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Social Media and its Impact on Decision Making for Trip

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Abstract

Social networks are not a new phenomenon of the human community. Social communication tools represent a revolution in terms of the possibility of publicity for enterprises. In this way mechanisms of social networks have not only changed the instruments, but also the communication. Social media is not focused exclusively on the development platform of promotion and communication, but also in the implementation of services to create new business opportunities and career. Professional groups present in networks are often closed and specifically dedicated towards specific groups in order to achieve defined objectives and set by direction of the company that benefit from these platforms. Social communications tools represent a revolution in terms of publicity opportunities for enterprises. Social media is becoming the key marketing tool for organizations who manage tourist destinations, in this way having a major impact on tourism markets. The role which social media is playing in various aspects of life is becoming increasingly every day, especially in areas such as social interaction and cultural and educational aspects of our lives. Social media are becoming important tools in marketing management for companies of tourist destinations, having a major impact on tourism markets. The arrival of new technologies such as social media have made it possible to change the way consumers seek information on their buying decisions. Ease of use, flexibility and interactivity offered by these social sites makes it easy for customers to get information that after all generate sales. These interactive web pages that have the status of social communities encourage consumers to interact with the community, strengthening prospects of customers. This will be resulted in customers who visit the community more often to get the desired information (Poon, A. 1993). With advices or knowledge that they get from the community they build the perception of destination and are used for making decisions by consumers. The purpose of this paper is to highlight the use of social media and the impact of social media in the decision making to travel by consumers choosing Albanian.

Key words: social media, internet, decision making, tourism, consumers

1.   Social media and consumers attitudes

To consider social media as a marketing communication tool must understand every aspect of them. Kaplan and Haenlein (2010) define social media as a grouping on the Internet based on the applications that have built ideological and technological foundations of Web and allow the creation and exchange of content created by user (Sinclair and Vogus 2011). However, there are some basic characteristics necessary for a website to be called the site into a social network. Pages should contain user profiles, content, a way that allows users to have contact with each other to communicate, to post comments on sites to each other and to join in virtual groups based on common interests (Gross and Acquisti, 2005; Ellison, Steinfield & Lampe, 2007; Lenhart & Madden, 2007).

So, social media is the environment in which social networks have taken place and have changed the way that consumers gather the information you need to make decisions. It is vital for retailers to be aware of the factors that influence the attitudes and motivations of consumers because consumers are changing the concept that for the markets (Heinonen

2011). As a result, current research, show which aspects of social media websites are affecting consumer attitudes and motives.

One of the most visible phenomena of new media is that it has grown and has established new forms of social interaction. People spend more than a quarter of the time on the Internet including communication activities (eg, emails and social networks), a time equal to the total time spent for fun (Hill & Morgan, 2011). Consumer behavior studies show that individuals give greater consideration to the information shared on the Internet, spend more time on websites that offer of third parties assessments (Huang et al. 2009) and other studies show that this information can directly affect the buying decision (Awad et al 2006; Weiss et al, 2008). Actually, many of the benefits reported for the use of new media are increasing reputation and the predictability that dealing directly with aspects of its social interaction (Kollock 1999; Arthur et al 2006).

As noted by Steuer (1992) quoted by Ronald P. Hill and Nora Moran (2011) differently from watching TV or listening to the radio, new media interactivity allows customers not simply remain passive receiver of the message but to become active . Interactive is one of the definitions of characteristics of new media technology, providing greater access to information, as well as supporting the growth of user control and engagement with social media content (Fiore et al. 2005). Interactivity depends on the context. In a context of social networks on the Internet, interactive refers to a user therefore concentrated connection with computers, messages or other users focusing on experimental aspect of networking.

People have communicated through writing, photos and videos about years and years and just social media on the Internet provides a medium to continue this trade. Safko & Brake (2009) even argue that it is possible about any one to have participated in social media without admitting it p.sh reading: a blog, the messages of another member of a community or watching a video on Youtube.

In social media anyone can create and distribute free content that can be viewed by millions of people (Zarella 2010). Consequently Safko & Brake (2009) explain that the difference of social media is that basically all have the ability to influence, for example, a citizen becoming a witness of an event and its publication on the Internet or marketing of a product by the recommending to others. In the new world of social media and the rapid growth of many different channels of social media, it is almost impossible to not have people talking about the company or their product. On this basis it is necessary to understand social media by each business in the modern world. Social networking sites are intended to unite people together and provide a place where conversations can be made between people and there is no limited space and time (Safko & Brake, 2009). Social networks are based on human interaction making online conversations. In social networks people relate to their colleagues helping each other, transfer and receive information.

Facebook is the largest social network in the world that connects us to people you know (Pearlman & Abram, 2010). Facebook is a social utility that helps you communicate with your friends, family and friends (Mashable 2011). Facebook is free and open to everyone from students to professionals, teenagers to grandparents, ordinary people and celebrities even though it was originally designed only to Harvard students in the United States (Pearlman & Abram, 2010). According to Vander Veer (2010) Facebook combines the best blogging, forums and online groups, distributing pictures and much more. Diversity of Facebook provides opportunities for various businesses and service popularity makes it one of the most important tools for social media marketing purposes. The company develops technologies that facilitate the sharing of information through its digital mapping and social relationship of people (Mashable 2011).

2. The use of social media and its potential impact on travel decisions

Some researchers reviewed at how consumers use social media when planning a trip, where most of them came to the conclusion that different types of social media are playing an important role in planning the trip, but not as the only source and not at each stage of the travel planning process (Gretzel & Yoo 2008; Cox et al, 2009; O'Connor, 2008).

Gretzel & Yoo (2008) examined the use and impact of online travel websites (TripAdvisor), where their findings indicate changes in the use of these reviews in various stages of travel planning and travel aspects. They argue that the critics are already used in the idea stage, and not only in critical phases that determine the election.

Cox et al. (2009) found in his research that the different sites of social media are considered useful but in different levels, eg, photos and locations posted by real travelers were argued as the most useful, followed with little difference from the reviews travel and lastly social networking sites, as only 25% of respondents considered them useful. Thus, 51% of online buyers who participated in the survey stated that social media helped them to limit their choices, 23% argued that social

media played a role in the confirmation of their choice, while 15% used it to determine the final choice. However, the impact of social media after the purchase is important among those who have used social media during the travel planning process.

According to the results of a study published by the European Commission on developments in the tourism market in Europe, in terms of resources that are used by tourists to decide where to spend their holidays for 2011, with respondents from 27 European Union countries, shows that 52% of respondents claim that the recommendations of friends, colleagues or relatives are very important when they make decisions about where to spend the holidays, while 4 in 10 people or 40% of respondents claim that the websites are very important in the decision to perform holiday. While regarding the study done through interviews in this paper show that 97% of respondents definitely influenced by the negative comments of their friends in the choice of destination and 3% of them will never influenced. According to the European Commission report "Attitudes of Europeans Towards Tourism", which takes into account the 27 European Union countries in 2011, 53% of those who did vacation, used the internet to carry out bookings, so it is a significant percentage compared with the rest of the respondents.

The study was based only on those people who spent at least 4 days holiday and who constituted 60% of total respondents. Only 23% of respondents said they planned their vacations addressing tourism travel agencies, followed by 22% of respondents who stated that they booked their vacation through someone who knew. Similarly, 1 in 5 people or 18% of respondents performed bookings via telephone, while less than 9% of respondents stated that bookings performed on-site, as well as through transportation companies with only 4%. Also, the study showed that the higher the education level of the respondents, the more likely was that he / she to had booked holidays through the Internet. At the same time, employees and self-employed, about 63% more likely to organize their holidays through the internet, than the unemployed or laborers, who usually plan vacations by asking friends or relatives.

