



(c)

Figure 4. Comparison of current values for $\varnothing 14$ borided reinforcement during corrosion test (a: 800 °C; b: 900 °C; c. 1000 °C)

Corrosion starting time plays an important role in the service life and rehabilitation of reinforced concrete structures. In order to see the effect of reinforcement surface boriding on corrosion initiation times, the corrosion starting time was determined on Figure 5. It is clearly seen that boriding on the surface of the reinforcement is very effective. For this one type of reinforced concretes, corrosion time of borided rebars about 2 times higher than non-coated steel rebars (Fig. 3). In other words, if the traditional reinforced structures with steel rebar exposed to corrosion after 10 years, same structures will be corroded after 20 years when borided rebar are used.

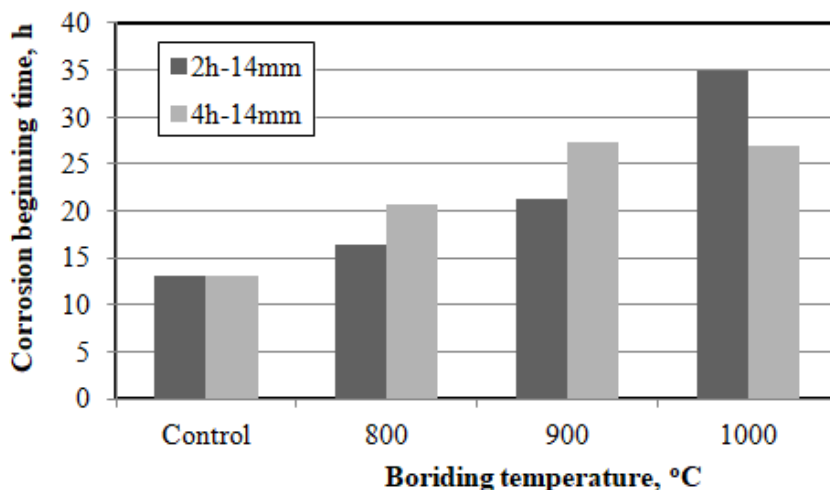


Figure 5. Corrosion initial time of control and borided reinforced concrete (for $\varnothing 14$)

After corrosion test for the same duration, concrete samples were splitted and internal colour change were examined (Fig. 6). It is clearly seen that reinforcement with borided steel rebar has lower corrosion rust in the concrete than produced with steel rebar. About all the concrete side along the steel is rusty area. On the other hand, in the concretes produced with borided rebar, the rusty area is yet to reach the outer surface of the concrete. Rebars were removed from splitted concretes and weight loss were determined after cleaning. Figure 7 shows weight loss of rebars after corrosion experiment. The loss of weight of steel rebar in concrete is determined as 12%. By coating the rebar surface with boriding, the loss of weight is estimated as 3.9%.



Figure 6. Inner view of corroded Ø14 reinforced samples depending on boriding temperature

Figure 7 shows Weight loss of control and borided reinforced rebar. It decreased by 180% at 800°C, 653% at 900°C and 242% at 1000°C. Boriding process reduced the weight losses compared to unborided samples at very high rates and increased the lifetime of the steel reinforcement in concrete. The reason for this is that due to the increasing reinforcement diameter, the surface area where the rebar contacts with the concrete increases. As the diameter of the steel reinforcement increases, the surface contact area with the concrete increases. This means more corrosion contact area. As a result, as the surface contact of the steel reinforcement increases, weight loss increases. The surface roughness values of steels increase with increasing temperature and time of boriding. Gunes [17] has borided AISI 8620 steel in plasma environment with five different borax and B₂O₃ paste mixtures, and as a result, it has been determined that the surface roughness values of all samples have increased with the increase in boriding temperature and time.

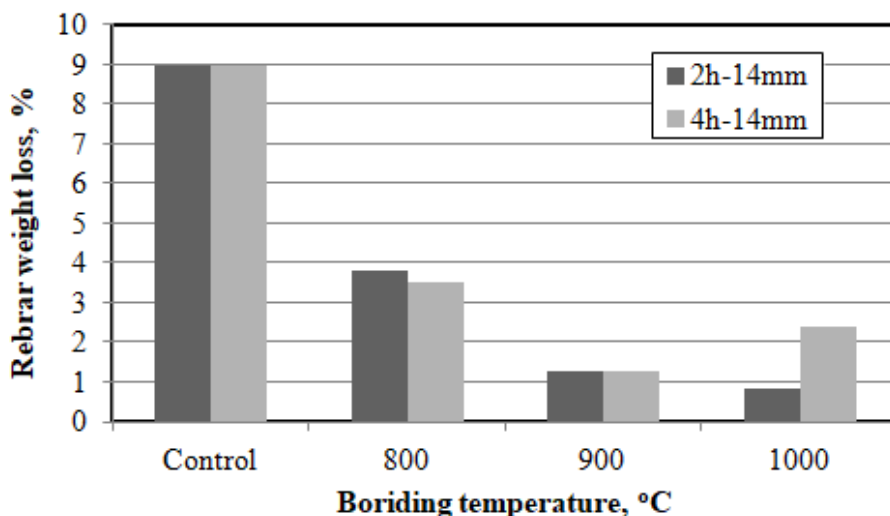


Figure 7. Weight loss of control and borided reinforced rebar (for Ø14)

Figure 8 show the percent cross-sectional losses of 14 mm diameter rebar. As the boriding temperature increased, the cross-sectional losses decreased the rebar. There are micro cracks and scratches on steel reinforcements that will result from production. There are micro cracks and scratches caused by production on steel reinforcements. As the boriding temperature increases, the voids, pores and scratches on the steel reinforcement are filled with the boride layer and become more resistant to corrosion. In addition, as the boriding temperature increases, the boride layer thickness on the reinforcement increases. By reducing the corrosion rates of steel reinforcements within the concrete, it will enable the building of longer-lasting buildings. Similar results were obtained with the 14 mm steel reinforcement (Figure 9). The corrosion rates of the boriding process on steel reinforcements for 4 hours at 1000C were slightly higher than the samples borided for 2 hours at 1000C. These results show us that the steel reinforcements, which are borided for more than 2 hours at 1000C, will not provide more corrosion resistance and this time should be accepted as the boundary boriding process time in boriding. Boriding of reinforcements 1000C-4h caused increased roughness values on the steel surface, increased surface contact area and increased the corrosion rate slightly. In addition, steels are not desired to be exposed to high temperatures and times for a very long time. Because this situation causes the growth of the grains in the steel and the decrease of their mechanical properties [18,19].

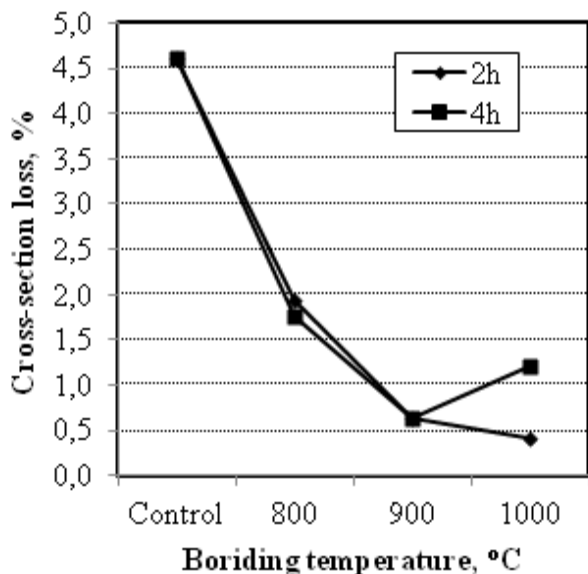


Figure 8. Cross-section loss of rebars in size of Ø14 versus boriding temperature

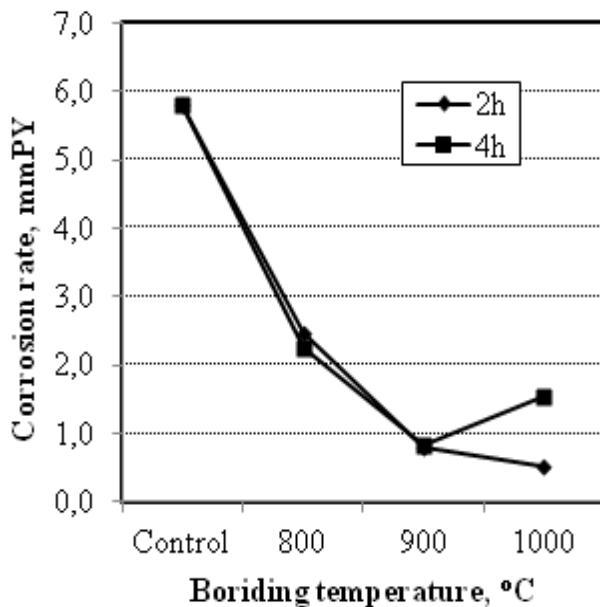


Figure 9. Cross-section loss of rebars in size of Ø14 versus boriding temperature

4. Conclusions

In the study, investigations were carried out to study the corrosion behavior of protected low carbon ribbed reinforcing steel with boron in concrete. Following results have appeared:

Reinforced concrete sample with borided steel rebar has lower current values than control sample. However, corrosion starting time is also longer for reinforced sample containing the borided rebar when compared to control sample.

Electron flowing from metal to solution carried out very slowly, and corrosion time increases by boriding of rebars.

Corrosion time of borided rebars about 2 times higher than non-coated steel rebars.

Reinforcement with borided steel rebar has lower corrosion rust in the concrete than produced with steel rebar.

The loss of weight of steel rebar in concrete is determined as 12%. By coating the rebar surface with boriding, the loss of weight is estimated as 3.9%.

Consequently, service life of reinforced structures which are under corrosion risk can be increased two times by protecting the steel rebars by boriding. Boriding technology can be used the alternatively to other rebar surface coatings.

Acknowledgement

Authors thank to Afyon Kocatepe University for supporting the study with 18.KARIYER.209 Scientific Research Project.

References

- [1] Bindal, C., Ucisik, A. H., (1999). Characterization of borides formed on impurity-controlled chromium-based low alloy steels. *Surf. Coat. Technol.* 122, 208-213.
- [2] Kulka, M., Makuch, N., Pertek, A., (2013). Microstructure and properties of laser-borided 41Cr4 steel, *Optics & Laser Technology*, 45, 308-318.
- [3] Muhammad, W., (2014). Boriding of high carbon high chromium cold work tool steel, *Materials Science and Engineering*, IOP Conf. Ser.: 60-66. Chen Z.J., Effect of reinforcement corrosion on the serviceability of reinforced concrete structures, MSc thesis, Department of Civil Engineering, University of Dundee, Dundee, Scotland, 2004.
- [4] Jaffer S.J., Hansson C.M., Chloride-induced corrosion products of steel in cracked-concrete subjected to different loading conditions, *Cem. Concr. Res.* 39 (2009) 116–125.
- [5] Geetha, A., Perumal P., Chemical Reaction of Waterproofing Admixtures on the Corrosion Behaviour of Reinforced Cement Concrete, *Asian Journal of Chemistry*, 2011, 23(11), 5145-5148.
- [6] Jamila HE, Shriria A, Boulifb R, Montemor MF, Ferreirad MGS. Corrosion behaviour of reinforcing steel exposed to an amino alcohol based corrosion inhibitor. *Cem Concr Compos* 2005, 27(6):671
- [7] Tang F, Chen G, Brow RK, Volz JS, Koenigstein ML. Corrosion resistance and mechanism of steel rebar coated with three types of enamel. *Corr Sci* 2012, 59:157–68.
- [8] Varalakshmi R., Ramaswamy S.N., Effect of Anti Corrosive Coatings To Steel - A State of Art Report, *International Journal of Scientific Research*, 2016, 5(6), 302-306.
- [9] Seneviratne AMG, Sergi G, Page CL. Performance characteristics of surface coatings applied to concrete for control of reinforcement corrosion. *Constr Build Mater* 2000,14:55–9.
- [10] Uluköy, A., Can, A.Ç., Boronizing of steel, *Journal of Engineering Sciences*, 2006, 12(2), 189-198.
- [11] Mohmmmed, J.H., Wear Rate and Hardness of Boride Low Carbon Steel, *Journal of Engineering*, 2015, 10(21), 90-98.
- [12] Pertek, A., Kulka, M. 2003. Two-step Treatment Carburizing Followed By Boriding on Medium Carbon Steel, *Surface and Coatings Technology*, V173, s. 309-314.
- [13] Gunes, I., Investigation of Tribological Properties and Characterization of Borided AISI 420 and AISI 5120 Steels, *Trans. Indian Inst. Met.* 2014, 67, 359-365.
- [14] Makuch, N., Kulka, M., Dziarski, P., S. Taktak, S., The influence of chemical composition of Ni-based alloys on microstructure and mechanical properties of plasma paste borided layers, *Surface and Coatings Technology*, 2019, 367, 187-202.
- [15] Erdogan, M., Gunes, I., Dalar, A., Investigation of corrosion behavior of borided gear steels, *Trans. Indian Inst. Met.*, 2014, 67, 291–297.
- [16] Song, D., Ma, A., Sun, W., Jiang, J., Jiang, J., Yang, D., Guo, G. (2014). Improved corrosion resistance in simulated concrete pore solution of surface nanocrystallized rebar fabricated by wire-brushing. *Corrosion Science*, 82, 437–441.

[17] Gunes, I., 2013. Wear behaviour of plasma paste boronized of AISI 8620 steel with borax and B₂O₃ paste mixtures, *J Mater Sci Technol*, 2013, 29, 662-668.

[18] Huanting Zhou, Weiyong Wang, Kang Wang , Lei Xu, Mechanical properties deterioration of high strength steels after high temperature exposure, *Construction and Building Materials*, 2019, 199, 664-675.

[19] Yancheng Cai, Ben Young, Mechanical properties of thin sheet steel after exposure to high temperatures, *Thin-Walled Structures*, 2019, 142, 460-475.

Effect of Water Proofing Materials on Self-Healing Concrete

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Abstract

Improving the strength of the concrete structures and increasing the service life is an important issue. The service times of the concrete remained; external factors such as water penetrating into these micro-cracks and shorten the life of the concrete. In order to solve this problem, the idea of self-healing concrete with bacteria or other materials has been put forward and studies have shown that using CaO based materials that repair cracks in this direction by precipitating calcite. It is obvious that long term performance of concrete will increase with to prevent water pass to concrete interior. Instead of forming a barrier on the positive or negative side of concrete, water proofing admixture turn the concrete itself into a water barrier. Internal concrete waterproofing systems can be water repellents or crystalline admixtures. In this study, water proofing admixture was added to concrete mixture as water proofing material and its effect on self-healing in terms of filling the pores was investigated. Beam samples including the CaO based water proofing powder materials were produced in size of 285x75x25 mm. The samples were cracked in the flexural machine. After some days, the cracks were investigated by microscope. Crack control was continued till 28 days. At the end of study, the cracks smaller than 0.3 mm were self-healed. However, the bigger cracks than 0.3 mm cannot be self-healed by water proofing material. Consequently, self-healing of concrete with CaO based water proofing powder material is very promising for the environmentally friendly and sustainable structures of the future.

Keywords: Self-healing concrete, CaO based material, micro cracks, concrete repair

Introduction

During the service life of concrete structures, internal and external effects and micro-cracks occur in the structure. These cracks cause leakage of harmful substances into the concrete, deterioration of the strength and durability properties of the concrete, structural damages and crashes, and the high cost of maintenance and repair of the concrete structure. It is known that water-dissolved CO₂ reacts with Ca⁺² ions in the concrete and can repair the concrete by forming CaCO₃ (limestone) crystals with very little water solubility. However, for this type of self-repair to occur, there must be water in the environment and this repair can only be made if the cracks are too small. Recently, bacterial concrete methods which has ability to self-healing are used to overcome maintenance and repair costs. In 1994, the first study on the

ability to self-healing with the extra materials that were added to the concrete during the production of concrete was published by Carolyn Dry of Illinois University. Eric Schlagen and Henk Jonkers who have been researching about self-healing concrete by adding bacterial spores and calcium lactate foods to the mixture while producing concrete have made a remarkable study in this field since 2006. Bacterial concrete, *Bacillus* bacterial spores in the medium of the water-activated nutrients and calcium sources in the range of appropriate pH values in the concrete due to the formation of a fibrous structure is caused by precipitation of calcite. Thus, with the precipitation of calcite, the bacteria are embedded in concrete and the concrete is provided to improve itself.

Occurring mechanism of cracks which are inevitably in concrete due to its relatively lower tensile strength and action of different load and non-load factors may be varied including plastic shrinkage, drying shrinkage, thermal stresses, external loading and rebar corrosion or coupled effect of multiple factors (Souradeep et al. 2017). These cracks cause leakage of harmful substances into the concrete, deterioration of the strength and durability properties of the concrete, structural damages and crashes, and the high cost of maintenance and repair of the concrete structure. When growth of micro-cracks reaches from the surface of concrete to the reinforcement, corrosion occurs on reinforcement due to attack of aggressive agents (water, oxygen, CO₂, chlorides, etc.) which corrodes the reinforcement reducing its service life. The rate of aggressive agents' ingress into concrete is primarily dependent on the internal pore structure of concrete (Vijay et al. 2017). Therefore, it is more important to prevent these cracks at the start or it will become a major crack, however, to repair this crack is not an easy task so some alteration is needed in the construction material (Kulthe et al. 2018).

In 1994, C. Dry was the first who proposed the intentional introduction of self-healing properties in concrete (Van Tittelboom and De Belie 2013). In recent years, there are many alternative repair mechanisms and one of them is based on the application of crystallation in concrete.

Theory

Application of traditional crack repairing systems usually contains applying a cementitious material-based mortar bonded to the damaged surface, which can be especially time consuming and expensive in concrete structures due to mostly difficult to get access to repair cracks (Rao et al. 2013). Biotechnology and nanotechnology are used to improve the properties of concrete. Consequently, bacteria-based concrete has been suggested as an alternative and sustainable crack repair technique. The conceptual idea provided by bacterial crack healing mechanism is that the bacteria should be able to transform soluble organic nutrients into insoluble inorganic calcite crystals which seals the cracks (Rao et al. 2013). Concrete has a rather aggressive medium due to its high internal pH, relative dryness and lack of nutrients for common bacteria needed for growth, however, some extremophilic spore forming bacteria can survive in this medium and increase the strength and durability of concrete (Rao et al. 2013). But, the bacteria will not survive once the cells become jammed by CaCO₃ crystals and the bacterial activity will also come to an end once all nutrients are consumed. Therefore, it can be concluded that even the bacterial approach will not allow an endless repetition of the healing process (Van Tittelboom and De Belie 2013).

Concrete durability and permeability has a strong relationship. Bacteria-based concrete biologically produces calcium carbonate crystals to seal cracks. Calcium carbonate (CaCO₃) that is a common substance found in rocks exists in environments such as marine water, fresh

water, and soils. There are many techniques to heal properties of concrete, among these techniques' bacteria-based concrete that special strains of bacteria capable of precipitating certain chemicals are used is a relatively new technique. According to Rao et al. (2013), autogenous healing occurs because of hydration of non-reacted cement particles present in the concrete matrix once meet leakage water resulting in in closure of micro cracks, however, due to the variability of autonomous crack healing of concrete micro cracks can still occur. The bacteria used in concrete should be able to have long-term effective crack sealing mechanism during its lifetime serviceability. Recent researches about bacteria-based concrete focus to heal cracks induced after 28-days of casting, which can be mentioned as an early age application for bacteria-based concrete (Bundur and Amiri 2016).

The mechanisms of microbially induced calcium carbonate precipitation (MICCP) can be achieved through different pathways like urea decomposition, oxidation of organic acids (aerobic process), or nitrate reduction (anaerobic process). Therefore, the effects of bacteria on concrete strength are variable. The precipitation rate of biological calcium carbonate is ideally influenced by concentration of calcium ions, pH of the solution, concentration of dissolved inorganic carbon and availability of nucleation sites. Alkali tolerant ureolytic strains, such as *Sporosarcina pasteurii* (*Bacillus pasteurii*), *Sporosarcina ureae*, *Bacillus sphaericus*, and *Bacillus megaterium*, that can decompose urea into ammonium/ammonia and carbonate ions (Equation 1) are the most commonly used bacteria in bacteria-based concrete. Bacterial urea hydrolysis requires oxygen to initiate bacterial activity (spore germination), which can be a restricting factor for deep crack healing. Nitrate reduction by different strains, such as *Diaphorobacter nitroreducens*, under oxygen limited conditions, denitrifiers use nitrate (NO_3^-) to generate CO_3^{2-} and HCO_3^- ions, which are necessary for CaCO_3 precipitation (Equation 2). The alkaliphilic strains, such as *Bacillus cohnii*, *Bacillus pseudofirmus* and *Bacillus alkalinitrilicus*, which can degrade organic compounds into CO_2 and H_2O , and CO_2 can be easily converted to CO_3^{2-} , and with the presence of Ca^{2+} , CaCO_3 can be formed (Equation 3).