3. Data analysis

Results for the age of the respondents (graph 1), show that the highest percentage among them, is comprised of 18 to 25 years old with 36%, and a significant part of the age category 26 to 30 years old with a rate of 27%.
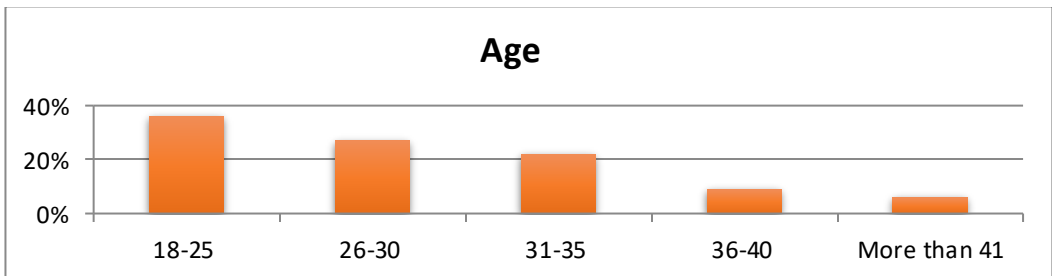
Graph 1. Age

Category with the smallest proportion is over 41 years old age with 6% and that for the fact that this age is less active in their involvement in social networks. The ratio between men and women is 63% female and 37% male (graph 2).

Gender

37% Male
63% Female
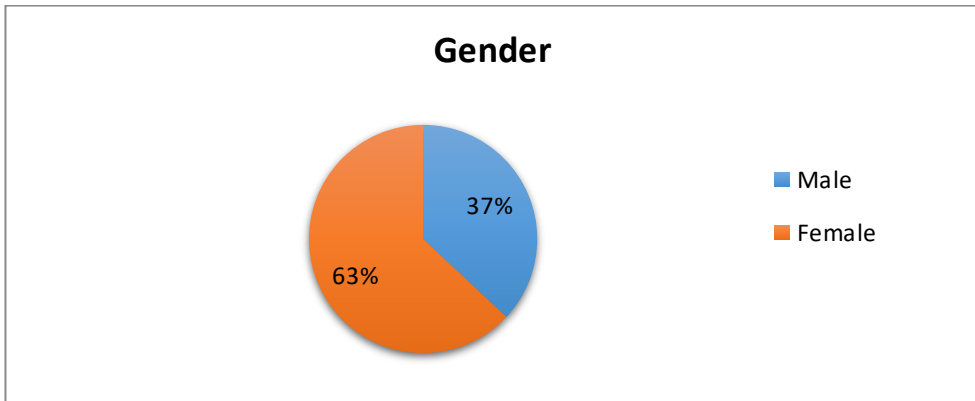
Graph 2.Gender

40% of respondents, traveling on average once a year; 21% travel on average twice a year; 17% travel three times a year and 22% of them travel more than three times a year (graph 3).

On average how many time do you travel in one year?

40% 21% 17% 22%

1 time   2 times   3 times   More than 3 times
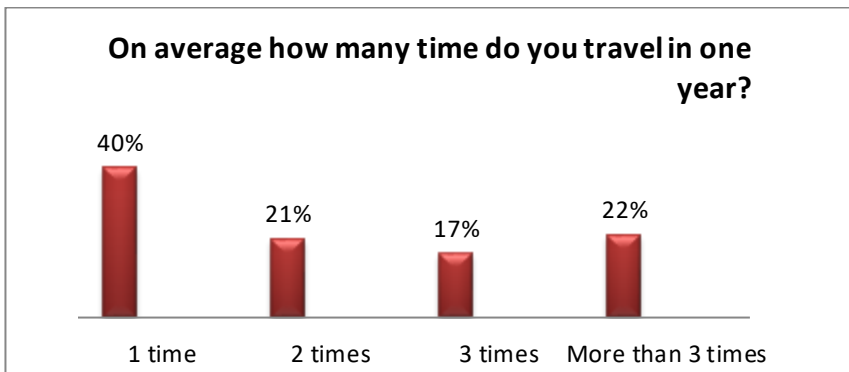
Graph 3. The frequency of travel within the country or abroad

According to data obtained, 91% of respondents would seek information on social networks when deciding to make a trip and 9% would not use social networks to be informed (graph 4).

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Are you looking for information about tickets, hotels or tourist packages in social networking sites when you plan a trip?

9%

91%

- Yes
- No
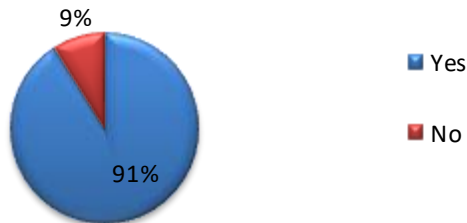
Graph 4. Search for travel information on social networking sites

In terms of trust that respondents in information obtained through social networks, 21% of respondents think that this information is not reliable at all, 33% of them consider this little reliable information, 37% of respondents think that the information is reliable and a small percentage of 9% consider this information very reliable (graph 5).

How much trust you have in information obtained through social networks?

21% 33% 37% 9%

Not reliable   Few reliable   Reliable   Very reliable
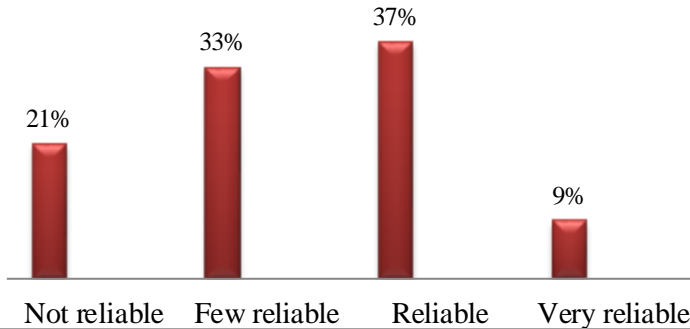
Graph 5. Trust on information obtained through social networks?

From the data provided in graph 6, it appears that individuals, in relation to travel, have more confidence in conversations they have with friends and less confidence they have in comments in social media.

Table 6. Reliability of sources of information

	Not reliable	Few reliable	Neutral	Reliable	Very reliable

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Site of internet	11%	23%	30%	24%	12%
Comments in the social media	10%	28%	31%	22%	9%
Conversation between friends	0%	2%	17%	38%	46%
Travel agencies	7%	15%	26%	39%	13%

97% of respondents definitely are influenced by the negative comments of their friends in the choice of destination and 3% of them will not be affected never (graph 7).
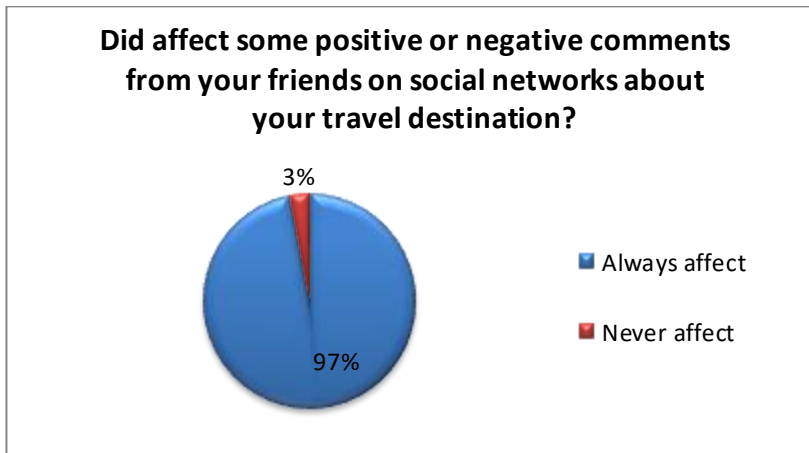
Graph 7. The influence of friends' comments in social networks

From the above graph, 9% of respondents always click on social networking sites, 23% click often, 43% sometimes, 21% rarely and 6% do not ever click on these package tours (graph 8).

How often do you click on tourist packages you see on your profile or your address?

Always	Often	Sometimes	Rarely	Never
9%	23%	43%	21%	6%
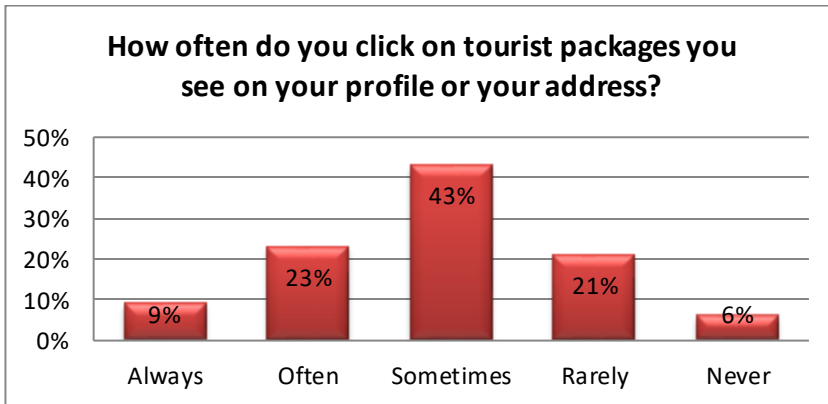
Graph 8. Frequency of clicking on tourist packages

Based on data collected, only 41% of respondents have taken a trip, because published tourist package has been attracted, but most of them- 59% is not affected by this reason and undertake trips for other reasons (graph 9)

Have there been times when you've taken a trip simply because you attract tourism packages published on social networks?

Yes	No
41%	59%
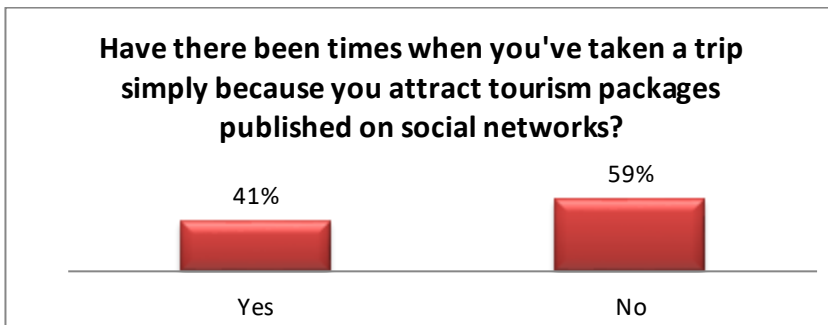
Graph 9. Have taken a trip simply because of attracted tourism packages published on social websites.

By the interviewees 41% have taken more than twice journey simply because they are attracted tourist packages published on social networking websites, 27% twice and only one time have experienced 32% of respondents (graph 10).

If yes, how many times?

More than 2 times	41%
2 times	27%
1 time	32%
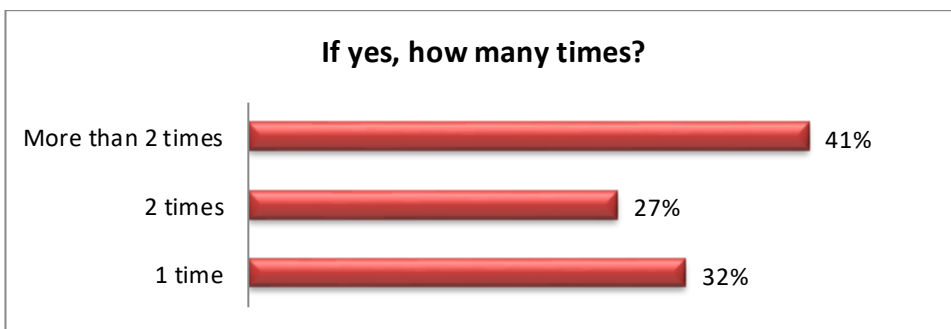
Graph 10. If yes, how many times?

4. Conclusions

Social media brings a series of promotional advantages and it is because social media enables the combination of a variety of elements such as text, video, audio and photos. This combination brings a great advantage in integrated marketing communications. Social media is a new trend but fast growing and therefore it must be managed well.

Social networks such as Facebook, Youtube & Webpage have gained popularity and trends are showing that consumers more educated and young people have started to be every day more connected with them, thus being part of their everyday life.

Social networks are a good tool to promote because they recognize high use, are reliable, there is interest for the information they provide and have a high monetary cost.

Social media in some way converts customers, ie users of social media, as advertising and promotion channels. Customers can create positive or negative pressure for the company, its products and services, depending on how the company is presented to them. So the image or the perceived quality of consumers, affects opinion or message that they will transmit to others in social media.

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Transfer of Ownership Title under Albanian Company Law

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Abstract

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

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

1. Introduction

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

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

1.1 The transfer of quotas in the limited liability companies

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

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

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

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

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financial situation and third persons' integrity or define the execution of pre-emption right by the other partners. The statute should regulate the pre-emption right procedures: the time that the seller partner should give to the legal entity or the other partners to make a decision, the legal entity to be notified, the negotiations and their terms (Dine, Blecher, Hoxha & Race, 2008).

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

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

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

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

1.2. The transfer of shares in joint stock companies

As mentioned above, the rules for the transfer of shares in joint stock company are different from the rules in limited liability companies for the fact that the legislator has abolished the preferential shares, which had priority under the previous legal

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

regime. According to company law, all the shares must be registered (Dine, Blecher, Hoxha & Race, 2008). The title over the shares shall be transferred with the registration of the shares in the special stock register, which is held by the company. In other words, the company law does not contain any rule, regarding the format of the share purchase agreement, which is not mandatory to be in writing. In any case, the new shareholder must certify the transfer of shares, with the purpose to be registered as such in "the special register" of the shares kept by the legal entity (Malltezi, 2011). The legal entity may also allow the online registration. [1]The ownership over the shares shall be transferred in the moment of registration at the special register kept by the company[2]. Although these articles only treat the presumption of the ownership of shares[3] and the exercise of shareholders rights[4], the intention of the legislator has been to relate the ownership share with the registration. For this reason, the legal entity as well as third parties might and should treat registered persons (in the register of the company) as shareholders. The presumption provided in article 119 paragraph 2 of company law is absolute and uncontested. Also, neither the registration in NRC nor the registration in the register of titles[5] does not seem to play any role in this context. Unlikely to article 74 paragraph 1 of company law, there are no rules regarding the transfer of the existing obligations with the transfer of shares in joint stock companies. The article 113 of company law deals only with the repayment of the contribution before the registration of the company itself, whereas article 123 presupposes the obligation of a particular person and treats only the consequences of the delayed payment. The provisions of article 74 paragraph 1 of company law may also apply to joint stock companies, since there are no essential differences between these two types of companies that would bring to the necessity of a different treatment.

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

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

1.2.1 The pre-emption right over the shares

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

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[1] Article 119 paragraph 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[2] Article 117 point 2 and Article 119 point 2 of Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[3] Article 119 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[4] Article 117 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[5] Article 12 of the Law "On Securities", No. 9879, dated 21.2.2008
[6] Article 119 paragraph 1 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[7] Article 119 paragraph 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[8] Article 117 point 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

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

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

2. Conclusions

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

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The Inappropriate or Negligent Medical Treatment in Albanian Criminal Legislation

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Abstract

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

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

1. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.1 Other countries experiences

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

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

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

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

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

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

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

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

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

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

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

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

4. Conclusion

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

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

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

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Universal Epidemiology of Insidious Meningococcal Syndrome

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Abstract

Neisseria meningitidis is one of the principal sources of bacterial meningitis worldwide and can as well cause sepsis, pneumonia, and further expressions. In states with elevated widespread rates, the illness load puts a huge tension on the public health structure. The universal epidemiology of persistent meningococcal disease (IMD) diverges distinctly by area and in due course. This appraisal summarizes the burden of IMD in diverse states and recognizes the highest-incidence countries where habitual preventive programs aligned with Neisseria meningitidis would be essentially profitable in offering security. Accessible epidemiological figures from the past 20 years in World Health Organization and European Centre for Disease Prevention and Control assortments and available articles are comprised in this review, in addition to straight statements with important specialists in the area. The nations were clustered into high-, moderate-, and low-occurrence states. The mainstream of countries in the elevated-occurrence set are located in the African meningitis belt; several reasonable-occurrence states are located in the European and African areas, and Australia, whereas low-occurrence countries comprise numerous from Europe and the Americas. Precedence nations for vaccine involvement are high- and restrained-incidence nations where vaccine-avoidable serogroups prevail. Epidemiological records on burden of IMD are required in nations where this is not distinguished, predominantly in South- East Asia and Eastern Mediterranean areas, so evidence-based assessments concerning the application of meningococcal vaccines can be created.