There are some basic approaches for crack healing with bacteria: direct addition of bacteria into the fresh concrete; additions in the form of spores, immobilized form onto silica gel or activated carbon, encapsulated form, or using the vascular networks (Talaiekhazan et al. 2014). Concerns about the viability of the endospores within the improper and high pH environment of cement-based materials have led researchers to suggest encapsulation for the endospores. The encapsulation methods consist of enclosing the endospores in a protective covering. Thus, some encapsulation methods such as encapsulation in porous solids, capsule based, vascular based have improved for protecting the bacteria form improper environment conditions. The most generally used method, due to its ease and low cost, is immobilization in lightweight aggregates.

The crack repairing mechanism can be tough in concrete with crystalline water proffing material (CWPM). When the CWPM compared with water in the pores of concrete, it acts with water and produces CaO based crystalline hydration products (Fig. 1). The hydrated materials fill the pores and, they do not allow penetrating of water inside of concrete.

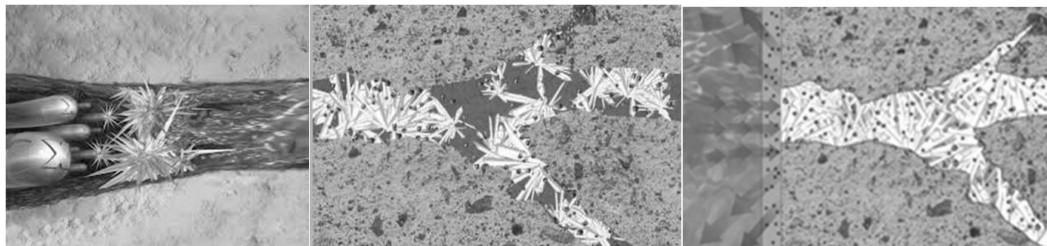


Figure 1. The crack filling mechanism of CWPM.

Therefore, the objective of this study is investigation of repairing effect of crystallation water proofing materials as self-healing in concrete cracks. The crystalline products can be healed the crack of concrete (Van Tittelboom and De Belie 2013).

3. Experimental study

Plain control specimens and CWPM containing specimens in size of 285x75x25 mm were prepared and tested. Plain mortar specimens were used as reference. Plain control mixture was composed of river sand (1350 g), CEM I 42.5R cement (350 g) and, tap water (227,5 g). As repairing material, liquid CWPM and powder CWPM were used as 0%, 10%, 20% and 30% of cement dosage. Following demoulding, specimens were cured for one day at room temperature inside a tightly sealed bag. Cured specimens were cracked by applying flexural load with four point test. Multiple cracks were achieved in all mortar specimens (Fig. 2).



Figure 2. Small mortar beams for self-healing measurement

The obtained multiple cracks were viewed under 1000X magnification microscope. The crack width measured and healing of cracks was investigated at 7 and 28 days aged samples. Also, water absorption test was carried out on the specimens.

Results and Discussion

Crystalline based powder and liquid material containing concrete cracks was experimentally controlled by water absorption test. Almost, some cracks were checked for several days as self-healing. Fig. 3 shows the same crack with different magnification. It would be clearly seen that crack was filled with CWPM.

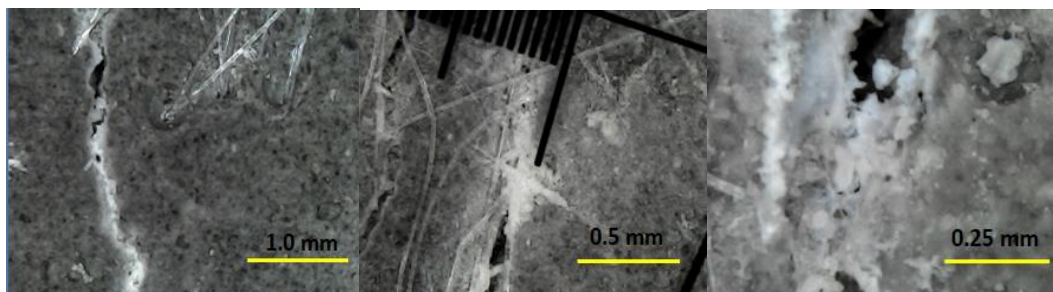


Figure 3. Crack filling with CWPM

Repairing of cracks in concrete structure occurs mostly early age, Souradeep et al. (2017) observed that bacteria repairs early age cracks more efficiently than later age cracks. Additionally, the crack healing ratio decreased remarkably along with the increasing of cracking age (Lou et al. 2015). It was reported by Rao et al. (2013), life-time of bacteria added directly into concrete mixture is restricted due to continue cement hydration resulting in reduction of cement sand matrix pore-diameter. Moreover, for effective crack healing both bacteria and nutrients mixed into concrete should sustain to continue the integrity of concrete mixture (Rao et al. 2013). According to Vijay et al. (2017), it was observed that encapsulation method protects bacteria from improper environment of concrete so that self-healing efficiency about crack closer and the amount of calcium carbonate precipitation. Bundur and Amiri (2016) mentioned that the chemical admixtures studied herein have no significant influence over the performance of the MICCP applications in bacteria-based concrete. However, CWPM is cement based material, and it is not live. Therefore, it has not a life-time problem.

Many researches and Figure 2 support that cracks in bacteria-based concrete specimens fully filled with calcium carbonate provided by crack width up to 0.8 mm (Lou et al. 2015) or 100–200 μm (Souradeep et al. 2017), although it depends on several factors. When the average crack width increases, repairing of cracks are difficult and limited for bacteria repair agent (Figure 1b). To use crack area instead of crack width as measuring cracks was suggested by Souradeep et al. (2017).

To evaluate the crystalline waterproofing products efficiency, the most commonly used tests are those which measure water absorption and chloride penetration. Upon crack healing tests, cracks presented in Figure 4 were tested for water absorption. Water absorption through the healed cracks of specimens were less than the control specimens (Figure 4). As reported previously, CWPM self-healing of concrete cracks occurs at the crack mouth and provides a sealing effect. The absorption increase in the concrete with the liquid crystalline waterproofing admixture (in high volume, 30%) can be justified by a possible hygroscopicity generated by the use of this product may be a result of increase amount of evenly distributed small pores, or by the product may be hygroscopic and contribute to this increase absorption.

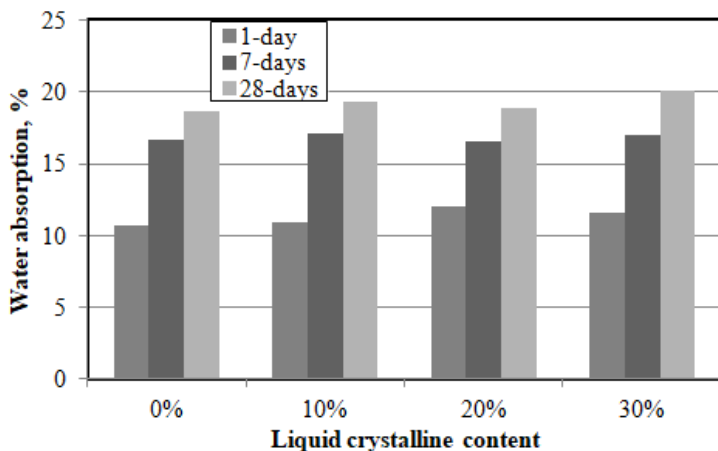


Figure 4. Water absorption of liquid CWPM containing samples

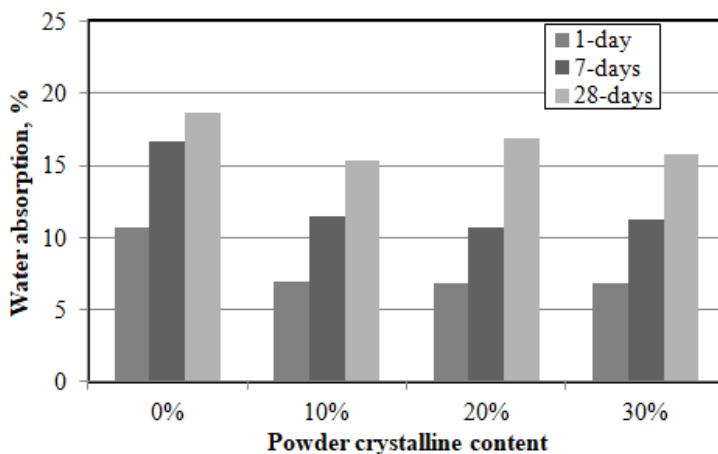


Figure 5. Water absorption of powder CWPM containing samples

It is observed that the use of powder crystalline waterproofing coating is more efficient compared with the concrete with liquid waterproofing admixture. The powder crystalline waterproofing coating system is a form of surface protection and has little dependence on the distribution of concrete voids, because it was expected to have better performance than the reference concrete. Thus, the powder crystalline waterproofing in most cases performed better than reference concrete. The crystalline waterproofing is to prevent the water penetration and allow the steam passage into the concrete (Capellesso, 2016).

Conclusion

This paper focused on ability of the healing of cracks in concrete with crystalline based materials. In the study, two types of crystalline cement based materials were used as self-healing in the concrete. The concrete samples were cracked after production, and they were cured till 28 days. The use of powder crystalline waterproofing material contributes filling of cracs that smaller than 0.8 mm, and it reduces the water absorption ratio. The use of powder

water proofing materials in 10% shows better self-healing and water absorption reducing performance than concretes which are including liquid water proofing materials. If concretes are built with CWPM that is designed to perform under multiple damages, very low cost may be obtained over the life-time though initial cost may be higher than normal concrete. Also, we can obtain durable and sustainable concrete structures by their self-healing properties.

References

- [1] Ali, A. H., Abo-El-Enein, S. A., Talkhan, F. N., Abdel-Gawwad, H. A. (2013). Application of microbial biocementation to improve the physico-mechanical properties of cement mortar. *HBRC Journal*. 9, 36-40.
- [2] Bundur, Z. B., Amiri, A. (2016). Impact of Biogenic Self-Healing Additive on Performance of Cement-Based Mortar. *International RILEM Conference on Materials, Systems and Structures in Civil Engineering Conference segment on Service Life of Cement-Based Materials and Structures, 22-24 August 2016, Technical University of Denmark, Lyngby, Denmark*, 492-502.
- [3] Bundur, Z. B., Amiri, A., Azima, M. (2017). Bio-Based Admixture for Self-Healing Cement-Based Mortar. *2nd International Conference on Bio-based Building Materials & 1st Conference on ECOlogical valorisation of GRAnular and Fibrous materials, June 21th - 23th 2017, Clermont-Ferrand, France*, 91-95.
- [4] Cappellesso VG, Petry NS, Molin DCCD, Masuero AB, (2016) Use of crystalline waterproofing to reduce capillary porosity in concrete, *J Build Rehabil (2016) 1:9*
- [5] Kulthe, R., Mote, P., Kashid, S., Shinde, R. Kardile, N., Hinge, M. (2018). Bacteria Impregnated Concrete – A New Way to Increase the Durability of Concrete Structures. *International Journal of Advance Research in Science and Engineering*, 7(4), 341-346.
- [6] Luo, M., Qian, C., Li, R. (2015). Factors affecting crack repairing capacity of bacteria-based self-healing concrete. *Construction and Building Materials*, 87, 1–7.
- [7] Rao, M.V. S., Reddy, V. S., Hafsa, M., Veena, P., Anusha, P. (2013). Bioengineered Concrete - A Sustainable Self-Healing Construction Material. *Research Journal of Engineering Sciences*, 2(6), 45-51.
- [8] Souradeep, G., Sze Dai, P., Wei, K. H. (2017). Autonomous healing in concrete by bio-based healing agents – A review. *Construction and Building Materials*, 146, 419–428.
- [9] Talaiekhazan, A., Keyvanfar, A., Shafaghat, A., Andalib, R., Abd Majid, M.Z., Fulazzaky, M. A., Zin, R. M., Lee, C. T., Hussin, M. W., Hamzah, N., Marwar, N. F., Haidar, H.I. (2014). A Review of Self-healing Concrete Research Development. *Journal of Environmental Treatment Techniques*. 2(1), 1-11.

- [10] Van Tittelboom, K., De Belie, N. (2013). Self-Healing in Cementitious Materials—A Review. *Materials*, 6(6), 2182-2217.
- [11] Vijay, K., Murmu, M., Deo, S. V. (2017). Bacteria Based Self-Healing Concrete – A Review. *Construction and Building Materials*, 152, 1008–1014.
- [12] Wiktor, V.A.C., Jonkers, H.M. (2012). Application of bacteria-based repair system to damaged concrete structures. 2nd international workshop on structural life management of underground structures, October 2012, Daejeon, South Korea, 31-34.

Rockfall Analyses at Km 13+550 in the New Road of Vlora, Albania

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Abstract

Rockfall dynamics is a complex function of the location of the detachment point and the geometry and mechanical properties of both the block and the slope. Theoretically, knowing the initial conditions, the slope geometry, and the relationships describing the energy loss at impact or by rolling, it should be possible to compute the position and velocity of a block at any time. Nevertheless, relevant parameters are difficult to ascertain both in space and time, even for an observed event. Usually, the geometrical and geomechanically properties of the blocks (size, shape, strength, fracturing) and the slope (gradient, length and roughness, longitudinal and transversal concavities and convexities, grain size distribution, elastic moduli, water content, etc.), and the exact location of the source areas are unknown. In this paper, the sources of potential rock fallings involve a rocky area including between km 13+550 and km 13+600 in the new road of Vlora city in Albania. The area is characterized by a rock ridge, shaped like a dome, located few tens of meters above the design road. The purpose of this paper is the rock slope analysis. This analysis consists mainly of defining the sources of falling rocks, estimating the causes (by toppling, rock slides, single blocks) the size, the geometry, and type of blocks, the structural arrangement of joints, etc.

Keywords: Rocks slopes analysis, geomechanically.

Introduction

Rockfall phenomena start by the detachment of blocks from their original position. This phase is followed by free-falling, bouncing, rolling, or sliding, with falling blocks losing energy at impact points or by friction. Kinematic, dynamic, or empirical equations can be used to model rockfall processes and define regions subjected to this hazard. Rockfall dynamics is a complex function of the location of the detachment point and the geometry and mechanical properties of both the block and the slope. Theoretically, knowing the initial conditions, the slope geometry, and the relationships describing the energy loss at impact or by rolling, it should be possible to compute the position and velocity of a block at any time. Nevertheless, relevant parameters are difficult to ascertain both in space and time, even for an observed event. Usually, the geometrical and geomechanically properties of the blocks (size, shape, strength, fracturing) and the slope (gradient, length and roughness, longitudinal and transversal concavities and convexities, grain size distribution, elastic moduli, water content, etc.), and the exact location of the source areas are unknown. The same can be said for the variability of the controlling parameters. Also, the energy lost at each impact or during rolling depends on a variety of factors including the velocity of the block and the impact angle, the block to slope

contact type (block corner, edge or face), and the presence and density of vegetation. These parameters are difficult to quantify both precisely and accurately at any spatial scale. Thus, "contact functions" relating the block kinematics (in terms of velocity) or dynamics (in terms of energy) before and after the impact, are introduced to model the energy loss at each impact point. Such functions are usually expressed as restitution and friction coefficients and regarded as material constants even if, as already mentioned, they include the effects of many different controlling factors (type and thickness, texture and structure of slope deposits, block size and geometry, angle and velocity of impact, the geometry of the impact, vegetation, soil moisture content, etc.). (G. B. Crosta, F. Agliardi., 2003.). Then, performing a rockfall analysis consists mainly in:

defining the sources of falling rocks, estimating the causes (by toppling, rock slides, single blocks) the size, the geometry and type of blocks, the structural arrangement of joints, etc.

estimating (statistically) the rockfall trajectories and interference with the existent and the design structures (hazard and risk estimate) estimating and dimensioning rockfall protections based on points a) and b) and level of risk requested. Rocks slopes collapses are in general difficult to predict, meaning "difficult to predict with precision when and where will occur a collapse event". Statistically, the probability of occurrence in someplace and the probability, or most probability, how it will occur, can be predicted even if every analytical, empirical and mechanical model approach can't be as near reality as variability of natural conditions and 'discrete' conditions of rock masses. Risks on rock masses stability are usually higher than soils; this depends on the velocity of the evolution of the instability event. In rock masses, the time from the activation and its development is quite short, and the results are catastrophic.

Methodology

The study has been carried out mainly by acquiring and interpreting data on outcrops but also data from satellite images. Detailed information was acquired in the field. The area is extremely complex from the structural point of view. During the fieldwork, every measurement, observation, description, samples, and interpretation made were recorded both in a pocket PC and in a papery notebook. The location of every record/data was recorded with GPS instruments to be able to trace the exact location of the object or information desired. Typical working equipment used during fieldwork activity were: metric tape); steel nails to fix the tape extremities; cameras for pictures); field register to record measurements; traditional geological compass and hammer; rock marker.



Figure 18. Working equipment

The general approach in the field was:

to choose a continue representative fractured bed (faulted or not

to describe the outcrop (lithology, facies, orientation, strata thickness, take a picture...);

to collect data and to observe details

Results and discussion

The sources of potential rock fallings involve a rocky area including between km 13+550 and km 13+600. The area is characterized by a rock ridge, shaped as a dome, located few tens of meters above the design road. With the help of aerial satellites, which provide images of rock crests and unstable boulders from where rocks could fall, rockfalls area have been marked in the figure 2.



Figure 19. Satellite view of the area: in yellow the source area of potential rockfalls



Figure 20. Orientation of the main joint sets.