Keywords: meningococcus, neisseria meningitidis, insidious meningococcal illness, meningitis, epidemiology, meningitis belt

Introduction

Neisseria meningitidis is one of the principal basis of bacterial meningitis worldwide and can furthermore cause sepsis, pneumonia, and further restricted diseases. There are 12 serogroups, but the mainstream of insidious meningococcal diseases are caused by individuals from the A, B, C, X, Y, or W-135 serogroups. The yearly quantity of insidious syndrome cases globally is approximated to be as a minimum 1.2 million, with 135,000 deaths linked to insidious meningococcal illness (IMD) [1,2]. In countries with elevated endemicity, the infection load puts an enormous harm on the public health scheme. The hazard of lasting hindering sequelae, comprising cognitive insufficiency, bilateral earshot loss, speed deficit, convulsions, image injury, hydrocephalus, and failure of limbs because of tissue necrosis, are uppermost in low profits countries, where the load of bacterial meningitis is supreme [3].

To fight IMD, many developed countries have comprised dissimilar formulations of meningococcal vaccine in their habit immunization agendas. A vaccine next to serogroup A has lately been established in the African meningitis belt, a region expanding from Senegal in the west to Ethiopia in the east [4,5]. Conversely, meningococcal vaccines remain underutilized internationally, mainly in source-restricted countries outside the African meningitis belt. To afford cost efficient proposals about the application of meningococcal vaccines, the country-detailed load of IMD must be recognized [6]. A broad review of IMD occurrence, counting all countries with no less than an essential observation infrastructure exposing IMD cases, was accomplished. The appraisal offers the most lately in print assault rates, predominant sero groups, and at-risk clusters from over 80 countries and arranges the facts consistent with precedence groups for vaccine intrusion.

Methods

Exploration approach and assortment criteria

Our basis for the epidemiological statistics comprised the National Library of Medicine (PubMed), the World Health Organization (WHO) website of the Weekly Epidemiological evidence, and the European Centre for Disease Prevention and Control. We investigated PubMed with the subsequent key phrases: "Neisseria meningitidis" or "meningococcus".

The investigation was bounded to surveys of individuals, studies distributed in English, and dates of publication from 1995, to December 31, 2013. The primary investigation deferred 5320 outcomes from which surveys were rejected based on segregation criteria below. The data were acquired and comprised from WHO publications in the Weekly Epidemiological Record (WER) for the latest outlines from 10 African meningitis belt states. The European Union Insidious Bacterial Diseases Surveillance System (EU-IBIS), which is preserved by the European Centre for Disease Prevention and Control, was admitted for reorganized numbers for European countries and these facts were also comprised. We explored indication catalogs in all recognized articles for supplementary articles, and appraised abstracts and designates and chose surveys if it appeared they comprised features of meningococcal epidemiology. From the exceeding literature exploration we prohibited general global approximation (excluding the identification of unique data suggestions), or surveys that were bounded to immunology, medicine resistance, or further non-epidemiological features.

Organization of data

The WHO description of a meningococcal illness outbreak (>100 cases/100,000 inhabitants/year) relates exclusively to the meningitis belt. Supplementary countries infrequently skill epidemics with these elevated assault rates. We categorized countries regarding the level of endemic meningococcal illness as "elevated," "restrained," and "low" extension (Figure 1). This taxonomy is founded on state-detailed epidemiological facts with pre-identified cut offs of high, moderate, and low widespread groups.

Results

Epidemiology of meningococcal syndrome at national stage

Records on occurrence of meningococcal disease are presented underneath in Tables 1, 2 and 3. Countries are clustered into precedence areas regarding the descriptions beyond, by means of general and available statistics from the previous 20 years. States not registered in the table have inadequate accessible IMD epidemiological figures to access correct taxonomy. Considerable gaps in data limit explanation of IMD epidemiology in some elements of the globe. In many nations with IMD inspection, widespread marked vaccine expansion and rising exposure has diminished the burden of syndrome. In some endemic countries without immunization, high IMD assault rates maintain. The precise district epidemiology is recapitulated in Figure 2 and illustrated in terms of WHO areas below.

African region

The African Meningitis Belt, formerly distinguished by Lapeysonnie in 1963 [5] and adjusted in 1987, has the highest yearly occurrence of meningococcal illness in the world with cover up recurrent epidemics that comprise a chief public health load. Epidemics in the sub-Saharan area overlap with the dry period, which has led to a supposition for the probable task of low dampness and seasonal dust-wind carrying from the Sahara (the Harmattan) in harming the mucosa and producing painful coughing that helps diffusion [34,43].

Twenty-five states in the African area with an enormously high prevalence of meningococcal infection comprise the meningitis belt. To quickly notice the recurrent epidemics, a tough surveillance coordination subsists that observes the amount of cases on an constant basis for quick reaction. This area has lately gained from a main coalition of global health bodies that have expanded and are organizing an reasonable and effective vaccine beside serogroup A meningococcus, which causes the mainstream of illness in this region, at population level [44].

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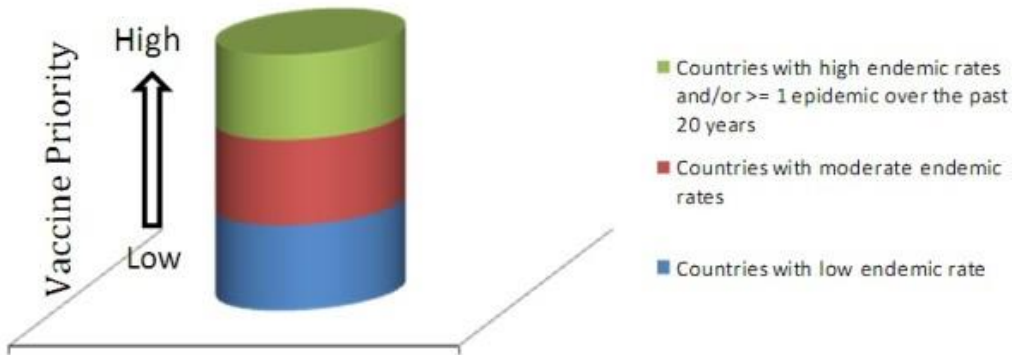
Figure 1. A categorization of countries according to IMD attack rates

Table 1. Countries with high endemic rates (>10 cases/100,000 population) and/or > =1 epidemic over the last 20 years

Country   Year Incidence/100,000   Predominant Serogroup   SourceComments

Population

African Region

Angola1994–2000   19–230   * [8]

Benin 1980–1999   6–57 [9,10]

Burkina Faso   2004–2009   26–187   [11,12]

Burundi   1980–1999158   [9]

Cameroon 1–224   [13]

Centrafique   2004–2009   3 3–19.4 [12]

Chad   9.6–15.9 [12]

Cote de Ivoire 1980–1999 0-6   [14]

Despite its relatively low attack rate, Cote de Ivoire is included in this table due to its location in the meningitis belt

Ethiopia 0–104   A   [9,10]

Gambia   4–165 [9,15]

Ghana   0–108 [9,15]

Guinea   0–17   [12]

Guinea Bissau   0–133   [9]

Kenya   1990   267[16]

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Mali 2004–2009 2.6–12.9 [12]

Mauritania 1980–1999 0–14 [9]

Namibia 4–165 [9]

Niger 2004–2009 7.8–90.7 [17]

Nigeria 0.7–52.6 [12]

RD Congo 7.3–23.7 [12]

Rwanda 1980–1999 0–28 [9]

Senegal 1983 0–53 Incidence >50 in

Tanzania 1980–1999 0–19

Togo 2004–2009 6–13.2 [12]

Uganda 1980–1999 0–18 [14]

Eastern Mediterranean Region

Sudan 2008 * A [12]

Despite lack of data Sudan is included in this table due to its location in the meningitis belt

Saudi Arabia 2000 A, W-135 [18] 225 cases in month after 2000 Hajj season. Data from Saudi

 Arabia mostly includes cases from the Hajj season.