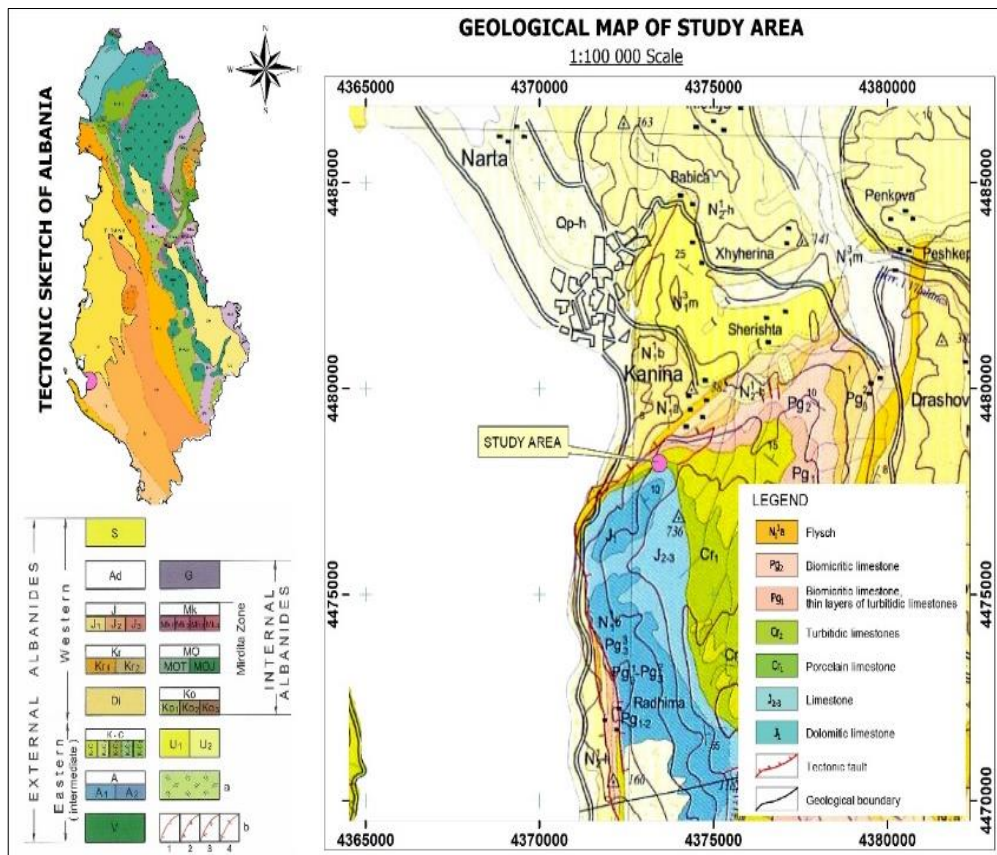
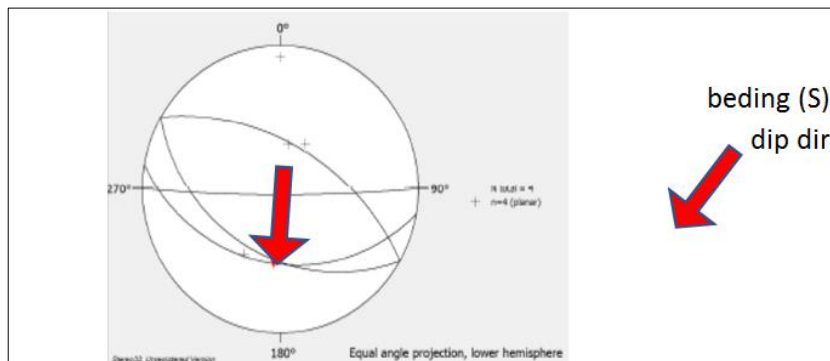


Figure 21. Geological map



| Gemechanical survey 1 -GM1 | | | | | |
|---|--------------|-------------|---------------|------------|-----------------|
| NOTE | | | | | |
| SMITH HAMMER REBOUND: 30 ↙ | | | | | |
| DIP DIRECTION / DIP ANGLE | | | | | |
| S | 19035 | 210/40 | overtuned? | | |
| K1 | 180/85 | | | | |
| K2 | 30/55 | | | | |
| K3 | | | | | |
| SPACING (cm) | | | | | |
| S | 2-15 | | | | |
| K1 | 20-50 | | | | |
| K2 | 100-300 | | | | |
| K3 | | | | | |
| LINEAR PERSISTENCE(%)- AREAL PERSISTENCE(%) | | | | | |
| PL<50 | 50 ≤ PL < 90 | PL ≥ 90 | | | |
| PA < 20 | 20 ≤ PA < 90 | PA ≥ 91 | | | |
| SHAPE | | | | | |
| PLANAR | UNDULATING | SEGMENTED | IRREG. | | |
| WEATHWRING DEGREE | | | | | |
| WD1 | WD2 | WD3 | WD4 | | |
| APERTURE(mm) | | | | | |
| CLOSED | <1 | 1 < A < 2.5 | 2.5 < A < 5.0 | >6 | |
| INFILLING | | | | | |
| ABSENT | GRANULAR | COHESIVE | RECRIST | | |
| MOISTURECONDITION | | | | | |
| MPOSS | DRY | DAMP | WET | DROPSWATER | CONTINUOUS FLOW |
| ROUGHNESS | | | | | |
| S | K1 | K2 | K3 | | |
| 6-8 | 0-2 | 10-12 | | | |

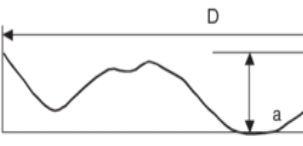
Figure 22. Geomechanical records in station GM.1

By means of the geomechanical survey it is possible to determine the variation range of the the geological strength index (GSI) is a system of rock mass characterization that was developed, by (Hoek, (1994),) and (E. Hoek, P.K. Kaiser, W.F. Bawden, 1995), to link the failure criterion to engineering geology observations in the field. On the base of available data, estimation analyses are performed. Most of the multi-parameter classification schemes (Wickham, 1972) (Bieniawski, Z.T., 1973) and (Barton, 1974) were developed from civil engineering case histories in which all of the components of the engineering geological character of the rock mass were included. Geological Strength Index of classification GSI considering that, according to the inspection, the volume of the representative rock blocks should be from 125 dm³ up to 0.5 m³. Considering the block volume V_b, and according to the following tables (Palmstrom, 1995) with the ratings for the large-scale waviness J_w, small scale smoothness J_s and joint alteration condition J_A, the resultant value of the joint condition factor can be found as:

$$J_c = \frac{J_w \times J_s}{J_A}$$

Table 10. Terms to describe large scale waviness

| Waviness terms | Undulation | Rating for waviness J _w |
|------------------------------|------------|------------------------------------|
| Interlocking (large-scale) | | 3 |
| Stepped | | 2.5 |
| Large undulation | > 3% | 2 |
| Small to moderate undulation | 0.3-3% | 1.5 |
| Planar | < 0.3% | 1 |



Undulation = a/D
 D - length between maximum amplitudes

Table 11. Terms to describe small scale smoothness

| Smoothness Terms | Description | Rating for Smoothness J _s |
|------------------|--|--------------------------------------|
| Very rough | Near vertical steps and ridges occur with interlocking effect on the joint surface | 3 |
| Rough | Some ridge and side-angle are evident; asperities are clearly visible; discontinuity surface feels very abrasive (rougher than sandpaper grade 30) | 2 |
| Slightly rough | Asperities on the discontinuity surfaces are distinguishable and can be felt (like sandpaper grade 30 - 300) | 1.5 |
| Smooth | Surface appear smooth and feels so to touch (smoother than sandpaper grade 300) | 1 |
| Polished | Visual evidence of polishing exists. This is often seen in coating of chlorite and specially talc | 0.75 |
| Slickensided | Polished and striated surface that results from sliding along a fault surface or other movement surface | 0.6-1.5 |

Table 12. Rating for the Joint Alteration Factor

| Term | Description | J _A | |
|---|--|--|------|
| | <i>Clear joints</i> | | |
| Rock wall contact | Healed or "welded" joints (unweathered) | Softening, impermeable filling (quartz, epidot, etc) | 0.75 |
| | Fresh rock walls (unweathered) | No coating or filling on joint surface, except for staining | 1 |
| | Alteration of joint wall: slightly to moderately weathered | The joint surface exhibits one class higher alteration than the rock | 2 |
| | Alteration of joint wall: highly weathered | The joint surface exhibits two classes higher alteration than the rock | 4 |
| | | <i>Coating or thin filling</i> | |
| | Sand, silt, calcite, talc, etc. | Coating of frictional material without clay | 3 |
| | Clay, chlorite, talc, etc. | Coating of softening and cohesive minerals | 4 |
| Filled joints with partial or no contact between the rock wall surfaces | Sand, silt, calcite, etc. | Filling of frictional material without clay | 4 |
| | Compacted clay materials | "Hard" filling of softening and cohesive materials | 6 |
| | Soft clay materials | Medium to low over-consolidation of filling | 8 |
| | Swelling clay materials | Filling material exhibits swelling properties | 8-12 |

For:

$$V_b = 125 \text{ dm}^3$$

$$J_w = 1.5$$

$$J_s = 1.5$$

$$J_A = 4$$

$$J_c = \frac{1.5 \times 1.5}{4} = 0.5625$$

and for the relationship that links the joint condition factor and the block volume to the GSI (Cai, M. & Kaiser, P.K., 2006)

$$GSI = \frac{26.50 + 8.79 \ln J_c + 0.90 \ln V_b}{1 + 0.0151 \ln J_c - 0.025 \ln V_b}$$

the GSI resulting value, where V_b must be in cm^3 , is:

$$GSI = \frac{26.50 + 8.79 \ln 0.5625 + 0.90 \ln 125000}{1 + 0.0151 \ln 0.5625 - 0.025 \ln 125000} = 36$$

For:

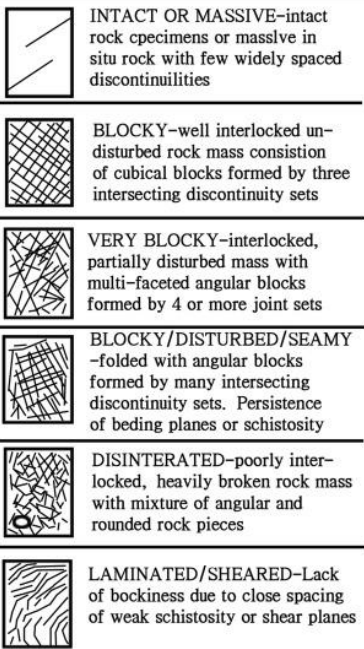






$$V_b = 500 \text{ dm}^3$$

and the previous values of the remaining parameters for waviness, smoothness, alteration, and joint condition factor, the GSI resulting value becomes:

$$GSI = \frac{26.50 + 8.79 \ln 0.5625 + 0.90 \ln 500000}{1 + 0.0151 \ln 0.5625 - 0.025 \ln 500000} = 40$$

In the GSI chart, the previous values of GSI point out that rock masses have structure passing from blocky to blocky and folded.

Table 13. GSI as a function of JC and Vb (Bieniawski, 1989)

| GEOLOGICAL STRENGTH INDEX FOR JOINTED ROCKS | | SURFACE CONDITIONS | | | | |
|--|---|------------------------------|------|------|------|-----------|
| | | VERY GOOD | GOOD | FAIR | POOR | VERY POOR |
| STRUCTURE | | DECREASING SURFACE QUALITY → | | | | |
|  <p style="writing-mode: vertical-rl; transform: rotate(180deg);">DECREASING INTERLOCKING OF ROCK PIECES ↓</p> |  <p>INTACT OR MASSIVE—intact rock specimens or massive in situ rock with few widely spaced discontinuities</p> | 90 | | | | |
| |  <p>BLOCKY—well interlocked undisturbed rock mass consisting of cubical blocks formed by three intersecting discontinuity sets</p> | 80 | 70 | | | |
| |  <p>VERY BLOCKY—interlocked, partially disturbed mass with multi-faceted angular blocks formed by 4 or more joint sets</p> | | 60 | | | |
| |  <p>BLOCKY/DISTURBED/SEAMY—folded with angular blocks formed by many intersecting discontinuity sets. Persistence of bedding planes or schistosity</p> | | | 40 | | |
| |  <p>DISINTERATED—poorly interlocked, heavily broken rock mass with mixture of angular and rounded rock pieces</p> | | | | 20 | |
| |  <p>LAMINATED/SHEARED—Lack of blockiness due to close spacing of weak schistosity or shear planes</p> | | | | | 10 |

Respect to the rockfall problem, the GSI classification underline that, even blocks of more than a cubic meter can be visible on the rock slope, the joints pattern pertains to isolated blocks having a moderate volume not exceeding 0.200 m³.

| Block volume (Vb) | | | | |
|------------------------|-----------------------|------------------------|----------------------|---------------------|
| Very small | Small | Medium | Large | Very large |
| 10-200 cm ³ | 20-10 dm ³ | 10-200 dm ³ | 20-10 m ³ | > 10 m ³ |

An assessment of the potential rockfalls has been carried out for the source area above the road stretch near km 13 + 550. This area is characterized by potentially unstable blocks with a volume up to 2 m³ that could reach the design road located below. Comparing the obtained results, underlining that the results of the 2 m equivalent diameter, corresponding to a block volume greater than 4 m³, are considered not representative of a probable rockfalls, because similar blocks should break apart during the impacts along their path, a rockfall barrier is suggested to protect the traffic along the road in the stretch from km 13+550 to km 13+600. The rockfall barrier must be placed uphill of the road.



Figure 23. Rockfall barrier- km 13+550

Conclusion

The assumptions on the ground where the barrier will be founded are based on preliminary investigations. More detailed topographical and geotechnical-geomechanical surveys are needed to properly design the rockfall barrier requested to put in safety conditions the road stretch herein examined. Therefore, in the drawing of figure 6, the disposition of the requested rockfall barriers is just an indication and must be properly evaluated and checked before the start of the works.

References

- [1] Barton, N. L. (1974). Engineering classification of rock masses for the design of tunnel support. *Rock Mech.* 6(4), 189-239.
- [2] Bieniawski, Z. (1989). *Engineering rock mass classification*. New York: Wiley Interscience.
- [3] Bieniawski, Z.T. (1973). Engineering classification of jointed rock masses. *Trans S. Afr.Inst. Civ. Engrs* 15,, 335-344.
- [4] Cai, M. & Kaiser, P.K. (2006). Visualization of rock mass classification systems. *Geotech Geol Eng*, 24(4), .
- [5] E. Hoek, P.K. Kaiser, W.F. Bawden. (1995). *Support of underground excavations in hard rock*. A.A. Balkema, Rotterdam.
- [6] G. B. Crosta, F. Agliardi. (2003,). G. B. Crosta, F. Agliardi. A methodology for physically-based rockfall hazard assessment. *Natural Hazards and Earth System Science, Copernicus Publications on behalf of the European Geosciences Union*, 3 (5), , pp.407-422.
- [7] Hoek, E. ((1994),). Strength of rock and rock masses , 2 (2). *ISRM News Journal*, pp. 4-16.
- [8] Palmstrom, A. (1995). *RMi—A Rock Mass Characterization System for Rock Engineering Purposes*. . Oslo, Norway,,: Ph.D. Thesis, University of Oslo, .

- [9] Wickham, G. T. (1972). Support determination based on geologic predictions. North American rapid excav. tunneling conf., , (eds K.S. Lane and L.A. Garfield) (pp. 43-64). Chicago: New York: Soc. Min. Engrs, Am. Inst. Min.

Good Governance Principles Constituting the E-procurement Systems

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Abstract

The public procurement represents a vital part of national governance systems. Every year billions of taxpayers money is spent by the state governments to acquire services and goods. The proper functioning of the system allows them to receive better value-for-money, to prevent irregularities connected with corruption and support the implementation of various public policies. The modern society is more sensitive on how the public finances are managed and requires to have leverages to monitor and control their spending. The implementation of the principles of good governance in the public procurement system provide comprehensive base to answer the present needs of public, private and civil partners to increase the levels of effectiveness and efficiency in public spending and administration. The advancement of digital technologies also plays significant part in this reform as electronic procurement systems could significantly facilitate the proper functioning of the sector by interrelating key principles of good governance.

Keywords: public procurement, e-procurement, good governance, principles, interrelation

Introduction

The New public management (NPM) played a vital role in the modernization of the public governance in the past few decades. Despite its overall positive influence, the NPM practices also revealed some deficiencies that resulted in the development of a new concept for the role of the state that became known as "good governance". The national authorities are under constant pressure to meet the growing expectations of the society for increased transparency, effectiveness and efficiency in public spending. The principles of good governance provide comprehensive guidelines in this direction and attract the attention of the major stakeholders who constantly seek ways to strategically implement them in their public polices and regulatory frameworks.

The public procurement represents a vital part of the public governance as it one of the most common ways for the state to interact with the private sector. A significant part of the national budgets is dedicated to public procurement and the proper functioning of the system ensures that the process follows coherent rules and principles that provide a win-win interaction for all involved parties. The concept of good governance provides sound base for regulation of this important state activity and in the recent years renown international organization have engaged to promote them in the various national and regional procurement practices. The advancement of digital technologies provides further options to

reform the procurement process and ensure the state governments comply with the principles of good governance in the sector.

The objective of this paper is to review, analyse and systemize the existing understanding on how the principles of good governance relate to public procurement and specifically the e-procurement as the new way of interaction between the public, private and civil sector. The research methods include desk and content analysis of materials, published from renown supranational organizations and institutions like the World Bank, the Organization for Economic Cooperation and Development (OECD), the United nations (UN) and the European Union (EU).

The Importance of Good Governance for Public Procurement systems

In 2001 The Asian Development Bank defined procurement as “the heart of delivering public services” and stated that the sound public procurement policies and practices are among the essential elements of good governance since good practices reduce costs and produce timely results (ADB, 2001). Any weakness in the procurement system adversely affects welfare and prospects for growth and it is no surprise that procurement reform is now a top priority. Significant amount of the national GDP is spent on public procurements and poor practices might severely undermine the trust in the government and result in social dissatisfaction.

In a report from 2012 the World bank also points out the strong interrelation of good governance and public procurement sector (Tyler, 2012). At the heart of good governance lies effective public financial management, which is linked to multi stakeholder engagement, political accountability, effective checks and balances, decentralization and local participation. The public procurement also links to all three pillars of an effective and successful governance - increasing value for money, improving public service delivery, and creating an enabling environment for private sector-led growth, and is thus an essential element of governance reforms. While good public procurement is a prerequisite for economic growth and effective public investment, poor governance of public procurement systems can turn public investments into major political and economic liabilities, hinder development goals and outcomes, and result in additional costs and waste public funds. Procurement systems can thus be viewed as promoting good governance thorough introducing greater transparency, accountability, and stakeholder participation in the system.

The OECD (2015) considers that public procurement is “a crucial pillar of strategic governance and services delivery for governments”. The Organization points out that because of the serious volume of spending it represents, well governed public procurement can and must play a major role in fostering public sector efficiency and establishing citizens’ trust. The well-designed public procurement systems also contribute to achieving pressing policy goals such as environmental protection, innovation, job creation and the development of small and medium enterprises. It recommends to its member to improve their public procurement system by harnessing the use of digital technologies to support appropriate e-procurement innovation throughout the procurement cycle. They should be implemented in public procurement to ensure transparency and access to public tenders, increasing competition, simplifying processes for contract award and management, driving cost savings and integrating public procurement and public finance information.

The European Commission (EC) also support the need for reforms in the sector a and recommends the strengthening of public procurement to become central in the actions of public authorities to create a fairer society based on equal opportunity, sustainable economic growth and wide market participation (European Commission, 2014). It regards good governance as one of the key elements that constitute the modern public procurement along with value for money. The procurement should also not be seen as a simply administrative process - on the contrary it is as an opportunity to deliver various societal objectives through smart spending that may result in improvement of trust in government, positive green, social or innovation outcomes. The Union has as well invested serious time and resources to implement a modern information system for public procurement called SIMAP. By implementing modern digital tools presented in the 2016 directives, the EU expects public spending to become more transparent, evidence-oriented, optimized, streamlined and integrated with market conditions (European Commission, 2017).

The reviewed documents reveal the existence of a common understanding for the importance of the principles of good governance to be embedded in public procurement systems. However, this might be complicated task since there is still no common understanding on what exactly are the principles of good governance (Table 1). They vary in the perceptions of the different organizations and are influenced from the international, regional and local specifics of interaction between the government, the private sector and the society.

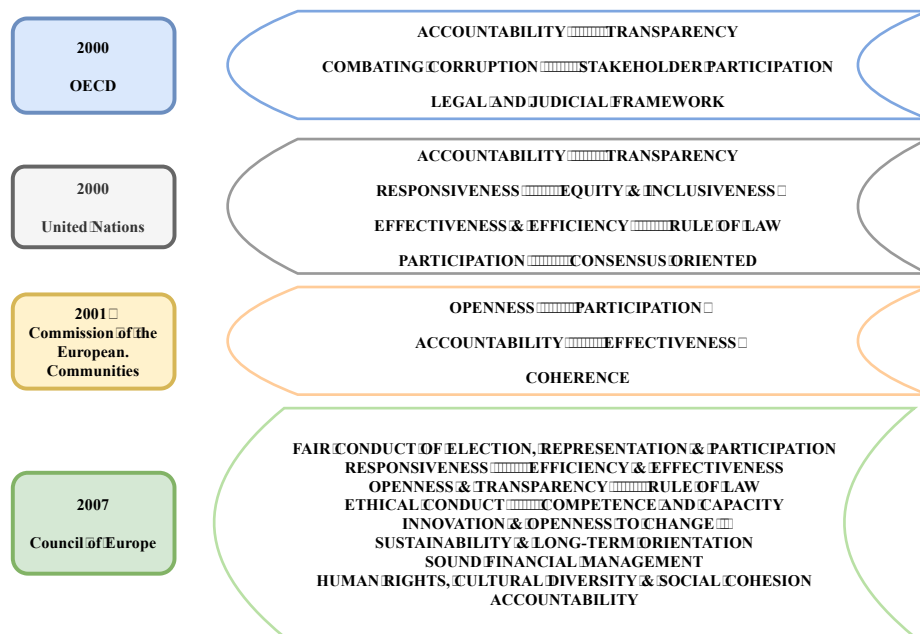


Figure 1: Examples of definitions of good governance

Source: Agere (2000), United Nations (2000), Commission of the European Communities (2001), Council of Europe (2007),

An in-depth analysis of the different interpretations of what constitutes the good governance reveals that some of the principles reoccur in the reviewed materials despite being named differently and therefore they could be regarded as key pillars of the concept – transparency, accountability, rule of law, effectiveness, efficiency and participation. We could expect them to be also cornerstones in the reform of the procurement systems and to contribute to a broader understanding of the process not as simply mechanistic, administrative and bureaucratic function but as a strategic activity used to support and deliver government objectives (Phillips & Caldwell, 2007).

Fundamental Good Governance Principles for Public Procurement

The translation of principles of good governance into procurement practice varies significantly between nations and implementing government objectives into procurement strategy is highly country specific (Phillips & Caldwell, 2007). Even so, there are publications that address the public procurement requirements in more generalized way and could be used to summarize their specific key principles.