European Region

No country in this region is in the high rate category

Region of the Americas

Uruguay 2001 30 (pre-vaccine) B [19], Vaccine comprising serogroup C, capsular polysaccharide and the outer membrane vesicles of serogroup B meningococcus.

South-East Asia Region

No country in this region is in the high rate category

Western Pacific Region

New Zealand 1991–2000 17.4 (pre-vaccine) B [20] An OMV vaccine for Serogroup, 2.6 (post-vaccine) B was introduced in 2004.

Mongolia 1994–1995 80-90 A [21]

Serogroup X, formerly an unusual reason of sporadic meningitis, has been accountable for eruptions among 2006 and 2010 in Kenya, Niger, Togo, Uganda, and Burkina Faso, the final with as a minimum of 1,300 cases of serogroup X meningitis between the 6,732 accounted annual cases [45].

South Africa is comprised in the moderate-endemicity cluster, whereas other states in this area do not have sufficient data to allow the beginning of a population-based approximation of their proper prevalence rates

European region

With the exclusion of a few states in the eastern fraction of the European Region, excellent surveillance records are accessible from main European nations. Serogroup B and C are accountable for the conventional of sickness, and achievement of a meningococcal immunization route with adequate vaccine revelation has contributed to declining extensive rates so that no state now decreases in the elevated-endemicity cluster. Fifteen countries from this area are classified as restrained endemicity and 18 as low. Current epidemiological supervision points out an boost of serogroup Y IMD in some divisions of Europe, which is currently the third most ordinary serogroup after B and C [23].

Region of the Americas

Uruguay stays the only nation from this area to have practiced high rates of IMD in the past 20 years. In 2001, it experienced a peak occurrence rate of meningococcal illness because of serogroup B and this prompted the foreword of the Cuban external membrane vesicle (OMV) B vaccine with superior exposure and a quick rejection in occurrence in following years. Brazil and Cuba have practiced restrained occurrence rates, but have furthermore seen important advantage from the preface of meningococcal vaccines in their residents [29]. Argentina, Canada, Chile, Columbia, Mexico, the United States have performed low periods of IMD in the timeframe explained by this assessment. Serogroup Y appeared in Colombia and Venezuala, where it became the common disease-causing serogroup in 2006 [19]. The US has a general meningococcal vaccine and Canada also suggests a vaccination dosage in this age cluster continuing primary immunization at 12 months of age. Other states in this area do not have sufficient data to permit population-based estimates of their factual incidence. South-East Asia Region Korea and Thailand are the only nations from these areas with available population-based approximations, which reveal low common rates. India has practiced recurring serogroup A outbreaks, the most current in 2005, but facts are frequently accessible only from great city centers [46]. Periodic and partial statistics from India, Bangladesh, Indonesia, Nepal, and Pakistan exclude their taxonomy, and no information is obtainable from Sri Lanka [36].

Western Pacific

New Zealand and Mongolia have confirmed high IMD prevalence. New Zealand practiced an outburst of serogroup B illness until a violent movement with the OMV vaccine was started in 2004 that has supplied partly to lowering the occurrence. Mongolia practiced serogroup A epidemics in the near the beginning 1990s. Australia at present presents mainly serogroup B illness with moderate assault rates following the foreword of a serogroup C vaccine saw a noticeable rejection in rates of illness caused by the C serogroup. China, Japan, Korea, Philippines, Singapore, Taiwan, and Thailand all present low stages of IMD. Other nations in this area do not have sufficient population-based information to permit assessment of their accurate incidence rates. In a lot of states with epidemiological figures, mainly in Europe and North America, the age allocation of meningococcal illness shows two peaks [6,47-49].

Table 2. Countries with moderate endemic rates (2–10 cases/100,000 population per year)

Country Year Incidence/100,000 population Predominant serogroup Source Comments

African Region

South Africa 2000–2005 0.8–4 B in Western Cape[22]

Eastern Mediterranean Region

No country in this region is in the moderate rate category

European Region

Belgium 1999–2010 2.9 (pre-vaccine)B, C [23,24], A conjugate vaccine for group; 0.89 (post-vaccine) C was introduced in 2002

Denmark 1999–2010 1.19–3.5 B [23,24]

Greece 0.49–2.0 C [23,24]

A conjugate vaccine for group C introduced in 2001 in pediatric population[25] Ireland 14.3 (pre-vaccine) B, C [23,24]

A conjugate vaccine for group C was 2.19 (post-vaccine) introduced in 2001. Iceland 7.6 (pre-vaccine) B, C [23,24]

A conjugate vaccine for group C was 0.6 (post-vaccine) introduced in 2002

Lithuania 2004–2010 1.4–2.6* [23,24]

Luxemburg 1999–2010 0.2–5.68 * [23,24]

Malta 1994–2007 0.8–8.9 B, C[26]

Netherland 1999–2010 3.6 (pre-vaccine)B, C [23,24]

A conjugate vaccine for group 0.86 (post-vaccine) C was introduced in 2002

Norway 1992–2010 0.8–4.6B [23,27]

Portugal 2000–2010 0.74–3.0 B, C [23,28]

Spain 1999–2010 3.52 (pre-vaccine)B, C [23,24]

A conjugate vaccine for group 0.88 (post vaccine) C introduced in 2001

Switzerland 1999–2004 1.16–2.36 C [24]

A conjugate vaccine for group C introduced in 2005

Turkey 1997–2005 0.3–2.2 *[28]

United Kingdom 1999–2010 5.4 (pre-vaccine)B, C [23,24]

A conjugate vaccine for group 1.63 (post vaccine) C introduced in 1999

Region of the Americas

Brazil 1998–2006 1–4.5 B, now C[19]

A combined vaccine against serogroup B (OMV) and C (polysaccharide) was introduced in 1990

Cuba 1998–2003 3.4-8.5 (pre-vaccine)B [29]

South-East Asia Region

No country in this region is in the moderate rate category

Western Pacific Region

Australia 1995–2006 3.5–7.9 (pre-vaccine)B [30]

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1.4 (post-vaccine) C was introduced in 2003

* Data not available.

Table 3. Countries with low endemic rates (<2 case/100,000 population per year)

Country   Year Incidence/100,000 population Predominant serogroup SourceComments

African Region

No country in this region is in the low rate category

European Region

Austria 1999–2010 1.02–1.2B, C [23,24]

Bulgaria   2000–2010 0.11–1.1 *[23,28]

Croatia 1997–2005   0.7–1.3 * [28]

Cyprus 1997–2010 0.13–1.7 *[23,28]

Czech Republic 1999–2010 0.57–1.0B, C   [23,24]

Estonia 2001–2010 0.15–1.6 * [23,28]

Finland 1999–2010 0.64–1.1 B [23,24]

France 0.7–1.13B, C

Germany   0.47–0.73   B, C

Hungary   2004–2010   0.3–0.4 *

Italy   1999–2010 0.25–0.55   B, C

Latvia 2004–2008   0.25–1.03*

Poland1999–2010   0.17–0.84 B

Serbia   2000 0.9* [28]

Slovakia   2004–2010   0.59–0.9 *

Slovenia   1999–2010   0.3–1.2 * [23,24]

Sweden   2004–2010   0.5–0.7 B, C

Eastern Mediterranean Region

No country in this region is in the low rate category

Region of the Americas

Argentina2009   0.6 B [31]

Canada   1985–20061.4   (pre-vaccine)C [32,33] Vaccination in 2001–2 in

 all provinces 0.4 (post-vaccine)

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Chile 1998–2006 0.8 B

Columbia 0.3 Y[19]

Mexico   0.1 C

USA2000–2009   0.8 (pre-vaccine)Equal B, C,Y   [34] Routine vaccination program started in 2005 0.3 (post-vaccine)

Venezuela0.3   Y [19]

South-East Asia Region

Korea   2002–2008   <0.1[35]

Thailand 2007–2008   <0.1[36] Higher in <5 year olds

Western Pacific Region

China 2000 onward   <0.2A, C [37,38]

Japan1999–2004 <0.02 * [39]

Philippines 2004–2008   <0.1A   [1]

Singapore   2005–2009 0.1–0.2 [36,40]

Eastern Mediterranean Region

No country in this region is in the low rate category

*Data not available.
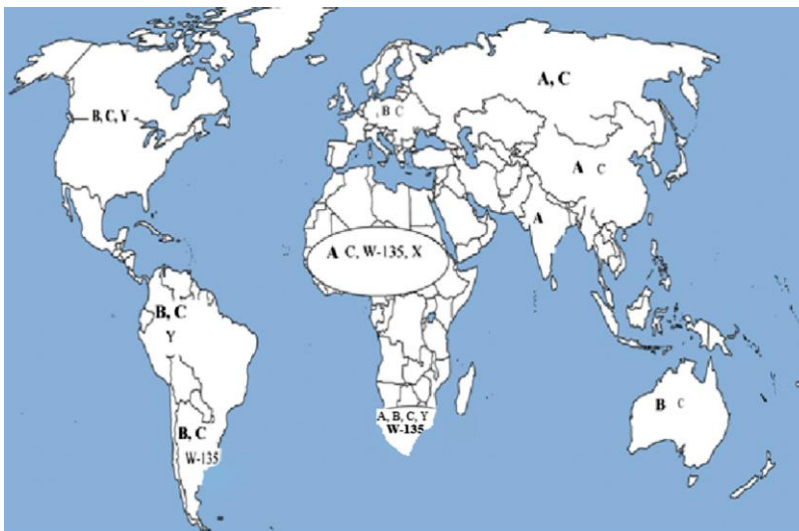
Figure 2. Distribution of common and predominant meningococcal serogroups by region. Predominant strains are highlighted in bold text

The utmost occurrence is in babies less than one year of age, and a minor increase in incidence arises in adolescents and young adults. In one survey in the meningitis belt, the age-occurrence did not upland until the late 20s.

The extensive and fast application of efficient antibiotics has supplied to overthrow the case casualty rate of IMD among 10 and 20 percent, but it is usually advanced in developing countries where admittance to higher stages of concern may be interrupted [52]. Despite advances in resuscitative systems, surgical interference, and significant care, there is a relentless mortality in the early hours of septicemia thanks to the quick succession of illness.

Conclusion

IMD is a stern disease that can be quickly progressive with ensuing noteworthy morbidity and mortality. Vaccines are accessible for the mainstream of sero-groups that cause illness and have established effective in tumbling the illness occurrence in nations that have

used them at the population level. Management of the universal collision of these vaccines needs having them made accessible in areas that have the highest illness incidence.

This appraisal used accessible data to describe the load of meningococcal illness in dissimilar countries. Nations were categorized based on the illness endemicity, and accessible records on the most widespread serogroups were appraised to allow evidence-based choices on meningococcal vaccine application. These records assisted to notify SAGE's new suggestions on the exercise of meningococcal vaccines. Restrictions of the assessment comprise elimination of surveys that were not available in English and the lack of a marker of the worth of examination accustomed to derive occurrence rates. It is essential that suitable surveillance developing new molecular epidemiology instruments is executed to acquire epidemiological facts on the load of meningococcal infection in states where these are not recognized. With the certification of a new affordable conjugated vaccine beside serogroup A (certified in Africa) and more lately, a multi factor serogroup B vaccine in Europe inspection will be obligatory to observe the collision of these vaccines throughout straight immunity and direct protection and permit for optimization of vaccination timetables.

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Psycho Education Program for Prevention of Test Anxiety on 8th Grade Students to Reduce Anxiety and Indecisiveness

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Abstract

This study aims to investigate the effect of psycho-education program on reducing the test anxiety and personal indecisiveness. The study was carried out with a group of ten 8th class volunteer students whose test anxiety scores were high. The test anxiety which is one of the study's variables was tested with Test Anxiety Inventory (TAI) that is adapted to Turkish by Öner (1990). Besides, Personal Indecisiveness Scale (PIS) that was developed by Bacanlı (2000) was applied. The Psyco-education Program to the group was applied in 7 sessions. The study is semi-experimental and depended on pre-test, last-test model. Wilcoxon's signed rank test was used to analyze data and . 05 significancy level was used as criteria in interpreting results. As a result, it was observed that psyco-education program to 8th class students is effective on reducing: the test anxiety scores of students; personal indecisiveness; (implicitly) social anxiety and increasing self-reliance.

Keywords: Test Anxiety, Anxiety, Psycho-educational Groups

Introduction

Education is a process of making desired changes intentionally in one's life through experience (Ertürk, 1986). To define education in its widest meaning, it is "raising human" (Fidan, 2012; Totan & Yavuz, 2009). This raising process happens in two ways as formal and informal.

Formal education is conducted by a teacher in a special area from the begining to the end of the process. It is carried on within a pre-determined program. Informal education is a haphazard process that is not intentional and planned and takes place in the life. The person is affected by the environment in which he or she lives, interacts, and learns (Fidan, 2012). Therefore, results of the formal education is always desired, while it is hard to say the same for the informal education. For example, incidents like cheating, slanging and smoking happen haphazardly and are undesired aspects of the informal education (Fidan, 2012; Senemoğlu, 2009; Şahin, 2007; Totan & Yavuz, 2009).

Teaching is giving pre-determined targets to a person in the responsibility of teachers (Senemoğlu, 2009; Totan & Yavuz, 2009). These two concepts brings us to another important concept: learning. Because, the main purpose of education and teaching is enabling learning. Therefore, learning can be explained as the product of person's life, permanent changes in behaviour and the process of gaining new behaviours (Senemoğlu, 2009; Şahin, 2007; Totan & Yavuz, 2009). Finally, guidance is a process that includes helps of experts in order to make people happy and productive and to reach required qualities (Erkan, 2006).

To understand the test anxiety, these concepts must be understood well. Because, test anxiety has many dimensions (Erözkan, 2009; Totan & Yavuz, 2009). Those dimensions are increased level of knowledge, educational system, life periods, attitude of teacher, expectation of family and society, socio-economical level etc. For example, evaluation process which is the last period of teaching process may lead many problems (Totan & Yavuz, 2009). Also, increased level of knowledge and its spread make it difficult for adolescents who are in the education-teaching process to adapt different situations (Çapulcuoğlu & Gündüz, 2013).

As the formal part of education is considered, it is known that attitude of teacher towards lecture, towards student and student's attitude towards lecture proportionately has effect on increase or decrease of test anxiety (Şahin, Günay & Batı 2006). To give example from informal part, academic success of student – it was expressed by many researchers (Bacanlı

& Sürücü, 2006; Erözkan, 2004; Totan & Yavuz, 2009) that test anxiety is meaningful to predict success- is afeccted by students' family, environment he lives in and from society life. All those factors have press on student (Adana & Kaya, 2004; Erözkan, 2009; Grzesiak-Feldman, 2013; Totan & Yavuz, 2009; Yıldırım, 2000). Actually, the press is not only on student but also on his or her family. That is, because of cost of living and limited job opportunities, academic success is important for student and his or her family and concerns student as well as society life.