The ADB (2001) points out that good procurement should follow the principles of economy - best value for money, efficiency - does not delay the project, fairness - for example does not discriminate against bidders on the basis of nationality, and transparency - what is involved, how it is done, and the results are public.

More than a decade later, Lynch (2013) in his book "Public Procurement: Principles, Categories and Methods" outlined 7 fundamental principles of public procurement - transparency, integrity, economy, openness, fairness, competition and accountability.

In 2015 the OECD published "OECD recommendation of the Council on public procurement". In the document are presented 12 integrated principles of public procurement that should be incorporated in the national systems of the organization's member states (Figure 1). They come as an upgrade of the foundational principles included in the 2008 "OECD Recommendation on Enhancing Integrity in Public Procurement". In the latest edition they are expanded to reflect the critical role governance of public procurement must play in achieving efficiency and advancing public policy objectives.

Figure 2: The integrated Principles of the 2015 OECD Recommendation of the Council on Public Procurement



Source: OECD, 2019

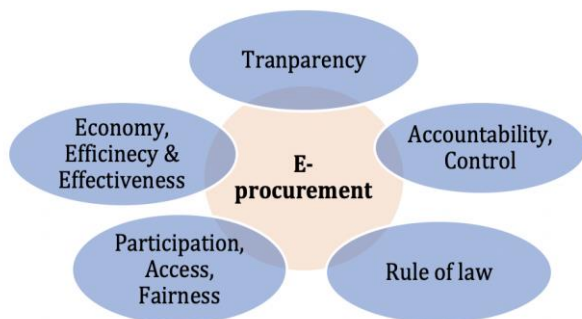
From the above presented three concepts it becomes clear that the key principles of public procurement significantly correspond to those, defined as central in the concept of good governance - transparency, accountability, rule of law, effectiveness and efficiency and participation. This comes as a confirmation of the common understating that the public procurement sector represents an integral part of public governance and it is of utmost importance to be fully aligned with the key principle of good governance.

E-procurement and Key Good Governance Principles

OECD (2015) added one specific principle for public procurement that is electronic procurement or best known as e-procurement. It is defined as “the integration of digital technologies in the replacement or redesign of paper - based procedure throughout the procurement process”. This definition describes the technical part of the process without including the notion that the new technologies provide the possibility to rethink fundamentally the way public procurement, and relevant parts of public administrations, are organized (European Commission, 2014a). E-procurement at present is more and more perceived by national governments as a strategic activity that could increase their capacity, optimize the spending of public funds and therefore result in higher trust from the society.

Although OECD defines e-procurement as a separate principle of the system, it has already proven as an effective and efficient tool for bringing good governance to the procurement process (United Nations, 2011) and has have a profound effect on government operations, supporting government reforms for better transparency, effectiveness and accountability within the procurement process” (United Nation, 2011). On the basis of analysis of corresponding publications, the focus in this part is on summarizing those specifics of the digital system that facilitate the reform in line with the contemporary good governance concept and defines it more as a method than just an Informational and Communications Technologies (ICT) solution.

Figure 3: Key principles of good governance integrated in E-procurement



Source: author

In a 2011 concept report the UN stated that the digitalization of the public procurement system leads to significant improvement in transparency by allowing traceability of all transactions, providing audit trail and thus preventing fraud and corruption. It also enhances the principle of value for money (economy) by supporting competition through improved accessibility, reduction of procurement and transaction costs, facilitates on-line catalogue-based purchases such as framework contracts and results in improved market intelligence and resource allocation management. E-procurement significantly contributes also to improved work efficiency by reducing disputes, better enforces regulations, reduces procurement time, and ensures standardization and streamlining of procurement process. The organization points out that success of the system is not measured by the physical implementation of the system alone, but must also consider the procurement conducted on the system. This is in support of the good governance principle for the "rule of the law" as the success of procurement is more dependent on the regulations and policies governing the procurement process than on the IT solutions. They represent the technical base for its operation, but the leading principles, rules and regulations for its establishment should be set by the responsible institutions in line with the broader strategic public policy goals of the governments for modernization of the public sector.

The United Nations Procurement Capacity Development Centre (UNDP) argues that accountability constitutes a central pillar of any public procurement system (Jeppesen, 2010). The introduction of e-procurement systems provides increased transparency and thus offer to the engaged parties more options to monitor and control the process. This results in improved levels of social accountability through access to procurement information by civil society, the media and other stakeholders. So as to gain access and directly monitor the public procurement processes, civil society has in some cases supported the elaboration of a so-called integrity pact (IP) promoted by Transparency International. It commits the public sector and all bidders for a specific public tender to a set of rights and obligations including desisting from offering or accepting bribes, collusion, etc. and thereby promotes the principle of fairness. Along with the civil society control, the media also plays important role as a 'watchdog' in procurement oversight - many procurement scandals have been uncovered by the media and a free and independent press is a powerful tool to promote transparency and accountability in this state activity. The media could also serve as education partner regarding public procurement, informing the general public on procurement systems, rules, regulations and

principles. The adoption of e-procurement systems could significantly increase the access to real-time information and enable the stakeholders to promptly react in cases of any irregularities at every stage of the procurement process.

The European Bank for Reconstruction and Development (2015) also considers e-procurement to have the potential to significantly improve transparency, efficiency and effectiveness in the public procurement sector by implementing online procedures which are automatically recorded in real time. The e-procurement is cheaper than conducting paper-based procurement procedures for the same contracts. At the same time the e-procurement tools, such as online notification, online submission of proposals and tenders, e-auctions and e-purchasing, increase competition as well as the economy and efficiency of procurements. For example, the cost for government purchasing is lowering (Hadden, 2016) since the system automates the publication of government tenders on web sites with search and alert facilities for vendors. This has been estimated to reduce government costs by analysts and case studies in the range of 5% to 30%. It also increases the reach of government procurement opportunities resulting in additional bids. The electronic document flow saves millions in annual printing costs with estimated savings ranging from \$10 to \$70 per government transaction or up to 90% of government transaction costs, with further benefits associated with e-invoicing. The government efficiency is also improved with reduced process cycle time of 20 to 40%.

The implementation of e-procurement is also a comprehensive method that facilitates the three goals of the modern “good” governments that seek a return on their investment - governance, effectiveness (value for money), and economic development (European Bank for Reconstruction and Development, 2015).

Figure 4: Benefits of e-procurement reforms

| | | Governance | Value for Money | Economic Development |
|---------------------|---|------------|-----------------|----------------------|
| Tangible benefits | 1. Lower Prices – decrease in public spending | | ✓ | |
| | 2. Faster procurement process - shorter tender cycles | | ✓ | |
| | 3. Reduced administration costs | ✓ | | |
| | 4. Standardisation and optimization of inventory | ✓ | | |
| Intangible benefits | 1. Free access for suppliers and contractors | | | ✓ |
| | 2. More competition | | ✓ | |
| | 3. Enhanced transparency | ✓ | | |
| | 4. Greater accountability | ✓ | | |
| | 5. Improved process management for government | ✓ | | ✓ |
| | 6. User-friendly for suppliers and contractors | | | |
| | 7. Improved management reporting, monitoring & audit | | | |
| | 8. Automatic collection of market data | ✓ | | |

Source: European Bank for Reconstruction and Development, 2015

In a 2018 briefing, the European Parliament (EP) focused mainly on improvement of access, transparency and accountability through e-procurement (Becker, 2018). With reference to access, public e-procurement helps to centralize all procurements into either one central, electronic platform or a limited number of competing platforms. The potential contractors do no longer have to track hundreds or thousands of different newspapers and publication sheets, but can login to one website and find all procurements from the local to the national level. Especially for SMEs, which often lack the personnel to monitor all open calls for tender, the improved access through a central platform is an important support factor to increase their possibilities for participation. The centralized online procurement platforms also increase accessibility for international, cross-border bidders. Transparency is often associated with corruption as a way to fight it, but beyond this, transparency simplifies supplier participation and increases trust.

The summarized argumentations in favor of e-procurement as an effective mechanism for implementation of the principles of good governance in the sector reveal one significant characteristics of the process - each comes as a prerequisite or a result of the others. Accountability is rather difficult to be achieved without transparency as both result in improved fairness and access (OECD, 2019). A sound legal framework of the system also ensures border access through facilitating participation on the basis of coherent and stable intuitional and regulatory foundation. The improved access and participation thus result in increased value for money since a wide range of participants could compete to provide goods and services for the government's needs. Both the public and the private sector benefit from increased operational effectiveness due to faster and shorter time to announce and locate the procurements, to conduct and submit the documentation and finalize the process - it's estimated that e-procurement reduces the time-to-procure by 30% (Nextenders, 2013).

Conclusion

The principles of good governance represent a wholistic approach to reformation of the public sector. They set the direction, but do not provide specific methods. It depends on the local governments to choose how to implement them in their public policies so as to answer the specific needs, influenced by the cultural and political diversity of the society. Public procurement systems should make no exception as they represent a significant strategic political and financial instrument that facilitates the achievement of broader governmental goals. The digitalisation of these systems provides both public and private sector with benefits that go beyond the operational side of the process. However, the various interpretations of the key principles of good governance that relate to public procurement might create confusion and misunderstanding when a national government tries to set the basic parameters for reforming its system. They also present obstacle in gathering and comparing data on international or regional level. A solution may be the operationalization of the definitions in the respective documents and setting clear indicators on how to measure their advancement. The implementation of technology is not sufficient by itself to guarantee compliance with the good governance principles in the procurement practices - it should be devised as per preceding comprehensive institutional framework.

References

- [1] Agere, S. (2000). Promoting Good Governance. Retrieved from <https://doi.org/https://doi.org/https://doi.org/10.14217/9781848597129-en>

- [2] Asian Development Bank. (2001). Understanding Public Procurement. Retrieved from <https://www.adb.org/sites/default/files/publication/28646/governancebrief03.pdf>
- [3] Becker, J. (2018). Systems and e-procurement - improving access and transparency of Public procurement. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/618990/IPOL_BRI\(2018\)618990_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/618990/IPOL_BRI(2018)618990_EN.pdf)
- [4] Commission of the European Communities. (2001). European Governance: A White Paper. https://ec.europa.eu/commission/presscorner/detail/en/DOC_01_10
- [5] Council of Europe. (2007). 12 Principles of Good Governance. Retrieved from <https://www.coe.int/en/web/good-governance/12-principles>
- [6] European Bank for Reconstruction and Development. (2015). Are you ready for eProcurement? Guide to Electronic Procurement Reform. https://www.ppi-ebd-uncitral.com/images/stories/pdf/151208_Are_you_ready_for_eProcurement.pdf
- [7] European Commission. (2014). European Semester Thematic Factsheet. Public procurement. European Commission Paper, 27(April 2013), 1–12.
- [8] European Commission. (2014a). Making Public Procurement work in and for Europe. Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. <https://ec.europa.eu/transparency/regdoc/rep/1/2017/EN/COM-2017-572-F1-EN-MAIN-PART-1.PDF>
- [9] European Commission. (2017, August 30). Digital procurement. Retrieved from https://ec.europa.eu/growth/single-market/public-procurement/digital_en
- [10] Hadden, D. (2016). Benefits of E-Procurement in government. Retrieved from <https://freebalance.com/public-financial-management/benefits-of-e-procurement-in-government/>
- [11] Jeppesen, R. (2010). Accountability in Public Procurement - transparency and the role of civil society. United Nations Procurement Capacity Development Centre. <http://unpcdc.org/media/142496/story%20of%20an%20institution%20-%20accountability.pdf>
- [12] Lynch, J. (2013). Public Procurement: Principles, Categories and Methods, 1–16. Retrieved from <https://leanpub.com/procurement-principles-categories-and-methods/read>
- [13] Nextenders. (2013). 5 key benefits of eTendering for buyers. Retrieved from <http://www.nextenders.co.uk/benefits-of-etendering-for-buyers/>
- [14] OECD. (2015). OECD RECOMMENDATION OF THE COUNCIL ON PUBLIC PROCUREMENT. Directorate for Public Governance and Territorial Development. Retrieved from <https://www.oecd.org/gov/public-procurement/OECD-Recommendation-on-Public-Procurement.pdf>
- [15] OECD. (2019). Council Report on the implementation of the recommendation of the Council on public procurement JT03449826. Organisation for Economic Co-Operation and Development, c(July), 1–94.
- [16] Phillips, W., & Caldwell, N. (2007). Public procurement A pillar of good governance? Public Procurement, (July), 138–148. <https://doi.org/10.4324/noe0415394048.ch10>

- [17] Tayler, Y. (2012). Why Reform Public Procurement? 18. Retrieved from http://www.worldbank.org/content/dam/Worldbank/document/MNA/Why_Reform_Public_Procurement_English.pdf
- [18] United Nations. (2000). What is good governance? Economic and Social Commission for Asia and the Pacific. <https://doi.org/10.18356/d4072237-en-fr>
- [19] United Nations. (2011). E-Procurement: Towards Transparency and Efficiency in Public Service Delivery. United Nations Headquarters, (October), 1–47. Retrieved from https://publicadministration.un.org/publications/content/PDFs/E-Library Archives/2011 EGM_Towards Transparency and Efficiency in Public Service.pdf

Democracy and Prevention of Corruption in the European Legislation

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Abstract

This article discusses the concept of democracy, corruption and the relationship between. Democracy and corruption have been perceived to be in a close and complex relationship with each other. Scholars have argued that a solid link exist between them. When democracy weakens, we can almost certainly expect an increase in corruption due to the attrition of institutional checks and balances, independence of courts and frequent restriction of the space for civil society actions and political rights of citizens. The paper analyses the large impact corruption has on democracy, and the states sustained efforts to limit corruption can improve the strength of democracy by promoting just and competitive elections, ensuring better quality and delivery of public services and improving citizens' trust in political institutions and governments. The paper in the second part observes the legal norms approved by the European legislation concerning the fight against corruption, it seems possible to outline an emerging model of corruption prevention by concluding that the effort of European and national legislation to limit corruption should be a contribution to the consolidation of democratic regimes and efforts to improve the quality of governance.

Keywords: democracy, corruption, rule of law, development

The relationship of Democracy and Corruption

There is a strong relationship of democracy with bribery phenomena, even though that democracy because of being transparent is declared to be the least corrupt form of states. From studies conducted year after year, there have been conclusions that show that there is many countries rated with a high level of democracy but at the same time with a high level of corruption. In contrast, there have been studies showing that non-democratic as well as autocratic countries have been successful in maintaining a low level of corruption. We must keep in mind that before we begin to analyse the relationship between democracy and corruption, we must clarify the definition of these two concepts. For this we must first clearly specify what the term democracy will mean in this study. One of the views that also studies democracy is the electoral one. In this respect modern political democracy is the system in which the elected and those who have decision-making in the public sphere should be responsible for their actions towards citizens (Philippe C. Schmitter, Terry Lynn Karl, 1991). This view is a minimalist conception of the fact that vertical electoral responsibility is the most important bearing part of democracy. According to other scholars, democracy is defined to be in a broader sense, the definition should exceed competition during the election campaign and should include the consolidation of the rule of law as well as the balance of state institutions and respect for human rights (Merkel, 2004).

One of the aspects that scholars remain in extracting the content of the term democracy is that of democratic participation. In order to achieve full democratic participation, there must be the rule of law, freedom and equality of all citizens, respect for institutions in order to have a full involvement of citizens in the democratic election process. We must not forget the fact that in order to have a high-level democracy, the three powers that form the state must be independent and control and balance each other (Selen A. Ercan, Jean-Paul Gagnon, 2014).

The concept of "embedded democracy" has been advocated by scholars like Merkel. He defined that embedded democracy consists of five cumulative elements, that are independent and transparent elections, political participation rights, civil rights of citizens as well as horizontal accountability and effective power to govern (Munck, 2016).

However, Merkel also recognizes the importance of the impact it has on democracy, external factors and conditions that can strengthen governance such as civil society and cooperation with international organizations. All these constituent elements of democracy are a starting point for the debate on the relationship between democracy and corruption (Morlino, 2004).

The fact that democracy is a system built on effective horizontal accountability it means that there must be a balance between the three constituent powers of the state, the legislative, the executive and the judiciary (David Collier, Steven Levitsky, 1997). All of these must mutually control each other. One of the most important factors for the realization of this mutual control is the assurance of independence of the judicial system and the rule of law (David Collier, Steven Levitsky, 1997). Because prosecutors are the only institutions that can control whether politicians or civil servants abuse power for their own personal interests and then the courts can provide penalties for these violations of the law. The higher the assurance of the independence of the judicial system, the higher will be the provision of impartial application of the law, which leads to the reduction of corruption. Still, people tend to analyse the chances for them to be caught by law enforcement bodies and in that case whether they are going to be indicted in a harsh way or not. According to the rational choice theory citizens tend to adhere to law enforcement if the punishment is too severe (Susan Rose-Ackerman, Bonnie J. Palifka, 2016).

The question before us is whether a high democratic form of government can lead to the extermination of corruption. Different conclusions have emerged from the research. One of them is that corruption is directly related to the socio-economic development of countries, so the higher the development, the lower the corruption (Pablo M. Pinto, Boliang Zhu, 2016)

On the other hand, we must keep in mind that even with a high-level democracy, corruption still finds a way to live. Studies that have been conducted in many countries have concluded that the link between the maturity of democracy and the level of corruption is not linear. In new democracies, corruption finds more room to live by undermining the executive, legislative and judicial powers. These are more fragile, so that laws are not very consolidated, and penalties are not too harsh (Hanna Back, Axel Hadenius, 2008).

Therefore, it is possible that corruption "infests" these weak points. When corruption extends, it undermines one or more of the democratic pillars and can significantly impair the overall democratic strength. Ultimately, a perverse and vicious circle that reinforces corruption is installed and further undermines democratic processes (Bo Rothstein, Aiysha Varraich, 2017)

2- The International Dimension of Corruption

Corruption has historically been a major problem for the functioning and stability of state regulations. In fact, the spread of episodes of corruption among politicians and public officials contributes to delegitimizing the political-administrative system, alters the democratic circuit of political representation, affects the correct exercise of public powers and promotes the waste of public resources. Moreover, the phenomenology of corruption has become increasingly more complex, given that the traditional subjects of criminal law, public subject corrupted and private-corrupting subject, very often overlap other subjects with the task of mediating illegal transactions (Teachout, 2018).

To explain the spread of corrupt practices, in the sociological and criminological literature two main theories have been elaborated. These theories differ in relation to the identification of the cause of the corruption phenomena in contemporary societies (Mongillo, 2012).

The first theory supports the fact that the corruption matrix is essentially economic, in the sense that the choices underlying the payment or the acceptance of bribes are the result of a rational calculation made by the subjects involved in the illegal transaction, who tend to compare the costs (which includes the probability of being discovered and the severity of the penalties provided for) and the benefits expected from the unlawful behaviour with the costs deriving from the available alternatives. A second theory believes that the cause of corruption is socio-cultural, since the presence of corrupt practices in socio-institutional systems depends on the degree of entrenchment of moral values in civil society and on the consolidation of the "spirit of the body" and the meaning of the State among public officials (Mongillo, 2012). These two theories have similarities between them, so, they are complementary to each other while having both influenced recent policies to combat corruption.

Over the past few decades, economical growth has also increased ability to detect the negative effects that arise from the proliferation of corrupt practices, which are suitable for affecting different aspects of civil coexistence and the national economy. This awareness was formed through the knowledge acquired not only in the context of scientific research on this area, but also based on a series of studies and specialist insights that have been promoted by public institutions and by non-governmental organizations (Robinson, 2007). The researchers, have focused their studies in particularly in quantifying the economic costs using econometric methodologies, and have measured the additional indirect effects that entails a systematic spread of corruption in national political systems (Mo, 2001).

Scholars have ascertained that during time another international dimension of the phenomenon of corruption emerged and this could be attributed to various factors. One of the main important factors concerns the impact of the globalization of the economy which, by increasing the opportunities for commercial exchange between States and increasing competition between companies, can encourage the attempt to enter the foreign markets through the use of a bribe to obtain advantages and facilities from public administrations (Šumah, 2018). A second factor can be recognized in the role of multinationals companies, which, even following the erosion of the regulatory power of the nation-states, are capable of perpetrating transnational offenses, including those of a corruption type, by dividing the path of crime into several national territories, with the involvement of the various components of the corporate structure, so as to hinder the identification of the responsibility of the parent company (Šumah, 2018).

The mobility of economic activity allows large corporations, in with a view to "law shopping", that is, to choose the most favourable legal system, to also minimize the criminal risk, avoiding incurring the penalties imposed by the most severe orders among those in competition (Wells, 2014).