Development of a society depends on raising academically successful and qualified people. In this point of view, investments that are made in education actually are made in development of society in long term (Yıldırım, 2000). It is known that, education is a multi variable, theoretical and experimental science. Therefore, educational settings must be controlled consistently and deficiencies be evaluated and removed in order to reach targets (Sönmez, 1987). Only in this way academically successful and qualified people can be raised. However, an important number of academically successful students can not prove their success because of the test anxiety (Baltaş & Baltaş, 2002). Considering that, exams are important evaluation tools in Turkey's education system (Şahin, Günay & Batı 2006; Totan& Yavuz, 2009) the situation can be understood better –and it must be because of this reason that test anxiety is one of the most mentioned and researced topics (Carrol & Fisher, 2013; Sparfeld, Rost, Baumestier & Christ, 2013; Yöndem, 2011). There are researches in literature related to understanding anxiety before exams and coping with the anxiety related problems (Lowe ve ark. , 2008; Meijer, 2001).

Many researchers (Kuzgun, 1986; Bacanlı & Sürücü, 2006; Büyükgöze-Kavas, 2012; Fuqua, Newman & Seaworth, 1988; Kimes ve Troth, 1974) mentioned that there is a close relation between anxiety and indecisiveness / decision making skills. It is known that decision making behaviour is confronted in every part of life (Çakır, 2004; Çolakkadıoğlu & Güçray, 2012). The situation of "being at peace with himself/herself" which is a criteria of being a healthy person is shaped with decisions made by the person (Çakır, 2004; Çolakkadıoğlu & Güçray, 2007). Feelings before and after decision are not always positive and may cause other problems. A right decision made by person saves him or her from complex and worry so that it facilitates the situation of being happy. Making a right decision is possible by reaching right information and evaluating reached information (Çakır, 2004).

Test anxiety can be defined as perceived threat to physiological, cognitive and emotional condition that a person experiences in situation of being evaluated during his or her academic life (Bruman-Fulks, Berman, Martin, Marsic & Haris, 2009; Carrol & Fisher, 2013; Erözkan, 2004; Erözkan, 2009; Piji Küçük, 2010; Totan & Yavuz, 2009). Researchers mentioned two dimensions of this threat: worry and emotionality (Sparfeld, Rost, Baumestier & Christ, 2013). Worries are cognitive dimensions of anxiety and are a person s negative judgements about himself or herself. Emotionality is physiological dimension of anxiety. It includes sweating of hands, fast heartbeating, feeling cold and turning red (Erözkan, 2009; Piji Küçük, 2010; Totan & Yavuz, 2009 Yöndem, 2011; Yurdabakan, 2012). Almost everybody feels a small quantity of anxiety, but this is a desired anxiety and leads to success (Piji Küçük, 2010; Yöndem, 2011). On the other hand, undesired test anxiety is perceiving the test as life and death issue because of reasons such as; thougt of not finishing the test in time, fear of failure, thought of not comprehending the test, feeling guilty resulted from thought of not studied well, thought of desperating his or her relatives, hyper activity and nausea (Piji Küçük, 2010; Şahin, Günay & Batı 2006). Since this situation is perceived as the most serious barrier to success (Adana & Kaya, 2004), it leads to psychosomatic ilnesses, a deppressive personality (Bruman-Fulks, Berman, Martin, Marsic& Haris, 2009; Erözkan, 2009; Piji Küçük, 2010; Totan & Yavuz, 2009) and negative personal specialties like low self-esteem and neurotism (Bacanlı & Sürücü, 2006).

In many researchs it was found out that there is a negative relation between desired decision making styles and anxiety which lays in the basis of personality theories. While there is positive relation between maladaptive styles and anxiety (Fuqua, Newman & Seaworth, 1998). Similarly, Kimes ve Troth (1974) stated there is a negative correlation between continuous anxiety and decisive manner. In a study on the 8th grade students carried out by Bacanlı & Sürücü (2006) it was seen that students' decision making styles which are used to cope with making decision have an important role on the test anxiety. Also as other studies are investigated it can be seen that indecisive students generally are more anxious (Kuzgun,1986), dependent, have low self-sufficiency compared to decisive students (Büyükgöze-Kavas, 2012).

However, there is no research that includes anxiety and indecisiveness at the same time or investigates the effect of psycho-education programs on indecisiveness for preventing test anxiety. In this context, this study is expected to make a contribution to the literature.

Exams are processes that students must overcome during education-training process (Çapulcuoğlu, & Gündüz, 2013). Therefore, there are many duties relate to school guidance services to help students become productive persons for the society (Adana & Kaya, 2004; Erözkan, 2009; Totan & Yavuz, 2009; Yıldırım, 2000). One of these duties is helping students through group guidance or setting up psycho-educational groups.

Method

Research Design

This research is a semi-experimental study that is carried out to decrease anxiety and indecisiveness of 8th grade students with psycho-educational program for preventing test anxiety. The study is single group, based on pre-test, last-test model and was applied in sessions lasted 1-1. 5 hour a week and continued for 7 weeks.

Study Group

Survey was conducted during 2013 – 2014 academic year with 50 students who are in the learning process in a secondary school within Sur Central district in Diyarbakır. Test Anxiety Inventory (TAI) adapted to Turkish by Öner (1990) and Personal Indecisiveness Scale (PIS) developed by Bacanlı (2000) was applied to 8th grade students in order to determine students who will participate in the sessions. The study group was chosen according to points gained from these scales. 15 students whose anxiety and indecisiveness level is the highest were interviewed and given information about the aim of the study. The study was conducted with 5 girls and 5 boys 10 students in total who stated they were volunteer for the program. They all participated to all sessions except absence of two students in the termination session because of familial reasons.

Data Collection Tools

Test Anxiety Inventory and Personal Indecisiveness Scale were used in the study to collect data. Measurement tools were applied as pre-test last-test.

TAI is with 4 point Likert type inventory and consists of 20 items with subtests; "worry (12 items)" and "emotionality (8 items)". Points gained from TAI changes between 20 – 80. TAI was developed by Spielberger and its Turkish translation, reliability and validity was tested by Öner (1990). High points gained from TAI means that test anxiety is also high.

PIS is with 5 point Likert type scale and consists of 18 items with two independent subscales; "investigator indecisiveness (10 items)" and "pushy indecisiveness (8 items). Points gained from PIS varies between 18 – 90. Reliability and validity tests of PIS was done by Bacanlı (2000). High points gained from PIS shows that indecisiveness level is also high (Kuzgun & Bacanlı, 2011).

Process Path

To determine participants, 10 volunteer students were chosen from 50 students whose anxiety level was the highest. Seven sessions were held lasting 1-1. 5 hours with each student from the group. Group guidance program which exists in the I. Volume of book named Experimantally Proved Psychological Counselling and Guidance Program that was printed for the third time by Pegem Akademi in 2012 and whose editors were Serdar Erkan and Alim Kaya was utilized.

Psycho-educaitonal program lasted seven session and it goes like this:

In the first session, participants of the group were introduced to each other, aims and rules of the group and expectations, feelings about the group were expressed, moreover basic information about test anxiety was given in order to make participants understand the relation between anxiety and success. In the second session, it was focused on perception of changes in body during or before exam, also focused on relaxation technique so that it was aimed participants to control their bodies during situations that make them anxious. In the third session, the aim for participants was using their their times according to their priorities and developing an understanding for this purpose so that they can prepare daily and weekly schedule for studying. In the fourth session, the focus was on comprehending developed methods with active listening as well as reading faster and more efficient. In the fifth session, the focus was on "ISOAT (Survey, Question, Read, Recite, Review)" technique aiming participants to comprehend methods for effective reading. In the sixth session, the focus

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was on grasping "Mental Regulation Technique" used for regulating irrational thinking manner in order to make students realize their irrational beliefs and change them with rational thoughts. In the seventh session, the aim was to make students comprehend "Exam Taking Skills" and focus on understanding "15 Attack Methods" to be successful in the exams, and then came the termination session.

Analyzing Data

In the beggining of the research, Wilcoxon Signed RanksTest was used to determine whether there is a meaningful difference between points gained from TAI and PIS pre-test last test measurements. In the interpretation of results . 05 meaning level was used as criteria.