Furthermore, it should not be overlooked that corrupt practices now also increasingly affect officials of international organizations, who have become the centre of the decision-making process and decide the expenditure that are more important than ever from an economic point of view (Wells, 2014).

Studies have shown that both domestic and international corruption, created by public officials operating in the context of international institutions, are considered, in all institutional settings, as one of the main obstacles to economic globalization and the modernization of state's political systems, since they produce competitive distortions and cause bad allocation of public resources.

It should come as no surprise, therefore, that the main bodies and international organizations, such as the Organization for Economic Cooperation and Development (OECD), have been dedicated to promoting economic development globally, or regionally such as the European Union (EU), and even multilateral development banks, such as the International Monetary Fund and the World Bank (The Financial Action Task Force (FATF) , 2020). These international organizations have included the fight against corruption among the priorities of their political agendas, with the aim of stimulating national authorities to improve internal legislation by revising tools to combat corruption practices. In many cases, the goal of these institutions, especially those in economic vocation, it is not so much to preserve the integrity and correct functioning of the public administration involved in corruption offenses, but rather to avoid the competitive distortions generated by corruption, safeguarding both the correctness of international transactions and the interests of the participants in the global competition (Dahl, 2008). Therefore, we understand the need of international organizations to make the repressive responses to the corruption of foreign public officials as homogeneous as possible, helping to level the playing field for companies operating on a transnational scale.

In order to direct the initiatives of the supranational institutions and guide the legislative reforms of States it has been promoted the development of criteria and mechanisms for measuring both the economic damage caused by corruption and the degree of spread of corruption phenomena in national systems, with the preparation, among other things, of real and their own international rankings of states, in relation to the level of corruption they present.

Indeed, the models for measuring corruption are not unique, but can use three different categories of data: a) data taken from judicial data; b) the data derived from the outcome of the application of certain methodologies aimed at recording the perception of the phenomenon by the interviewees; c) data that take into account the direct experience of the respondents (United Nations Office on Drugs and Crime (UNODC), 2018). The latter measurement method makes use of indices that detect the direct experience of the interviewees upon episodes of corruption, also captured in its latent dimension. In the international context, these different analysis criteria are reflected. the World Bank periodically approves the rating of control of corruption (RCC), which is based on the opinions expressed by businesses and citizens, while the European Commission with Eurobarometer uses a periodic survey with which also includes the percentage of citizens who received the

request or offer of a bribe in the last twelve months of reference (Leo W.J.C. Huberts, Karin Lasthuizen, Carel F.W. Peeters, 2006).

A significant contribution to this data collection activity is offered by a non-governmental organization, Transparency International (TI), which records the level of corruption perceived in all countries of the world. The fundamental tool is the Corruption Perception Index (CPI), which is published annually, starting from 1995, which sorts the countries of the world based on the level of corruption. According to the reports undertaken by TI corruption is understood and perceived by citizens in a broad sense as "the abuse of public offices for private gain". (Transparency International, 2020).

The surveys carried out by Transparency International through the Global Corruption Barometer (GCB) allow, to evaluate the perception of the corruption phenomenon with reference to specific institutions.

The data that emerge from these different detection models have a significant impact on international public opinion as regards the reliability and authoritativeness of institutions and individual economies of the countries (Transparency International, 2013).

State legislators, as a result of international pressure, as well as endogenous needs for renewal of the political and administrative class, have approved over the past decades important measures to combat the corruption phenomenon, not only by intervening on the side of criminal repression, but also operating on the side of administrative prevention. This prevention was realised by introducing new forms of control, rules and standards of behaviour capable of preventing or hindering the implementation of corrupt behaviour by public administrations. This evolution of the anti-corruption policy has also been specifically prompted by several documents adopted by international bodies, with which state authorities have been asked for an integrated approach in the fight against corruption (Transparency International, 2013).

This work aims to examine the most relevant indications that can be drawn from the international legal system, especially from the European one, paying attention not only to the prospect of criminal repression, but also to the administrative prevention activity.

The Legislation provided to fight Corruption in the International Law

In front of the problems posed by the spread of corruption practices on an international scale, often carried out by multinational companies, the international community has deemed completely insufficient the path of self-regulation and market sanctions to correct practices or deviant behaviours of economic operators has undertaken a action to promote the harmonization of criminal law provisions both regionally and globally. The preordained initiatives to develop global principles and rules on the responsibility of multinational companies on the fight against corruption have mainly taken the flexible form of the soft law: in particular, codes of conduct, guidelines, corporate social responsibility tools (Berenschot, Imagos Management and Governance Solutions, 2012).

The codes of conduct include the Global Compact, an action program launched by the UN Secretary General Kofi Annan in 1999 to encourage transnational companies "to inform their activities and strategies of ten universally accepted principles in the areas of human rights, labour, the environment and the fight against corruption" (United Nations Global Compact Office , 2007). And of course, the Convention on Combating Bribery of Foreign Public Officials

in International Business Transactions adopted on November 1997 by OECD countries. As for the guidelines, the Guiding Principles on Business and Human Rights, issued by the UN on 16 June 2011, and the Guidelines for Multinational Companies, drawn up by the OECD in 1976 and updated several times, can be recalled (Conforti, 2018).

Non-binding recommendations have been widely used internationally to combat bribery. The OECD has been very active in issuing several recommendations, such as the Recommendation to further combat the corruption of foreign public officials in economic international transactions of 26 November 2009, or the Recommendation on Strengthening the Integrity in Public Procurement, of 16 October 2008. Furthermore, we can recall the formulation of the Principles for Integrity in Public Procurement in 2009, which highlights the need to take further measures to prevent the risks of corruption during the entire public procurement procedure, starting from the needs assessment phase up to the management of the contract and payment (OECD, 2020; OECD, 2020).

However, the fight against corruption was also conducted with the adoption of pact instruments, attributable to international hard law, based on multilateral agreements and treaties freely adopted by the States. These treaties oblige the States to modify domestic law according to common criminal legislation principles that they have agreed previously before. In the context of international law there are two conventions of a greater importance that must be mentioned, that, marked an important step for the evolution of national criminal systems.

First, we take note of the Organization for Economic Cooperation and Development (OECD) Convention on the fight against bribery of foreign public officials in international business transactions, signed in Paris on 17 December 1997 and entered into force on 15 February 1999. The OECD, while dealing institutionally with economic and social issues, has long since made a commitment against bribery in economic transactions of an international character, insofar as it considers the proliferation of corrupt behaviour an element of distortion of competition and a factor in lowering the civil and political standards of States.

The Convention requires the acceding States to consider a crime for individuals, as well as for legal persons, the fact of bribing foreign officials to obtain undue advantages in international trade. This is an innovative approach, given that at the time of the conclusion of the Agreement in almost all OECD countries the corruption of the foreign public official did not integrate the extremes of crime. As can be seen from the preamble, these provisions should have a deterrent and preventive effect, discouraging the spread of corrupt practices by companies in the international market (OECD, 2020).

The relationship between the OECD and the states evolves moreover as a result of the establishment of a special Working Group on Bribery in International Business Transactions (WGB) based on the ratification of the Convention. The Working Groups' was mainly established to support and monitor the implementation of the Convention and, therefore, the coherent translation and application in national laws, in a way to avoid all those forms of implementation that are not faithful to the agreement text (Mongillo, 2012).

The method of continuous monitoring with periodic follow-up was provided, conducted by the WGB and based on a self-assessment system and subsequent mutual evaluation by the contracting States. At the end of the three phases of the monitoring, the WGB issues its recommendations and focuses on the issues to be further monitored. In phase 1, completed in 2001, was verified the abstract compliance of the legislation of the Member States with the

commitments entered into force with the ratification of the Convention. In phase 2 that was completed in 2009, the site visits agreed with the foreign country were carried out, during which the concrete application of national laws was examined. Furthermore in the third phase of assessment, which began in 2010 and not yet completed for all contracting countries, focused on the enforcement of the 2009 Convention and Recommendation, on the implementation of the recommendations made to individual countries at the end of phase 2 and, therefore, also on any changes to internal regulations (Mongillo, 2012).

Another convention that bears a significant role is the UN Convention Against Corruption because is the only global legally binding agreement to combat corruption as a transnational phenomenon, known as the UN Convention of Merida on 2003. This Convention provides that the anti-corruption policy must take a twofold direction. On the one hand, it is necessary to activate a series of prevention measures for the public and private sectors, which are specified in Title II, that includes an institutional mechanisms, such as creation of a special anti-corruption body, the adoption of codes of conduct and measures for transparency and accountability (UNITED NATIONS, 2004). With regard to the procurement sector, which is considered particularly overexposed, in article 9 States are required to take the necessary measures to create appropriate public procurement systems that are based on transparency, competition and objective criteria for making decisions and capable of preventing corruption (Webb, 2005).

On the other hand, the Convention, in Title III aims at the improvement of criminal protection by imposing on the States the obligation to give criminal character to a wide variety of infringements related to acts of corruption, if they are not already configured in domestic law as offenses. Great importance is also given to international cooperation in some particular areas, such as mutual legal assistance for the collection and transmission of evidence, extradition, freezing, seizure and confiscation of the proceeds from corruption (Webb, 2005).

4. The Fight Against Corruption in the European Zone

The legislation drawn up on the initiative of some European supranational institutions, such as the Council of Europe and the European Union conditioned the states' national policies against corruption. In fact, both these institutions, even if they are characterized by different roles and competences, since the mid-nineties, have tried to urge a profound revision of national laws to improve the forms of fighting corruption (Conforti, 2018).

In regional international law, the first goal historically pursued has been to improve the tools of criminal repression. At European level, it was first the Council of Europe that committed itself to the fight against corruption. As it is known, its main method of action to implement a closer union between the Member States is constituted by the activity of coordination and promotion of international agreements or conventions between States Parties (Conforti, 2018). On the side of the fight against corruption on 27 January 1999 the Criminal Law Convention on Corruption was opened for signature in Strasbourg, which constitutes the second major multilateral instrument adopted in this subject matter (Council of Europe, 1999).

The Convention has two fundamental objectives: the first one to coordinate the definition and prosecution of a wide range of corrupt in the sense of the facts, accepting a broad and inclusive notion of "corruption", and improve international cooperation to prosecute these crimes. The Criminal Law Convention on Corruption is also open to the adoption of third States and its

implementation is monitored through mutual evaluation cycles between the acceding countries according to the model of peer review (Rau, 2011). In 1999 the Group of States against corruption (GRECO) - was established within the Council of Europe in order to "improve the ability of its members to fight corruption by monitoring, through a dynamic process of mutual evaluation and pressure as an equal, compliance with the commitments undertaken in this field". GRECO was the main forum for the development of specific indications in the European context, given that all the Member States of the European Union are part of it, contributing to defining certain European minimum standards to identify a common legal and institutional framework in the fight against corruption (Rau, 2011).

GRECO, in particular, manages a system of periodic evaluation of the Member States' strategies which culminates in the preparation of reports and recommendations, which constitute the privileged tool for providing information to the member states.

The European Union has also played an increasingly incisive role in the fight against corruption, following the process of "Europeanisation" of criminal law (European Parliament, 2018). This process started with the Maastricht Treaty and culminated with the provisions of the Treaty of Lisbon. During the different phases of the European Union's criminal policy, certain acts have been adopted, with a varied legal form, which have been proposed with the objective of harmonization and coordination of national criminal laws in the repression of certain types of crime, such as organized transnational economic crimes (European Parliament, 2018).

In this regard, the Convention on the fight against corruption of public officials of the European Communities and of the Member States of the European Union, approved based on article 3, TEU, in Brussels on 26 May 1997, and entered into force on 28 September 2005. Its fundamental objective is to strengthen judicial cooperation at European level in the fight against corruption, but the Convention introduces for States the obligation to penalize corruption both for domestic officials, including those of other Member States and for the Community officials (Klip, 2016).

The Council Framework Decision 2003/568 / JHA of 22 July 2003 on combating corruption in the private sector, adopted by the Council of the European Union pursuant to Title VI of the Treaty on European Union, as part of the intergovernmental policy for judicial cooperation. The main purpose of the decision is indicated in ensuring that both active and passive corruption in the private sector are considered criminal offenses in all Member States, that even legal persons can be found guilty of such crimes and that the penalties are effective, proportionate and dissuasive (The Council of the European Union, 2003).

Subsequently, the European Union adopted some Community Directives on recycling and self-recycling, in particular the Directive 2005/60 / EC of the European Parliament and of the Council of 26 October 2005, and Directive 2006/70 / EC of the Commission, of August 4, 2006 (Klip, 2016).

5. European Initiatives for Prevention of Administrative Corruption

In the context of European legislation, even if the main concern has been addressed to criminal harmonization and therefore to the repression phase, the need has gradually emerged to introduce preventive control mechanisms and tools. In fact, the limits of criminal protection soon became evident to the European institutions, which could not combat adequately the corruption phenomenon, not only because the latter has become widespread and no longer

episodic, but also because it was affected by a metamorphosis criminological of the "qualitative" type of corruption. Instead, a strategy based on administrative prevention was approved and, required the use of a multiplicity of legal techniques and involved coordinated action by all administrative subjects who have responsibility for the integrity and correctness of the administrative action (Klip, 2016).

5.1 The role of the Council of Europe

Some indications for a strengthening of administrative law institutions were formulated by the Council of Europe. In particular, the Criminal Convention of 1999, stipulated under the guidance of the Council of Europe, although mainly concerning criminal aspects, also provided, in art. 20, the creation of a specialized body in terms of administrative prevention, endowed with the independence necessary to carry out its duties (Council of Europe, 1999).

Since 2009, GRECO has drawn up specific reports about the individual member states. Some European member states of GRECO have been subjected to the so-called joint first and second cycle evaluation procedure, which ended with the approval of the Report and its Recommendations during the 43rd assembly, held in Strasbourg from 29 June to 2 July 2009 (Council of Europe, 2009). The report points out that corruption is perceived as a common and widespread phenomenon and affects many sectors of the public administration, that of urban planning, waste disposal, public procurement and health. The recommendations made following this analysis therefore highlighted the lack of a specifically coordinated anti-corruption program, the need to improve specialization and the coordination between the various subjects dealing with the fight against corruption and the importance for the country to implement effective repression, but above all, prevention of corruption measures (Council of Europe, 2009).

With regard to the latter profile, the Recommendations and the Report highlighted the need to provide effective corruption prevention measures, which must cover the different aspects of administrative action, such as the adoption of anti-corruption programs and plans; the development and prescription of coherent ethical standards applicable to all public officials; the development and prescription of clear and binding rules on conflict of interest for all subjects who they perform functions in public administration; and of course the protection for employees who, in good faith, report suspected cases of corruption within the public administration, called the whistle-blowers (Council of Europe, 2009).

5.2 The role of the European Union

The European Union, which was originally created for economic and social purposes, has extended its interference on the policies of the Member States in terms of combating corruption, stimulating national authorities to broaden the range of intervention tools with the introduction of administrative prevention measures. Prevention was considered in a 2003 European Commission Communication, which identified ten principles to improve the fight against corruption: the first one being the provision the control upon of a specific position of managers and administrative managers in scope of decision-making processes; also the establishment of specific competent and visible anti-corruption bodies; full accessibility and meritocracy in the management of public assignments; the adoption of quality management tools and control and supervisory standards; the promotion of administrative transparency institutes; the adoption of codes of conduct; the development of protection systems for those

who report the offense; the introduction of clear and transparent rules on party financing and control external financial (Commission of the European Communities, 2013). Tackling

More recently, the EU Commission has intervened with another Communication, in which, after specifying the estimate of the cost of corruption for the EU economy, it envisaged the introduction of a special knowledge instrument, the "EU Anti-Corruption Report", which aims to monitor and evaluate the actions taken by the Member States in the fight against corruption and to promote greater political commitment (Klip, 2016). The drafting of this document constitutes the Commission's response to the request by the European Parliament and the European Council, within the framework of the Stockholm Program, to develop tools for the periodic disclosure of Member States' efforts, in order to strengthen the will policy of the States themselves to tackle the issue of corruption. The Report is based on data from different sources: i surveillance and evaluation mechanisms of international organizations (OECD, United Nations, Council of Europe); control activities of European bodies such as the European Anti-Fraud Office (OLAF), Eurojust and Europol; Eurobarometer surveys; the advice of the expert group on corruption set up within to the Commission in 2011 and assisted by a network of researchers present in each Member State; research promoted by civil society; the information provided by the Member States.

The Report is prepared by the Commission and published every two years, starting in 2013, in order to promote correct reflection on the results, weaknesses and commitments of all Member States, identifying existing trends and weaknesses to be addressed and stimulating the exchange of best practices. Any relationship anti-corruption, therefore, is intended to examine several cross-cutting issues of particular relevance at European level, as well as more specific issues concerning each Member State (Klip, 2016).

In the EU Corruption Report, presented in February 2014, it is clarified that corruption can take different forms and different levels of severity from country to country and from industry to industry, even if a particular risk is identified in the procurement sector (European Commission, 2014). The Report, after highlighting some data testifying to the relevance of the phenomenon, analyses the changes introduced in the legal systems by recent legislative provisions.

The European Parliament has also taken a stand on the issue of corruption (European Parliament Resolution of 15 September 2011), which adopted a resolution on the European Union's efforts to fight corruption, underlining how the economic and financial recovery of the European area is hampered by corruption. With this resolution, the European Parliament has invited the institutions of the European Union and the Member States to ensure greater transparency of national public systems, by developing codes of conduct or improving those already in force, so as to provide clear rules regarding conflicts of interest, as well as in order to prevent and fight the spread of corruption.

The European Parliament also urged the Council and the Commission to make the network of anti-corruption contact points more efficient, by requesting constant information on the network's activities. Overall, these are acts attributable to soft law, which, however, have been able to significantly guide the evolution of national laws. In addition to these general requests, the EU's attention has been paid to some specific sectors, such as that of public contracts, in which the permeability to corrupt practices has been greater. The European Union legislation, based on provisions of the Treaty on the Functioning of the European Union, has introduced many rules to ensure transparency and objectivity in the procurement procedures, precisely

to avoid abuses by public officials and collusive practices with businesses. Even in the European 2020 strategy, public procurement plays a fundamental role, as a more efficient use of public resources can allow companies to innovate and participate in international competition.

Conclusion

The relationship between corruption and democracy is a complex one. However, it is clear from the literature review that the two are closely intertwined. When democracy weakens, there is almost always an increase in corruption due to the loss of institutional checks and balances, fewer independent courts and frequent restrictions on the space for civil society actions and citizens' political rights. Likewise, when corruption is widespread, newly democratic states can hardly consolidate.

Democracy being a system built on effective horizontal accountability need the independency the three constituent powers of the state, the legislative, the executive and the judiciary that must constantly check each-other. Research has concluded that corruption can be fought by strengthening the judiciary by giving them a wide spectrum of effective laws, not just nationally but also regionally and internationally. Young democratic states need the help of international organizations in understanding, drafting and approving of legislation against corruption. In weak democracies the higher the assurance of the independence of the judicial system, the higher will be the provision of impartial application of the law, which leads to the reduction of corruption. In regard to studying the combat upon corruption within the international law we may see that all that has been said so far implies that rules for the fulfilment of international and European law as well as procedures to guarantee their effectiveness, are adopted within States.

The European Union has highlighted the need to provide effective corruption prevention measures, which must cover the different aspects of administrative action, such as the adoption of anti-corruption programs and plans; the development and prescription of coherent ethical standards applicable to all public officials; the development and prescription of clear and binding rules on conflict of interest for all subjects who they perform functions in public administration. The states that require to adhere to these international organizations are obliged to approve the conventions, treaties and agreement in order to harmonize their legislation in accordance with the international law that requires to modify domestic law according to common criminal legislation principles

that they have agreed previously before.

References

- [1] Berenschot, Imagos Managment and Governance Solutions. (2012). Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3 MAIN REPORT. Brussels: The European Union's IPA Program For Western Balkans.
- [2] Bo Rothstein, Aiysha Varraich. (2017). Making Sense of Corruption. Cambridge University Press: Cambridge .
- [3] Commission of the European Communities. (2013). Communication from the Commision to the Council (COM 2003/317), the European Parliament and the European Economic and Social Committee on a Comprehensive EU Policy against Corruption. Brussels: Commission of the European Communities.

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- [4] Conforti, B. (2018). *Diritto Internazionale*, XI Edizione. Napoli: Editoriale Scientifica.
- [5] Council of Europe. (1999). *Criminal Law Convention on Corruption*. Strasbourg: Council of Europe.
- [6] Council of Europe. (2009). *Greco Eval I/II Rep (2008) 2E*, Joint First and Second Evaluation Round, Evaluation Report on Italy, Adopted by GRECO at its 43rd Plenary Meeting. Strasbourg: Directorate General of Human Rights and Legal Affairs, Council of Europe.
- [7] Dahl, M. (2008). How do International Organizations Scrutinize Transforming States? The Case of Transparency International and the Baltic States. In P. M. Luid De Sousa, *Governments, NGOs and Anti-Corruption. The new integrity warriors* (pp. 223-256). London: Abingdon, Routledge.
- [8] David Collier, Steven Levitsky. (1997). *Democracy with Adjectives: Conceptual Innovation in Comparative Research*. *World politics*, Volume 49, Issue 3, 430-451.
- [9] European Commission. (2014). *Report from the Commission to the Council and the European Parliament COM (2014)38 final*. Brussels: European Commission.
- [10] European Parliament. (2018). *Criminal procedural laws across the European Union – A comparative analysis of selected main differences and the impact they have over the development of EU legislation*. Brussels: European Parliament, Directorate General for Internal Policies.
- [11] Hanna Back, Axel Hadenius. (2008). *Democracy and State Capacity: Exploring a J-Shaped Relationship*. *Governance: an International Journal of Policy, Administration and Institutions*, 1-24.
- [12] Klip, A. (2016). *European Criminal Law- Series "Ius Communitatis"*. Berlin: Intersentia.
- [13] Leo W.J.C. Huberts, Karin Lasthuizen, Carel F.W. Peeters. (2006). *Measuring Corruption: Exploring the Iceberg*. In A. S. Charles Sampford, *Measuring Corruption* (pp. 265-293). Farnham: Ashgate Publishing.
- [14] Merkel, W. (2004). *Embedded and defective democracies. Democratization: Consolidated & Defective Democracy? Problems of Regime Change*, Volume 11, Issue 5, 33-58.
- [15] Mo, P. H. (2001). *Corruption and Economic Growth*. *Journal of Comparative Economics*, Volume 29, Issue 1, 66-79.
- [16] Mongillo, V. (2012). *La Corruzione tra Sfera Interna e Dimensione Internazionale*. Milano: il Mulino.
- [17] Morlino, L. (2004). *What is a 'good' democracy?* *Democratization*, Volume 11, Issue 5, 10-32.
- [18] Munck, G. L. (2016). *What is democracy? A reconceptualization of the quality of democracy*. *Democratization*, Volume 23, Issue 1, 1-26.
- [19] OECD. (2020, March 1). *Convention on Combating Bribery of Foreign Public Official in International Business Transactions and Related Documents*. Retrieved from Organisation for Economic Co-operation and Development, *Bribery in International Business*: http://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf
- [20] Pablo M. Pinto, Boliang Zhu. (2016). *Fortune or Evil? The Effect of Inward Foreign Direct Investment on Corruption*. *International Studies Quarterly*, Volume 60, Issue 4, 693-705.
- [21] Philippe C. Schmitter, Terry Lynn Karl. (1991). *What Democracy Is. . . and Is Not*. *Journal of Democracy*, Volume 2, Number 3, 75-88.

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- [22] Rau, W. (2011). The Group of States against Corruption (GRECO) – Operation and Results from its Current Third Evaluation Round. In D. H. Lucas Achathaler, *Korruptionsbekämpfung als globale Herausforderung* (pp. 19-36). Berlin: Springer VS.
- [23] Robinson, M. (2007). Corruption and development: An introduction. *The American Political Science Review*, 1-14.
- [24] Selen A. Ercan, Jean-Paul Gagnon . (2014). The Crisis of Democracy: Which Crisis? Which Democracy? *Democratic Theory*, Volume 1, Issue 2, 1-10.
- [25] Šumah, Š. (2018). Corruption, Causes and Consequences. In V. B. (Ed), *Trade and Global Market* (pp. 1-14). Slovenia: Intechopen.
- [26] Susan Rose-Ackerman, Bonnie J. Palifka. (2016). *Corruption and Government: Causes, Consequences, and Reform*. Cambridge: Cambridge University Press.
- [27] Teachout, Z. (2018). The Problem of Monopolies & Corporate Public Corruption. *Dædalus, the Journal of the American Academy of Arts & Sciences*, Summer 2018, 111-126.
- [28] The Council of the European Union. (2003). Council Framework Decision 2003/568/JHA on combating corruption in the private sector. Brussels: The Council of the European Union.
- [29] The Financial Action Task Force (FATF) . (2020). FATF Report to the G20 Finance Ministers and Central Bank Governors on So-called Stablecoins. Paris: The Financial Action Task Force (FATF) .
- [30] Transparency International. (2013). *Global Corruption Barometer 2013*. Berlin: Transparency International.
- [31] Transparency International. (2020). *Corruption Perceptions Index 2019*. Berlin: Transparency International.
- [32] UNITED NATIONS. (2004). *UNITED NATIONS Convention Against Corruption*. New York: UNITED NATIONS.
- [33] United Nations Office on Drugs and Crime (UNODC). (2018). *Manual on Corruption Surveys: Methodological guidelines on the measurement of bribery and other forms of corruption through sample surveys*. Vienna: United Nations Development Programme .
- [34] (United Nations Global Compact Office . (2007). *After the Signature: A guide to Engagement in the United Nations Global Compact*. New York: United Nations Global Compact Office .
- [35] Webb, P. (2005). The United Nations Convention Against Corruption: Global Achievement or Missed Opportunity? *Oxford Journal of International Economic Law*, Volume 8, Issue 1, 191-229.
- [36] Wells, J. (2014). Corruption and Collusion in Construction: a View from the Industry . In A. W. Tina Soreide, *Corruption, Grabbing and Development: Real World Challenges* (pp. 23-35). Northampton: Edward Elgar.

Relationship of Pay and Job Satisfaction

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Abstract

The study measures the relationships of pay satisfaction and its dimensions (pay level, benefits, pay raises and administration/structure) with job satisfaction. A total of 200 public sector employees, from different companies and non-governmental, independent institutions participated. The results showed that overall pay satisfaction and pay level affected job satisfaction while pay raises, benefits and administration/structure did not. The results and limitations of the study were discussed and suggestions on future research were given.

Keywords: pay satisfaction, pay level, benefits, pay raise, administration, structure, job satisfaction .

Introduction

Pay is an important aspect of doing business because it represents both, one of the largest organizational expenses, and one the most valued employee outcomes (Shaw, Duffy, Jenkins, & Gupta, 1999). Pay includes several forms of compensation such as "direct, cash payments (for example, salary); indirect, noncash payments (for example, benefits); the amount of pay raises and the process by which the compensation system is administered" (Williams et al., 2006, p. 392). The importance of pay to most employees makes it necessary for companies to analyze the attitudes and behaviors of these employees towards pay, in order to establish the right policies and structures to perform more effectively. Pay satisfaction refers to the extent to which a person is satisfied with the process and level of direct or indirect monetary rewards received for work (Ducharme et al., 2005), or in other words, as the "amount of overall positive affect (or feelings) individuals have toward pay" (Miceli & Lane, 1991, p.246).

Early researchers considered pay satisfaction an unidimensional construct (Orpen & Bonnici, 1987) and used either ad hoc measures or the pay satisfaction sub-scales of both the Minnesota Satisfaction Questionnaire (MSQ) and the Job Descriptive Index (JDI) (Fong & Shaffer, 2003). A major break-through in the research was made with the conceptualization of Pay Satisfaction Questionnaire by Heneman and Schwab (1985), as the first multi-dimensional construct of pay satisfaction. PSQ was a more appropriate measuring instrument than the Minnesota Satisfaction Questionnaire (MSQ) and Job Descriptive Index (JDI) because its values explained more areas of pay satisfaction (Judge, 1993; Scarpello et al.1988).

Nowadays, there is wide evidence to support the multidimensionality of pay satisfaction with the majority of studies showing that there are four dimensions (Carragher and Buckley, 1996; Currall et al., 2005; DeConinck et al., 1996; Heneman et al., 1988; Judge, 1993; Scarpello et al., 1988; Shaw et al., 1999), namely (1) pay level, (2) benefits, (3) pay raises, and (4) pay structure and administration. However most of the research on pay satisfaction has been focused on its

dimensionality and antecedents. Vandenberghe and Tremblay (2008) advised on switching the focus of the research on to the consequences of pay satisfaction as a necessity to understand them better.

Job satisfaction is one of the most important consequences of pay satisfaction because it is related with other work outcomes (Hulin, 1991; Kinicki et al., 2002; Koh and Boo, 2001). Locke (1976) defined job satisfaction as "a pleasurable or positive emotional state, resulting from the appraisal of one's job experiences" (p 1304). It is a global concept comprised of various facets, which depending on the categorization can range from five (Smith, Kendall, & Hulin, 1969) to nine (Locke, 1976; Westlund and Hannon, 2008). Out of all the different facets of job satisfaction, pay satisfaction requires independent assessment because of the big implications with organizational expenses (Currall, Towler, Judge, & Kohn, 2005; Ram & Prabhakar, 2010). There are several studies on the pay and job satisfaction relationship (Ago, Mueller and Price, 1993; Best and Thurston, 2006; Tremblay, Sire and Balkin, 2000), however most treat pay satisfaction as a unidimensional construct (Singh and Loncar, 2010).

The purpose of this paper is to explore the nature of the relationships of pay satisfaction and each of its dimensions with job satisfaction. The originality and value of the research is due to the use of a multidimensional factor, its focus on an outcome variable and its applications in a developing economy like Albania where there is very little- if any at all- research on pay satisfaction.

Methods and Procedures

200 questionnaires were collected via Google forms from public sector employees. Most of the respondents were females (54.5 %) and the rest were males (45.5 %). The majority of the employees sampled were under the age of 35 years (43.5 %), those in the 35-45 years age group were 38.5%, followed by the 45-55 years group (11%) with the rest being older than 55 years. The majority of the respondents (60.5 %) had less than 15 years of work experience and 62.5 % had been less than 5 years at their current position. More than half of them (51.5%) were non managerial employees with the rest being managers of all three levels.

The data were collected using an Albanian version of the survey scales. The questionnaire with 33 questions divided in three sections was developed by utilizing previously used and very reliable measures. The first section with 10 questions was used to acquire information on the participants' demographics characteristics. The second section with 18 questions asked the participants to rate their pay satisfaction levels. The final section with the remaining 5 questions asked the employees about their job satisfaction. The levels of pay satisfaction were rated with a five point Likert Scale with 1 being "Very Dissatisfied" and 5 being "Very Satisfied" and the levels of job satisfaction were rated with a five point Likert scale with 1 being "Strongly Disagree" and 5 being "Strongly Agree".

Heneman and Schwab's (1985) four dimensional Pay Satisfaction Questionnaire, the most popular multifaceted measure of the construct, (Carragher and Buckley, 1996), (Vandenberghe and Tremblay, 2008) was used to measure pay satisfaction. The four scales measure satisfaction with pay level, benefits, pay raise and pay structure and administration. There were four questions on pay level (e.g. *How satisfied are you with the size of your current salary? How satisfied are you with your overall level of pay?*); four questions on benefits (e.g. *How satisfied are you with your benefits package? How satisfied are you with the value of your benefits?*); four questions on pay raise (e.g. *How satisfied are you with the raises you have*

typically received in the past? How satisfied are you with your most recent raise?); and six questions on pay structure/ administration (e.g. *How satisfied are you with the way the organization administers pay? How satisfied are you with the consistency of the organization's pay policies?*). The Cronbach α estimates of internal consistency for Pay Level, Pay Raise, Benefits, and Pay Administration were .91, .87, .80, and .89, respectively.

The General Satisfaction construct of the Job Diagnostic Survey (Hackman & Oldham, 1975) was used to measure job satisfaction. It is an overall measure of the employee's satisfaction and happiness in his or her work. They were five statements (e.g. *Generally speaking, I am very satisfied with this job. I am generally satisfied with the kind of work I do in this job.*) The Cronbach α estimates of internal consistency for job satisfaction were .72.

Results

To analyze the nature of the relationships between pay satisfaction and its dimensions of pay level, benefits, pay raises and administration/structure with job satisfaction we use the Chi Square Independence Test. In order to establish a relationship between the variables at a 95% confidence interval we need to have a Pearson Chi Square coefficient at less than .05. Table 1 shows the results of the test for pay level and job satisfaction. The Chi Square coefficient, expressed through Asymp.Sig. (2-sided), = 0.048 which is less than $p = 0.05$ (5%). This shows that our variables are connected and that pay level affects job satisfaction.

Table 1. Chi Square test between pay level and job satisfaction.

| Chi-Square Tests | | | |
|------------------------------|--------------------|----|-----------------------------------|
| | Value | df | Asymptotic Significance (2-sided) |
| Pearson Chi-Square | 7.901 ^a | 3 | 0.048 |
| Likelihood Ratio | 11.758 | 3 | 0.008 |
| Linear-by-Linear Association | 4.646 | 1 | 0.031 |
| N of Valid Cases | 200 | | |

Table 2 shows the results of the test for benefits and job satisfaction. The Chi Square coefficient, expressed through Asymp.Sig. (2-sided), = 0.254 which is greater than $p = 0.05$ (5%). This shows that these two variables are independent of each other and that benefits do not affect job satisfaction.

Table 2 Chi Square test between benefits and job satisfaction.

| Chi-Square Tests | | | |
|------------------------------|--------------------|----|-----------------------------------|
| | Value | df | Asymptotic Significance (2-sided) |
| Pearson Chi-Square | 4.071 ^a | 3 | 0.254 |
| Likelihood Ratio | 3.935 | 3 | 0.269 |
| Linear-by-Linear Association | 1.693 | 1 | 0.193 |
| N of Valid Cases | 200 | | |

Table 3 shows the results of the test for pay raises and job satisfaction. The Chi Square coefficient, expressed through Asymp.Sig. (2-sided), has a value = 0.075 > 0.05, thus showing that even pay raises are not related with job satisfaction.

Table 3. Chi Square test between job satisfaction and pay raise.

| <i>Chi-Square Tests</i> | | | |
|-------------------------------------|--------------------|-----------|--|
| | <i>Value</i> | <i>df</i> | <i>Asymptotic Significance (2-sided)</i> |
| <i>Pearson Chi-Square</i> | 6.918 ^a | 3 | 0.075 |
| <i>Likelihood Ratio</i> | 7.076 | 3 | 0.070 |
| <i>Linear-by-Linear Association</i> | 1.759 | 1 | 0.185 |
| <i>N of Valid Cases</i> | 200 | | |

Table 4 shows the data from the independence test of administration/structure and job satisfaction. The results reflect a lack of relationship between the administration/structure dimension and job satisfaction as the value of the Pearson Chi coefficient in this case is 0.336 > 0.05.

Table 4 Chi Square test between job satisfaction and organizational structures.

| <i>Chi-Square Tests</i> | | | |
|-------------------------------------|--------------------|-----------|--|
| | <i>Value</i> | <i>df</i> | <i>Asymptotic Significance (2-sided)</i> |
| <i>Pearson Chi-Square</i> | 3.382 ^a | 3 | 0.336 |
| <i>Likelihood Ratio</i> | 3.446 | 3 | 0.328 |
| <i>Linear-by-Linear Association</i> | 2.943 | 1 | 0.086 |
| <i>N of Valid Cases</i> | 200 | | |

To explore the relationship between overall pay satisfaction and job satisfaction we construct a multiple linear regression, as follows:

$$Y_i = b_0 + b_1X_1 + b_2X_2 + \dots + b_nX_n + \epsilon_i$$

First we see the multicollinearity of the independent variables between them (in our case 4 dimensions of pay satisfaction). The values of the following data show that the coefficient of their interaction is within the allowed limits -0.7 to 0.7, thus the correlation between them does not pose a problem in their interaction with job satisfaction as the dependent variable (Table 5).

Table 5 Correlation between pay satisfaction dimensions.

| <i>Correlations</i> | | | | |
|---------------------|------------------|-----------------|------------------|---------------------------------|
| | <i>Pay Level</i> | <i>Benefits</i> | <i>Pay Raise</i> | <i>Administration/Structure</i> |
| | | | | |

| | | | | | |
|--------------------------|---------------------|--------|--------|--------|---|
| Pay Level | Pearson Correlation | 1 | .632** | | |
| Benefits | Pearson Correlation | .632** | 1 | | |
| Pay Raise | Pearson Correlation | .624** | .643** | 1 | |
| Administration/Structure | Pearson Correlation | .641** | .680** | .683** | 1 |

**** . Correlation is significant at the 0.01 level (2-tailed).**

Before constructing the regression equation we refer to the ANOVA analysis. Table 6 shows that there is a relationship between the dimensions of pay satisfaction and job satisfaction since the value of Sig. = 0.00 < 0.05.

Table 6. ANOVA

| ANOVAa | | | | | | |
|--------|------------|----------------|-----|-------------|-------|-------|
| Model | | Sum of Squares | df | Mean Square | F | Sig. |
| 1 | Regression | 4.517 | 4 | 1.129 | 5.374 | .000b |
| | Residual | 40.983 | 195 | 0.210 | | |
| | Total | 45.500 | 199 | | | |

a. Dependent Variable: job satisfaction

b. Predictors: (Constant), Organizational structure, Benefits, pages Page increase, Level of Payment

Data in table 7 shows that in this correlation two dimensions of pay satisfaction are directly related to job satisfaction. They are pay level and pay raises as the respective values of Sig. are .005 and 0.00, both < 0.05.

Therefore our equation will have the form:

$$(\text{Job satisfaction}) = 3.127 + 0.117 (\text{Pay Level}) + 0.047 (\text{Raises})$$

Table 7 Multiple regression analysis between pay dimensions and job satisfaction.

| Model | R ² | R ² adjusted | t | Sig. |
|--------------------------|----------------|-------------------------|--------|--------------|
| Constant | 0.399 | 0.381 | | |
| Pay Level | | | 19.693 | 0.000 |
| Benefits | | | 1.947 | 0.053 |
| Pay Raise | | | -4.027 | 0.000 |
| Administration/Structure | | | 0.588 | 0.557 |

Pay level has a greater influence on job satisfaction than pay raises as shown by the higher coefficient β=0.117.

Discussions and conclusions

The study discovered that not all dimensions of pay satisfaction were related with job satisfaction. Overall pay satisfaction and pay level were related to job satisfaction while pay raises, benefits and administration/structure were not. The relationships of pay and pay level satisfaction with job satisfaction were expected considering empirical studies and the lack of relationships for the other three dimensions can be explained with the context in which the study was conducted. Organizations in the public sector might offer benefits of lesser value and number because of budgetary constraints. Employees in Albania also value much more the direct cash rewards like salaries or bonuses than indirect non cash rewards like benefits. Pay raises in the public sector are not frequent and usually just adjust the salaries to the level of inflation. The public sector causes limitations for the study. It is recommendable to also conduct this study on private sector employees in order to fully explore the nature of the relationships.

References

- [1] Ago, A., C. Mueller and J. Price. 1993. "Determinants of Job Satisfaction: An Empirical Test of a Causal Model." *Human Relations*, 46, 1007-1027.
- [2] Best, M.F., and N.E. Thurston. 2006. "Canadian Public Health Nurses' Job Satisfaction." *Public Health Nursing*, 23 (3), 250-255.
- [3] Carraher, S. M., & Buckley, M. R. (1996). Cognitive complexity and the perceived dimensionality of pay satisfaction. *Journal of Applied Psychology*, 81, 102-109.
- [4] Currall S.C., Towler A.J., Judge T.A., Kohn L. (2005). Pay satisfaction and organizational outcomes. *Personnel Psychology* 58, 613-640
- [5] DeConinck, J. B., Stilwell, C. D., & Brock, B. A. (1996). A construct validity analysis of scores on measures of distributive justice and pay satisfaction. *Educational and Psychological Measurement*, 56, 1026-1036
- [6] Ducharme, M. J., Singh, P., & Podolsky, M. (2005). Exploring the links between performance appraisals and pay satisfaction. *Compensation and Benefits Review*, 46-52.
- [7] Fong, S. C. L., & Shaffer, M. A. (2003). The dimensionality and determinants of pay satisfaction: A cross-cultural investigation of a group incentive plan. *International Journal of Human Resource Management*, 14, 559-580.
- [8] Hackman, J.R., & Oldham, G.R. (1975). Development of the Job Diagnostic Survey.
- [9] Journal of Applied Psychology, 60, 159-170.
- [10] Heneman, H.G., and D.P. Schwab. 1985. Pay Satisfaction: Its Multidimensional Nature and Measurement. *International Journal of Psychology*, 20, 129-141.
- [11] Heneman, R. L., Greenberger, D. B., & Strasser, S. (1988). The relationship between pay-for-performance perceptions and pay satisfaction. *Personnel Psychology*, 41, 745-761.
- [12] Hulin, C. L. (1991). Adaptation, persistence, and commitment in organizations. In M. D. Dunnette & L.M. Hough (Eds.), *Handbook of industrial and organizational psychology*, Vol. 2. (pp. 445-505) Palo Alto, CA: Consulting Psychologists Press.
- [13] Kinicki, A.J., McKee-Ryan, F.M., Schriesheim, C.A. and Carson, K.P. (2002), "Assessing the construct validity of the job descriptive index: a review and meta-analysis", *Journal of Applied Psychology*, Vol. 87, pp. 14-32.
- [14] Koh, H.C. and Boo, H.Y. (2001), "The link between organizational ethics and job satisfaction: a

- [15] study of managers in Singapore", *Journal of Business Ethics*, Vol. 29, pp. 309-24.
- [16] Judge, T.A., 1993. Validity of the dimensions of the pay satisfaction questionnaire: evidence of differential prediction. *Personnel Psychology*. 46, 331-355.
- [17] Locke, E.A. (1976), "The nature and causes of job satisfaction", in Dunnette, M.D. (Ed.), *Handbook of Industrial and Organizational Psychology* (pp. 1297-343), Rand McNally: Chicago, IL.
- [18] Miceli, M. P., & Lane, M. C. (1991). Antecedents of pay satisfaction: A review and extension. In K. Rowland & J. Ferris (Eds.), *Research in personnel and human resources management* (Vol. 9, pp. 235-309). Greenwich, CT: JAI Press.
- [19] Orpen, C., & Bonnici, J. (1987). A factor analytic investigation of the Pay Satisfaction Questionnaire. *The Journal of Social Psychology*, 127, 391-392
- [20] Ram, P., & Prabhakar, G. V. (2010). Determinants of pay satisfaction: A study of the hotel industry in Jordan. *European Journal of Social Sciences*, 14, 442-454.
- [21] Scarpello, V., Huber, V., Vandenberg, R.J., 1988. Compensation satisfaction its measurement and dimensionality. *Journal of Applied Psychology*. 73 (2), 163-171.
- [22] Singh, P., Loncar N. (2010). La satisfaction à l'égard de la rémunération, la satisfaction au travail et l'intention de quitter. *Relations industrielles*, 65(3).
- [23] Shaw, J. D., Duffy, M. K., Jenkins G. D., & Gupta, N. (1999). Positive and negative affect, signal sensitivity, and pay satisfaction. *Journal of Management*, 25, 189-206.
- [24] Smith, P. C., Kendall, L. M., & Hulin, C. L. (1969). *The measurement of satisfaction in work and retirement*. Chicago: Rand McNally.
- [25] Tremblay, M., B. Sire and D. Balkin. 2000. "The Role of Organizational Justice in Pay and Employee Benefit Satisfaction, and its Effects on Work Attitudes." *Group and Organization Management*, 25 (3), 269-290.
- [26] Vandenberghe C, Tremblay M (2008). The Role of Pay Satisfaction and Organizational Commitment in Turnover Intentions: A Two-Sample Study . *Springer Science+Business*, 22, 275-286
- [27] Williams, M. L, McDaniel, M. A, Nguyen, T. N. (2006). A Meta-Analysis of the Antecedents and Consequences of Pay Level Satisfaction. *Journal of Applied Psychology* , 91(2), 392-413

Distant Teaching and Learning for the Foreseeable Future - Georgian Universities' Students and Professors Perspective

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Abstract

Like the rest of the world, because of COVID-19 and the new reality, most professors and students suddenly have found themselves forced to use technology while teaching and learning. All of a sudden, every faculty member faced the challenge of delivering education online and accordingly every student receiving education online. On the other hand, it was an overwhelming time for the administration to achieve quality online education at scale. Nevertheless, most universities in Georgia immediately took the challenges of converting to asynchronous learning. The paper presents findings of the survey conducted at the present stage at Georgian private and state universities, comparing students' and professors' satisfaction with e-learning. Surprisingly, it appears that professors feel better motivated with online teaching rather than students. Almost every respondent agrees that what seems like the best-case scenario out of this crisis needs much stronger contribution and elaboration in the years ahead.

Keywords: pandemics, online learning, students' satisfaction, professors' satisfaction, correlation.

The Relationship Between Employees' Entrepreneurial Orientation, Mutual Trust, Organisational Commitment and Workplace Performance: An Individual-Level Analysis

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Abstract

Purpose – This paper aims to identify the relationship between employees' entrepreneurial orientation, mutual trust, organisational commitment and workplace performance for individuals. Work has investigated these relationships at the individual level of analysis. **Design/methodology/approach – Research Design & Methods** - The research is aimed at determining the role of EEO, MT and OC in explaining differences in individual workplace performance. The set of research proposals identifies (1) how employees' entrepreneurial orientation and mutual trust/individual workplace performance related to each another, (2) whether the relationship between employees' entrepreneurial orientation and individual workplace performance is mediated by mutual trust and organisational commitment and (3) how organisational commitment and individual workplace performance are related to each another? The conceptual framework for this research was a theory of the social exchange as well as the organizational citizenship and extra-role behaviour theories. The method used for carrying out empirical research was CAWI (Computer Assisted Web Interviews). Data were collected from 926 employees hired in two enterprises (478 employees in an IT sector enterprise and 448 employees in an electro-energy sector enterprise). The project was funded by The National Science Centre in Poland allocated based on a decision DEC-2014/15/B/HS4/04326. **Findings** – Structural Equation Modeling in the Mplus supported the expected relationships between employees' entrepreneurial orientation and mutual trust/individual workplace performance, as well as between mutual trust and organisational commitment. Implications of these findings are discussed. **Research limitations/implications – Implications/Recommendations** - We do not establish how employee EO, and individual workplace performance, might accumulate and aggregate to the team level. Regarding future research directions, further research should be undertaken to analyse the relationship between employees'

entrepreneurial orientation and workplace performance at the individual employee and team levels in various industries across the country and longitudinally at different organisational levels. The results of the research allow for a better understanding of entrepreneurship and strengthen its theoretical foundations as an individual-level construct that determines individual workplace performance.

Keywords: employees' entrepreneurial orientation, mutual trust, organisational commitment, individual workplace performance

How Many Children Live with Heavy Drinkers Across 19 European Countries?

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Abstract

Background: Alcohol's harm from others drinking is well documented by researchers in different countries and in different cultural background across the world. Studies of child welfare have highlighted heavy parental alcohol use as crucial factor for a child's normal physical, emotional and social development. In order to prevent harmful childhood experiences, improve individual and public health and sustainable development, it is necessary to develop prevention and interventions to reduce alcohol-related harm to children. This requires knowing the scale of the problem. To the authors knowledge it is unknown how many children live with heavy drinkers in Europe. This study examined the prevalence of children living with at least one heavy alcohol user in the household in 19 European countries. **Method:** The data from Standardized European Alcohol Survey project (RARHA SEAS) and Eurostat was used to calculate prevalence of children living within a household with at least one heavy drinker. A four-item version of the Rapid Alcohol Problems Screen test developed by Cherpitel (2000) was applied. Descriptive statistics analysis was conducted with SPSS. The average number of children living in a household in 2015 came from the Eurostat database. **Results:** The overall percentage of children growing up with heavy drinkers in all countries surveyed was 16.81%, for a total of 9,740,901 children in 19 European countries. The large gaps of prevalence of children living with heavy drinker were identified between different European countries. The lowest proportion of children living in a household with the heavy drinker were in Italy - 5.59%, while it has reached 35.23 % in Lithuania. **Conclusions:** The sound number of children living in the households with heavy drinker calling for further strategies to prevent child exposures to heavy drinking environments. This research was funded by a grant (No. S-MIP-20-2) from the Research Council of Lithuania.

Keywords: Children, Heavy Drinkers, 19 European Countries

Faculty Learning Community: A Strategy of Resilience for Survival

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Abstract

This presentation will focus on the discussion of faculty learning community as strategy of resilience for survival. In this presentation, the author will share the practices of FLC own FLC practices to support resilience strategy building in higher education. The FLC facilitator's reflection and FLC survey results will be shared as well. Faculty learning community is not a new concept. Some research indicated that faculty learning communities (FLCs) are effective in breaking the discipline divide, improving teaching quality, promote collaboration, good practices, improving campus climate on teaching and learning and quality of teaching and student learning (Frost, 2018; Banasik & Dean, 2016; Sicut, et. al. 2014). Faculty learning communities increase knowledge, value, motivation, and enthusiasm for teaching (Lancaster, et. al., 2014). These benefits enhance FLCs function as resilience strategy. In a nutshell, FLCs add knowledge, innovation, and scholarly inquiries (Nadelson, 2016; Gordon, 2015; Bazeley, Waller, & Resnis, 2014). FLCs facilitate growth through interdisciplinary teaching, curriculum design and redesign, research and scholarly inquiry, and resource sharing (Boman, et. al., 2017; Andreoli, et. al., 2017). To survive higher education at a time of uncertainty and COVID epidemic, FLC offers advantages for faculty in resilience building.

Keywords: Higher Education, Faculty Learning Community, Resilience, Leadership, Teaching and learning

Syrian Refugee Crisis as An Issue of International Security and the Stance of Nato

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Abstract

NATO, as the most intense military organization in the world, became the most important agent of the Cold War after it was established; so much that, it brought the end of the socialist-communist axis which could not resist to compete with it. The importance of NATO was not just because it was a military unit but also because it was attaching great importance to liberal democratic values. Though, when it felt any kind of threat, it intervened anti-democratically to the member states and claimed that it was to protect the western democracies against Soviet Union, as was seen in military coup d'état in Turkey in the years 1961 and 1980 and in Greece in 1968. When NATO reverted back to the mission of enlargement and establishing peaceful areas, the time it specified mass population movements as an issue of security; the wind of "Arab Spring" was intensified. It was EU who first reacted to the issue with the concept of security; because the instability and unrest could have brought the risk of mass migration towards Europe -which in the end happened due to Syrian crisis. Thereupon, NATO launched few operations in some areas like Libya, partly under the guidance of the USA and France but soon after it decided to retreat from hot spots. Especially after ISIS's emergence on the stage, NATO was expected to intervene in the situation like it had previously done in Kosovo and Afghanistan where mass population movements had stopped considerably. However, the option of military intervention never seriously brought to the table in Syrian crisis. Instead, after influx of the immigrants towards Europe, it has undertaken the function of stopping mass movements in Mediterranean and the Aegean Seas in order to protect the Western World as an issue of security since 2016. Now it is needed to be asked: If NATO had intervened in the Syrian crisis in time, would there have been such millions of displaced people within and out of Syria?

Keywords: Syrian Refugee Crisis, Issue of International Security, NATO

Our Heightened Ambivalent Relationship with Fake News in Troubled Times

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Abstract

In an interview with the BBC, Italo Lennon, an epidemiologist tracking the pandemic at Ceará's public health department, said, "... Our biggest problem is fake news." Ursula von der Leyen, the European Commission president said in an online video statement, "There is an increasing number of fake news about the coronavirus outbreak that is circulating in particular, online." During the COVID-19 pandemic, fake news was more rampant than ever. Authorities constantly spoke against it, causing ambivalence among the people in regards to fake news. This paper analyses the complex relationship between people and fake news during an event. To illustrate this, the following will be highlighted: 1) the influence of fake news during past significant events; 2) mass hysteria cases during events; 3) the effect of human-media relationships during events. Girard's mimetic theory lays the foundation for this research. In a heightened event, such as a pandemic, it is often reported that more people are attracted to the absurdity of fake news than during normal times. Simply just by reading, we allow fake news to propagate. In the midst of all the mundane media messages, the intensity of fake news mystifies. Its mystery always keeps us wanting more. Understanding the truth of our relationship with the media, allows authorities to be more efficient during an event, such as a pandemic.

Keywords: penile retraction epidemic, mass psychogenic illness, mimetic principle, respiratory disease pandemic, credibility of news, covid-19 symptoms, traditional or new media

Society 5.0: A Political-Ideological Concept

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Abstract

Society 5.0. is a concept of society that has emerged very recently in Japan and involves mobilizing the potential of digital technology in the development of a super-smart society in which the promotion of the quality of life of all people is at the core. This communication has the objective of analyzing this concept of Society 5.0, focusing on its political-ideological dimension through a bibliographic research. It is concluded that Society 5.0 is inevitable as a model or paradigm, at least in its more general forms, of the society to come. However, social transformation in the sense advocated by Society 5.0, as a political-ideological concept, needs to be considered also under the critical perspective of the social sciences to address the implicit idea of the inevitability of a society with a better quality of life for all its members. Progress and social prosperity for all members of society that seem to emerge from the implementation of Society 5.0 is not inevitable.

Keywords: society 5.0, ideology, digital society, social transformation, social development

Modeling Proppant Deformation and Embedment

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Abstract

The purpose of hydraulic fracturing is improving well productivity by creating fractures, which are propped with a propping agent. The success of this process depends highly on the achieved fracture conductivity, which is the product of the fracture width and the apparent permeability of the proppant within the fracture. After hydraulic fracturing treatment, well productivity is definitely affected by the interaction between the proppants and the fracture surface. As the fracture again closes, the resulting pressure deforms the proppants and embeds them in the surrounding rock, which significantly reduces fracture conductivity. This presentation deals with analytical and numerical solution for modeling proppant deformation and embedment. The analytical way points out all the relevant parameter affecting proppant embedment and deformation and it is derived from the Hertzian Contact Theory by Li et. al. However, the discrete element method could provide with a more precise result considering the random characteristic of the phenomenon. In this presentation I introduce the determination method of micromechanical properties of proppant particles by using EDEM Academic discrete element software.

Keywords: hydraulic fracturing, proppant, embedment, deformation, discrete element method

Heavy Metal Ions Binding to Beta-Amyloid and Anti-Amyloid Peptides

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Abstract

Neurodegenerative diseases are a group of pathologies that mainly affect human brain neurons. Particularly, Alzheimer disease (AD) pathological hallmarks consist in extracellular senile plaque formation due to the accumulation of amyloid β ($A\beta$), abnormal aggregation of tau protein and oxidation of $A\beta$ peptides in the presence of metal ions. Although metal ions are involved in many biological and biomedical processes, several studies suggest that copper, nickel, aluminum, etc. are also involved in the neurotoxicity of $A\beta$ peptides, by forming peptide-metal complexes. Besides the high interest in studying the aggregation and oligomerization process, recent studies also reference the study of some peptides with neuroprotective action, such as NAP (derived from activity-dependent neuroprotective protein) and its interaction with metal ions. However, there are still some unanswered questions regarding metal ion binding mechanism to $A\beta$ and NAP peptides, and the capability of NAP peptide to inhibit the aggregation process. Here, we studied the interaction of copper, aluminum and nickel with $A\beta$ 1-16 and NAP modified peptides. For this purpose, techniques such as: mass spectrometry, atomic force microscopy, fourier-transformation infrared spectroscopy were used to study the metal ions-peptides interaction for a better understanding of metal ions bindings in AD. Our results suggest that the binding of metal ions to peptides is closely linked to the peptide sequence and to the type of metal ion used.

Keywords: beta-amyloid, anti-amyloid, metal ions, Alzheimer disease, aggregation

Acknowledgements

This work was co-funded by the European Social Fund, through Operational Programme Human Capital 2014-2020, project number POCU/380/6/13/123623 (PhD Students and Postdoctoral Researchers Prepared for the Labour Market).

Technology Adoption in Developing Apps of Foreign Languages

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Abstract

The use of technology in language learning today is a trend in creating an effective learning environment. Students become more active and less bored as they learn in fun situations with or without the presence of lecturers. This study will focus on the development of a new application of foreign language learning in Malay, English, Spanish, Arabic and Chinese. Based on the model of technology adoption in the classroom, researchers will develop a new language learning application by reference to '*idea and product technologies*' as a guide. The researcher identifies five key phases in the integration of ideas and product technologies such as evolution, reorientation, integration, utilization and familiarization. The results of this study can help researchers to explore deeper into the design of the application. This new application will benefit any those who want to learn a foreign language such as Malay, English, Spanish, Arabic and Chinese at a basic level.

Keywords: developing, technology, apps, classroom, foreign languages

The Connection Between Systolic Arterial Blood Pressure During the Stress Test and Coronary Artery Disease in Hypertensive Males

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Abstract

Changes in arterial blood pressure are one of the main features that is observed during exercise stress tests. The aim of this study is to determine how the increase of arterial blood pressure during the exercise stress test in men with hypertension is correlated to positive findings for significant atherosclerosis in coronary angiography. Hypertensive male patients who went through an exercise test on a bicycle ergometer and coronary angiography were involved in the study. The rates of SBP to workloads were compared at starting, the peak of the exercise and in the recovery at 2nd, 4th, and 6th minutes. All the above rates were importantly higher in patients with coronary arteries disease at a statistically significant level. Stepwise regression analysis results implied that on the contrary, none of the parameters as the age, weight, height, body mass index, heart rate, and diastolic blood pressure had any influence on the distinction between normal and abnormal arterial disease patients, emphasizing once more the value of our study results. It must be underlined that high levels of the ratio of the systolic blood pressure to the workload in the first stage of the exercise test can predict the presence of coronary artery disease. This is extremely important for the physician in cases of non-conclusive stress tests or when ECG shows no changes.

Keywords: systolic blood pressure, hypertension, coronary angiography, exercise stress test

Building Loving Pedagogy in Islamic Education: An Empirical Review

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Abstract

This article attempts to examine the essentials of building the initiative on teaching pedagogy within Islamic education. The key focus was on expanding the essence of love, which in Islam this is a fundamental point of view in achieving the rahmah (blessing), which could reach to the peaceful environment. The critical review was conducted from the literature of referred articles from journals, proceedings and books. The result showed that building love-teaching pedagogy should do with giving the qudwah (strategic role model). This extent refers to transmit in both individuality and society-quality performance as a pivotal element to enhance the capacity building on expanding the essence of love-based teaching pedagogy in Islamic education. This study is expected to contribute to give an insightful value on teaching pedagogy in the basis of love in Islamic education.

Keywords: love, teaching pedagogy, Islamic education, rahmah (blessing), qudwah (strategic role model), peaceful harmony, personal and social experts, and societal community

Prediction of Coronary Artery Disease based on the Rates of Systolic Blood Pressure to Workloads in Exercise ECG Stress Test in Males with Normal Blood Pressure

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Abstract

Many studies have demonstrated an exaggerated systolic blood pressure (SBP) response in patients with coronary artery disease (CAD). Higher rates of SBP to workloads during exercise ECG stress test in hypertensive patients indicate the presence of significant CAD. The current study examines the independent predictability of the rates of SBP to workloads during exercise ECG stress test for normotensive male patients in detecting the CAD patients. Normotensive men enrolled in the study underwent an exercise ECG test and a coronary angiography within a month period. They were measured ratios of SBP to the workloads during the starting and peak of the exercise, as well as in the fourth minute of recovery after performing an exercise stress test. Statistical results of ANOVA and stepwise regression revealed a statistically significant relationship between higher rates of SBP to workloads in starting, peak and fourth minutes of recovery of ECG stress test with the presence of positive coronary angiography. This is another important clue for the physician who evaluated the exercise ECG stress test results that despite other characteristics, only by observing the above mentioned rates, the CAD patients can be detected.

Keywords: systolic blood pressure, normal tension, coronary angiography, exercise stress test

Decision Support Opportunities in the Green Supply Chain Coordination

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Abstract

In the 21st century, major changes have taken place in supply chain management. First of all, some new type of supply chains has appeared beside the traditional supply chains. The growing level of pollution, the decreasing level of non-renewable sources indicate changes in the business life. Companies find some alternate solutions to protect the environment – use renewable sources, integrate recycling processes, use the inverse logistics etc. So companies are getting to be eco-conscious, we are called them as 'green companies'. If these green companies are in one supply chain, we are called as 'green supply chain'. The coordination of supply chains – whether if traditional or green– is one of the most important research topics in this century. The number of chain members is growing; the cooperation is getting to be more difficult. That is why contracts could be a good solution for this problem, because they define a framework for the parties to manage their relationships. Contracts work well, if the right type is chosen according to the nature of the relationship. But in the case of a green supply chain, there are other influencing factors. Green companies are able to accept higher prices to get higher quality products. In the paper, we analyse how these factors influence the decision-makers to choose between the contracts; we use the AHP decision-making method.

Keywords: Green Supply Chain, Supply Chain Coordination, Decision-making, AHP

JEL classification: D21, D81, L11, L14

An Investigation on Improvements to Ultrasound Reactor Configuration for Extraction of Phytochemicals in Industrial Scale

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Abstract

Industrial attentiveness and demand for natural bioactive compounds are rising continuously, regarding their growing commercial values in nutrition, pharmaceuticals, cosmetics and many other industries. The progress in ultrasound technology has spread the use of ultrasonication on a broad field of application areas, including extraction of bio-materials from plant sources. Ultrasound-assisted extraction is a powerful alternative to conventional techniques, in terms of extracting bio-compounds from variable kinds of matrices, higher efficiency, reduced extraction time, toxic-free operation, lower energy demand, lesser water consumption and better extract quality. Existing research pointed out that the reactor configuration is vital for maximizing the efficacy of extraction process, however basic reactor configurations that were mainly used in the literature may not be feasibly adapted to full-scale industrial applications. In this study, an investigation on possible improvements and modifications to existing reactor designs are discussed, such as detecting the optimum frequency range of ultrasound transmission depending on the material rheology and composition, possible modifications in beam-forming by means of frequency modulation and finally transmitting the waves in combination of different frequencies.

Keywords: ultrasound, frequency, extraction, phytochemical

The Post-Communist Evolution and Constitutional-Legal Engineering of the Model of Democracy in North Macedonia (1990-2001)

Driton Kuqi

Abstract

The first decade after the breakup of Yugoslavia, was crucial for the North Macedonia state and its citizens. The constitution of the new, independent state was not an easy process and it did not pass peacefully and with no problems. The complex social process and relations have initiated the need for amendments to the Constitution, which, since its adoption in 1991 until today, has been changed 32 times in order to adapt to the new emerging situation and to give a constitutional and legal response to the real challenges. Of course, proper changes also occurred in the political system itself, as a result of numerous factors, which more or less influenced its character and shape.

Keywords: Keywords: democracy, consociational democracy, constitutional order.

The Nexus of Art and Science: Creating Art Medals in the Chemistry Lab, Using Graphite Molds

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Abstract

The idea of graphing what is called the lead-tin eutectic point when alloys are produced from elemental lead and tin metals may be very common and established in chemistry and materials science laboratories. Producing art medals from the alloys that are made in such experiments is decidedly not. We will present how the lead-tin eutectic experiment can be performed in the chemistry lab, and how graphite blocks can be used as both mold and heat sink for the creation of art medals, utilizing metal alloys produced by students in the laboratory. The process brings together art, science and engineering in a single experience. We conclude that this has been found to be beneficial for students, yet is a technique that can be utilized by virtually any person who wishes to experiment and create with low-melting metal alloys.

Keywords: Alloy, Low-melting alloys, Eutectic, Art medal, Heat transfer

Methodical Practice of Teaching Croatian Language and Literature During the Covid-19 Pandemic

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Abstract

In exceptional circumstances, such as those that have been caused by the COVID-19 virus pandemic, when schools were closed in order for the protection of human health and teaching were moved to an online environment, the implementation of methodological practice proved to be particularly challenging. Distance learning disabled the usual ways of implementing methodological practice, which automatically encouraged the design and application of new ways and methods of implementation. This allowed the students to realization methodical practice even in extraordinary circumstances, such as those caused by COVID-19. The goal of these new ways and methods, despite the extraordinary circumstances, environment and ways in which teaching is being implemented, is to enable students to acquire the practical knowledge, skills, experience and competencies that are necessary in the teaching profession. The paper deals with the methodical practice of students the Department of Croaticistics who have mandatory methodological practice within their university study program of the Croatian Language and Literature at the graduate level. Under normal circumstances, these students, under the guidance of a university professor and a mentor teacher in training schools, implement methodical practice in primary and secondary schools where they get acquainted with the work of teachers and activitely participate in the teaching process. Among other things, the students follow pilot mentoring classes, prepare and conduct classes and actively participate in analyzing the same, which is all part of the methodological practice.

Keywords: methodical practice, teaching Croatian Language and Literature, distance learning, students, Croaticistics

Self-Representation in Social Media During the COVID-19 Pandemic Lockdown

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Abstract

Over the past 15 years, social media has become an integral part of our daily lives, influencing both our informal interactions and professional discourses as well as their structure. From this, one can conclude that social media has its own logic, which includes special norms, strategies and mechanisms (van Dijck & Poell, 2013). Therefore, it is not surprising that many of the changes affecting society today have been instigated by the use of social media. Two fundamental features of social media are its ability to transcend geographical and cultural boundaries and the role that recipients play when posts are shared, as opposed to traditional models of mass communication. Consequently, these features have led to the rise of the 'infodemic', a term that describes the excessive spread of information and can be used specifically to refer to the dissemination of information about the COVID-19 pandemic on social media platforms (Cinelli et al., 2020). The present study aims to provide a snapshot of how self-representation on social media platforms has changed among Hungarian users during the lockdown period of COVID-19, supported by a brief literature review about the pandemic and its effects on mental health and tested using an online questionnaire to gain deeper insight into social media usage patterns. According to the results of the questionnaire, social media usage and self-representation in social media posts became more frequent during the lockdown. Additionally, symptoms of major depression were more likely among those who shared photos of themselves or their close relations 'daily' or 'multiple times a day' on Messenger, where the frequency of photo-sharing increased the most.

Keywords: COVID-19, self-representation, social media, sociology, social psychology

Potential Effects of Resveratrol on Obesity Markers of Iraqi Women

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Abstract

Obesity is defined as a condition of chronic oxidative stress and chronic systemic inflammation, and it is associated with many health problems. Resveratrol is a polyphenolic compound noted to exert beneficial effects on various diseases such as cardiovascular diseases, atherosclerosis, diabetes mellitus, and nephropathy. The healthful effects of resveratrol are thought to be attributed to its antioxidant properties. In this interventional prospective randomized controlled trial, female patients diagnosed with obesity according to the WHO criteria and were randomly allocated to either control or resveratrol group. Resveratrol supplement showed a significant reduction in weight, body mass index (BMI) and waist circumference (WC). From the above results, one can conclude that oral supplementation of resveratrol can improve Anthropometric parameters.

Keywords: obesity, resveratrol, body mass index.

EYSIER Charter Mark with ABCDE and Assessment for Personal and Social Learning; a Bottom-up Approach to Building Faculty of Judgement with an Open Access Knowledge Base of Science with and for Society (Swafs)

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Abstract

Civic society must mobilise education and training to move from Covid 19 disruption to recovery to meet the goals established by the President of the European Commission « A Union that strives for more » and promoted through the European Education Area. Using Five stages of 'A Blueprint for Character Development for Evolution' (ABCDE), citizens map their journey to making good decisions in a new social contract to amplify recovery. A is European Qualifications Framework (EQF) Level 1 to ask good questions to solve problems; What is social distancing? How can I optimise success in virtual-classrooms? How can I safely create a new job for myself? B is EQF Competence Level 2 and focusses to explore the best that has been thought and said from explicit Scientific/social knowledge and synthesise it with implicit personal knowledge/beliefs, to gain shared understandings of definitions of terms. C is EQF Competence Level 3 to develop robust methods for data-collection/handling to find solutions to personal and social, cultural, health, economic and political problems. D is EQF Competence Level 4 to develop theories of change from data as solutions to social and personal problems for recovery. E is EQF Competence Level 5 to develop moral and ethical principles in a new social contract. ABCDE is implemented with 'Assessment for Personal and Social Learning', A Massive Online Open-Access Course, and toolkit to gain the Empowering Young Societal Innovators for Equity and Renewal (EYSIER) Charter Mark to align commercial, humanitarian evolutionary and sustainable goals to propel recovery.

Keywords: EYSIER, charter, ABCDE, assessment, personal, social, learning, bottom-up, approach, building, open access knowledge, base of science, society, Swafs

Applying ABCDE and Assessment for Personal and Social Learning to Studying the Classics to Equip Students with the European Qualification Framework Competences Incrementally for Recovery from Covid 19

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Abstract

The professional challenge of this paper is education systems do not have a road map to achieve the Target 4.7 of the Sustainable Development Goals (SDG) to ensure that all learners acquire the knowledge and skills needed to promote a culture of peace. The Covid 19 is causing fear about economic stability and individuals experience conflict physically, mentally emotionally, and spiritually. It is very important that policy makers support education systems, teacher training and teacher leadership empirical models to foster self-knowledge for good decision making. This will prepare citizens to optimise alignment of commercial interests with sustainable interests with a labour market replete of citizens with Competency Levels of the European Qualification Framework gained through life long learning situated in rich diverse cultural heritages. We apply A Blueprint for Character Development for Evolution with Assessment for Personal and Social Learning to the Classics curriculum and reveal applying ABCDE in five steps maps to the incremental Competences Levels 1 – 5 respectively of the European Qualifications Framework. Step A asks questions to establish what the problem is. Step B asks what solutions have or have not worked before. Step C asks how the problem is understood in context. Step D provides empirical, logical, ethical and innovative solutions to the problems emerging from the data. Step E establishes principles to inform good decision making that can be readily transferred to other domains. ABCDE with APSL applied to classics curriculums provides a road map to empowering young societal innovators for equity and renewal.

Keywords: ABCDE, Assessment, Personal and Social Learning, Classics, Students, European Qualification Framework Competences, Incrementally for Recovery, Covid 19

Introduction of a Strategic Board Game that is Aimed at Educating Children About Sustainable Development Goals of United Nations

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Abstract

The paper I want to share at this Education Conference is not the result of a research, but it is a product of a 26-year long education career. With all my observations during these 26 years, I found that especially high school students' global awareness is low and developing a better awareness has become the forefront of my education philosophy, so I create a syllabus and developed a strategic board game. I am a generation X teacher who tries to raise the generation Z kids and construct an education system for the Generation Alpha. On the other hand, Y-generation, my young colleagues that I am working with are also very different from me, but still, we are sharing the same planet that needs our immediate care and awareness. The main goal of this syllabus is teaching the UN Sustainable Development Goals, so that they can internalize the goals to take actions. This paper contains the basic chapter explanations of the curriculum and the rule of the strategic board game ECOTOPIA. In short, this curriculum and strategic board game is the product of my educational experience and I would like to get support/opinion from my colleagues by presenting them in this conference. The philosophy of the curriculum is rising Global Awareness meanwhile understanding the sustainable development goals (SDG). On the other hand, the game Ecotopia is just covering some development goals. The game focused on renewable energy sources and pollution. When a student starts playing the game he/she has learned the renewable energy sources, pollution sources and etc but by the end of the game he/she would have a solid idea about how other countries affect your nature, how do states make decisions to change their investments nature friendly like electric cars, how unexpected disasters like earthquake affect the country, how global warming is increasing automatically and as World citizenship you need to take some actions to reduce it. Participants in the game need to develop various strategies regarding ecological conditions, sustainable energy sources, as well as attitudes towards air, water, and soil pollution. The goal of every player is to create a healthy and sustainable state.

Keywords: High School, Curriculum, Integrated Course, Sustainability, Development, Goal, Macroeconomy, Generations (X, Y, Z), Globe, Awareness, Strategic Board Game, Ecotopia, World Citizenship, renewable energy sources, investment

How Artificial Intelligence Can Augment the Collection of Scientific Literature

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Abstract

This article describes the contribution of artificial intelligence (AI) to the literature collection process, which has become more efficient and more homogeneous. In this context, the researcher will receive his literature not only according to his field. Moreover, the literature is strongly linked to scientific and academic ambitions. AI through its deep learning techniques offers the possibility of speeding up the process of collecting augmented literature via an approach based on the annotation of scientific names and none-scientific names related to the field. AI provides original or reproduced research avenues with reliable and precise results. In this article, we have highlighted how to develop conceptual framework based on scientific and none-scientific names related to the area of expertise, all ensuring the reproducibility, reliability and accuracy of the study.

Keywords: artificial intelligence (ai), augmented literature, reproducible literature, reliable literature, accuracy literature.

The Many Faces of Turku - An Essayistic Study of Urban Travel

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Abstract

What does it mean to take a photographic, imaginary, or fictional journey to some destination? How does indirect observation of the object differ from direct observation? What are they like, the immediate and the mediated Turku? Which of them is more real or more authentic? Turku is Finland's most poetic city. It is also the most European of our cities. As the flâneur saunters along the banks of the River Aura, he traverses several centuries. The murmur of yesteryear is to be heard in the old buildings and in the foliage of the time-honoured trees. Here is the cradle, the first home of Finnish civilization. The philosopher-poet is able to see into the essence of a city: he has the patience to linger and listen to the humming resonance of the ages. The tourist cannot do that. What is needed is a traveller who makes sufficiently profound and discerning observations. It is in his existential looking glass that the many faces of Turku are reflected.

Keywords: essayistic study, urban travel, flâneur, Turku-ness, cultural-pedagogical city tour

Ephemeral Museums in Pandemic Era: Bari and the Museo Provinciale that Was There, that Has Been and Has Never Been

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Abstract

The proposal introduces the theme of the communicative resilience of exhibitions during the Pandemic Era. On March 7, 2020, Italy and its museums, as well as the countless exhibitions housed in their rooms, were closed leaving hundreds, perhaps thousands, of works without the public: from the paintings of Raphael (Rome, Scuderie del Quirinale), to the tables of the Griffoni Polyptych assembled after three hundred years (Bologna, Palazzo Fava), to the statues of Canova (Rome, Palazzo Braschi), to the Sant'Antonio by Antonio Vivarini and to the San Felice in the chair by Lorenzo Lotto chased by Bernard Berenson in his Apulian 'pilgrimages' (Bari, Palazzo Ateneo). Indeed, the latter is the exhibition to which particular attention is paid here. The spaces of the ancient Museum have come back to life with the exhibition "Il Museo che non c'è. Arte, collezionismo, gusto antiquario nel Palazzo degli Studi di Bari 1875-1928". The exhibition involved lenders institutions such as Villa I Tatti - The Harvard University Center for Italian Renaissance Studies, the Central State Archive in Rome, the Pinacoteca of Bari 'Corrado Giaquinto' and several others. The exhibition in Bari was inaugurated on February 28th. After the first five days only the exhibition was closed for the advance of COVID 19 virus. In the 'great hall' - as the main space of the ancient Provincial Museum was called - everything remained suspended and perfectly finished: showcases, exhibitors, paintings, statues, clay and stone art objects. However, there was no longer the possibility of letting people, visitors enter. We said that it would have been wonderful to be said that it would have been wonderful to be able to reopen it at least 'virtually'. And so we did, with an immersive and advanced teaching perspective.

Keywords: Italy, Museology, Exhibition, History of Art

Women's National Volleyball & Basketball teams in Albania performed in Drop Jump 60cm

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Abstract

Volleyball and Basketball women's have different performances from each other due to their special specifics of the game. From the specificity of their training, there are differences in the physical qualities of individual and team sports performance, where one of the elements is vertical jumping. This study is concentrated on two teams: Women's Volleyball Team (V) and Women's Basketball Team (B) 15 members each, focusing on 30 subjects. Players were measured in physical parameters; Age (V-24: B-27), Body Height (V-180.4cm; B-173.4cm), Body Weight (V-70.37kg; B-63.88kg), BMI (V-21.67%; B-20.93%). The players performed the test DJ60cm in the platform Leonardo® Ground Force Reaction Plate (GRFP) which expresses Force max (kN), Power max (w/kg), Time Contact (TCs), Air Time (TAs), TA/TCs. The results obtained by GRFP showed different team values of the two sports in the parameters of Fmax V65.19<B74.07n/kg, Pmax V31.26>B23.06w/kg, TCs V0.231>B0.198, TAs V0.436>B0.34 and TA/TCsec V1.96s>B1.71sec. Results revealed that V players jumped higher (p, 0.001) than B players. Finally, the Drop Jump60cm test has different performance between individual players, despite the fact that in the team average it turned out that Volleyball players is higher in this test. Drop Jump is the typical plyometric test. Furthermore, tests such as DJ can be a useful method for assessing differences and monitoring vertical jump training programs from collective sports.

Keywords: drop jump, volleyball, basketball, players, air time.

Smart Cities, Big Data, Artificial Intelligence and Respect for the European Union Data Protection Rules

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Abstract

The importance of cities and their populations grow more and more, as well as the need to apply ICT in their management to reduce their environmental impact and improve the services they offer to their citizens. Hence the concept of smart city arises, a transformation of urban spaces that the European Union is strongly promoting which is largely based on the use of data and its treatment using Big data and Artificial Intelligence techniques based in algorithms. For the development of smart cities it is basic, from a legal point of view, EU rules about open data and the reuse of data and the reconciliation of the massive processing of citizens' data with the right to privacy, non-discrimination and protection of personal data. The use of Big data and AI needed for the development of smart city projects requires a particular respect to data protection regulations. In this sense, the research explores in depth the specific hazards of vulnerating this fundamental right in the framework of smart cities due to the use of Big Data and AI.

Keywords: smart cities, big data, artificial intelligence, European Union data protection rules

The Curbing of Fake News: a Three Level Cognitive Approach

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Abstract

The COVID-19 outbreak was accompanied by a massive "infodemic", making it difficult to identify reliable sources. While poorly edited fake news fundamentally differs from trustworthy information in the area of narrative structure (van der Linden, 2017), the situation is much different with fake news of higher editorial standards. Our goal is to develop targeted methods for identifying fake news using neurolinguistic approaches and big data analysis. The innovative character of this approach lies in the inclusion of linguistic elements beyond content analysis. In contrast to existing work, the focus is not on frequency analysis of keywords, metaphors or the interaction between the headlines and the content of the articles (Granik & Mesyura, 2017; Rashkin et al., 2017; Bourgonje et al., 2017), but on the identification of unconscious linguistic phenomena on three distinctive levels: the conceptual, the motivational and the iconic level; i.e. of speech material that is difficult to consciously manipulate or suppress. One advantage of this method, which should not be underestimated, is that untrustworthy sources fall off the grid, thus allowing for a targeted isolation of fake news on the internet in general and concerning the current pandemic in particular. Our corpus consists of online articles in three languages (English, German and Spanish).

Keywords: Covid-19, fake news, infodemic, cognitive analysis, neurolinguistic approach, big data analysis, unconscious linguistic phenomena

Developing teachers' Classroom Interactional Competence: A plea for fostering teachers' professional development

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Abstract

The EFL classroom is a complex socially constructed context. Its complexity lies in the interconnectedness of different sociocognitive factors that have a powerful impact on the teaching/ learning process. Due to its socially discursive nature. In fact, it is in the classroom that learners can engage in social interactions that engage them in conducive learning opportunities. This will eventually help them in actively constructing their knowledge by making connections, building mental schemata and concepts through collaborative meaning making (Walsh 2013: 6). In the midst of this, the role of the EFL teacher is a complex one. The complexity lies in the interconnectedness of different sociocognitive factors: the Learners, the Content and the environment in which the teaching /learning process takes place. The main question here is how to manage these factors and create a meaningful learning environment that urges learners to think critically and reflect upon their ideas. i.e to have their own voice. In this light, Teacher training is the first step towards improving the quality of teaching. This can be achieved through raising teachers awareness about their language use in the classroom. This experimental study is directed towards developing teachers' Classroom Interactional Competence by providing them with a conversation analytic tool, i.e, Walsh 'SETT framework (Self Evaluation of Teacher Talk) . The latter is a valuable reflective tool for teachers to develop an awareness vis-à-vis their pedagogical management of interaction, mainly their language use. In addition, it is also argued that an overt instruction of teachers' interactional meta-language has a pivotal role in raising teachers' awareness regarding their management of classroom interaction. Results showed a positive attitude towards that application of SETT framework in teachers' reflective practice and professional development. Nevertheless, teachers reported some shortcomings regarding familiarizing this framework with their professional practice.

Keywords: teachers, classroom, interactional, competence, plea, fostering, teacher, professional, development

Teaching English Through Games

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Abstract

This paper aims to analyze the utilization of didactic games in ESL classes while teaching and managing the classroom, as well as strategies and tools for the game between the teacher and the students. Utilizing games in ESL course can fulfill the essential aim of teaching, which is to make students active participants in the learning process and keep them motivated. This paper focuses on analyzing the utilization of games while teaching English with the aim of actively engaging students in the learning process. This study relies on both research methods, the qualitative and quantitative one. There were interviews held with 2 English teachers and a questionnaire completed by the 144 participants. This survey was conducted in one of the high schools, in Tirana. The findings of this study bring out whether the teacher and students like or not game usage during their English classes.

Keywords: games, teaching, management, ESL course, attention, motivation