Findings and Interpretation

In this chapter, there are statistical data analyse processes and results to put forward whether psycho-educational program for reducing test anxiety is effective on reducing test anxiety and personal indecisiveness levels of 8th grade students.

Findings Related to Test Anxiety Inventory

In Table 1 there is analyse of Wilcoxon Signed RanksTest for determining whether there is a meaningful difference of students test anxiety level according to pre-test last test points.

Table 1. findigs regarding the difference between pre-test last test points of students test anxiety .

Tests	N	$\overline{X}$	Ss	Z	p
Pre- Test	8	57,12	8,49	-2,527	,012
Last Test	8	36,62	5,87		

When analyzing Table 1. , it can be seen that there is a meaningful difference between test anxiety points before and after the application (z = -2. 527, p< . 05). Difference points being in favour of negative pairs (measurement in the beggining) shows that the program has a meaningful effect in reducing test anxiety.

Findings Regarding Personal Indecisiveness Scale

In Table 2. there is analyse of Wilcoxon Signed RanksTest for determining whether there is a meaningful difference of students personal indecisiveness level according to pre-test last test points.

Table 2. findings regarding difference between pre-test last test points of personal indecisiveness of students in Psycho-educational program.

Tests	N	$\overline{X}$	Ss	Z	p
Pre-Test	8	54,00	10,16	-2,521	,012
Last Test	8	40,87	15,51		

When analyzing Table 2. , it can be seen that there is a meaningful difference between personal indecisiveness points before and after the application (z = -2. 521, p< . 05). Difference points being in favour of negative pairs (measurement in the beggining) shows that the program has a meaningful effect in reducing personal indecisiveness.

The main purpose of the study is testing the effect of psycho-educational program for reducing test anxiety and personal indecisiveness of participants. To determine realization of this aim, points of scale and inventory that was applied to the group were compared. Because, in both measurement tools, highness of points is undesired situation. Therefore, as

Tables given above were investigated it can be mentioned that the program is effective on reducing test anxiety and personal indecisiveness.

Conclusion, Arguement and Proposals

In this chapter, findings regarding the effects of applied psycho-educational program for students' test anxiety and personal indecisiveness were argued and proposals were made in this context.

The first finding from the study shows that psycho-educational program has an effect on reducing test anxiety of students of the group. Yurdabakan (2012) in his study named The Effect of Group Guidance Program on 8th Grade Students' Test Anxiety Levels mentioned activities such as informing, relaxation exercises, exam taking skill, cognitive behavioral techniques, efficient studying skill and showed that group guidance program is effective on reducing test anxiety. Another study which is similar to this in terms of content and result was carried out by Erkan (1994). In this context it can be stated that this study has similar results to present studies.

Another finding from the study shows that psycho-educational program for reducing test anxiety has an effect on reducing personal indecisiveness of students of the group. Although, there is no study investigating effect of psycho-educational program for reducing test anxiety on personal in/decisiveness in the literature, there are few studies investigating relation between anxiety and decision makin styles / strategies. In the study of Bacanlı & Sürücü (2006) on 8th grade secondary school students and study of Dereli & Acat (2011) on students of Pre-School Teaching Department it was seen that decisin making skills can predict test anxiety. It can be understood vice versa with the present study.

Furthermore, it was observed that (both at the end of session and during termination phase "general evaluation of all sessions") secondary aims such as solving lackness of self expression, self confidence and social anxiety were affected by psycho-educational program. These secondary aims exist in "session diaries" which are given to students as homework during the process, and contain the summary of every session, and will stay with them. Öner (1990) stated that, students who has test anxiety are stressful, nervous and fearful not only during exams, but also during activities in the group like speaking, participating arguements, anwering questions, reading aloud. In this context, reduce in students test anxiety may lead to reduce in problems like lackness of self expression, self confidence, and social anxiety. Therefore, the statement of Öner (1990) support the indirect effect of psycho-educational program. Moreover, benefit of education and psycho-educational program to students were found out by other researchers (Çivitçi, 2005; Çolakkadıoğlu, 2010; Çolakkadıoğlu & Güçray, 2012).

Proceeding from these findings below proposals were made:

1. This study showed that the psycho-educational program for prevention of test anxiety is effective on personal in/decisiveness. The effect of psycho-educational program for development of decision making skills might be investigated in a similar way.

2. As number of psychological counselors and number of students are considered a 10 sessioned program in which two variables are studied at the same time would be developed, instead of applying to each group test anxiety psycho-educational program and decision making psycho-educational program differently. Hereby, it would be possible to save time and labor force and the number of students reached would increase.

3. This study was limited to 8th grade students. Other researchers can apply similar psycho-educational programs to different ages and wider sample groups.

4. Students are considered not to be neglecting their homeworks during psycho-educational program, and it is thought that this situation has increased efficiency gained from the group (depending on the result of pre-test last test). Researchers who will make similar studies are advised to use homeworks efficiently.

5. In this study absence of control group and absence of following process is a limitation. Therefore, it is possible to set up control group and do following process in order to increase effectiveness in other similar researches.

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Digital Generation - Analysis of the Use of ICT by Young Poles

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Abstract

In the Europe 2020 strategy in area of smart growth one of the flagship initiatives is Digital Agenda for Europe. Implementation of this initiative will lead to wide-availability of ICT solutions to society. Young people belonging to Generation Y most often treat the computer as a natural household equipment. Regular use of the Internet is very popular among them. They increasingly use mobile solutions in the field of ICT. The intelligent use of information technology possibilities will lead to sustainable economic growth. The purpose of the study was to cheque changes in the use of ICT among young Poles, and whether related behavioural patterns are similar in other countries of the European Union. The paper concludes with main reasons differencing generations in Poland due to the using the Internet.

Keywords: digital society, ICT, generations Y, X, BB, digital divide

1. Introduction

In 2010, were determined actions to smart, sustainable and inclusive growth of the economy and society of the European Union. It was Europe 2020 strategy. Each of the three assigned objectives are highlighted by a number of priorities, the implementation of which is constantly checked with use of selected indicators. "Smart growth means … making full use of information and communication technologies and ensuring that innovative ideas can be turned into new products and services that create growth, quality jobs and help address European and global societal challenges" (European Commission, 2010b, p. 11).

The process of smart growth based on social inclusion is very difficult to achieve considering the very different levels of economic development in the EU member states. For example the use of Information and Communication Technologies (ICT) differs in many countries (European Commission 2010a, p. 9). In addition, in the Member States there are differences in the skills of handling and use of ICT by younger and older residents, at work and private life (in European Commission (2010a, p. 10) can be found that "age and education are the two main factors influencing the way people use internet services"). In a dynamic economy based on modern technologies, limiting access to ICT is the cause of the digital divide, which results in social exclusion (Wykluczenie cyfrowe …, 2010).

The aim of the study was to find if the purposes of Europe 2020 strategy are fulfil in Poland and to find differences of use of ICT between adult generations in Poland.

2. Europe 2020 strategy - smart growth

"EU flagship initiative "A digital agenda for Europe" to speed up the roll-out of high-speed internet and reap the benefits of a digital single market for households and firms" (European Commission 2010b, p. 33). Limitation of the availability of ICT can lead to social exclusion, particularly the digital divide.

In Wykluczenie cyfrowe (2010) can be found several definitions of the digital divide:

– division of society to having access to ICTs and those who do not have access;

– division due to the possibility of obtaining access to a computer and the Internet and skills of use these technologies in private life and at work;

– complex, global division of individuals, households, countries, regions, businesses, taking into account access, skills and use of ICT.

As seen above division of social exclusion can lead to many difficulties in job search and social acceptance, and in extreme cases to discrimination of individuals.

Information society in Poland in 2010 was rated significantly worse than in most member states of the EU (Figure 1). This situation has changed in 2014 years.

Fig 1: Percentage of households with broadband Internet connection
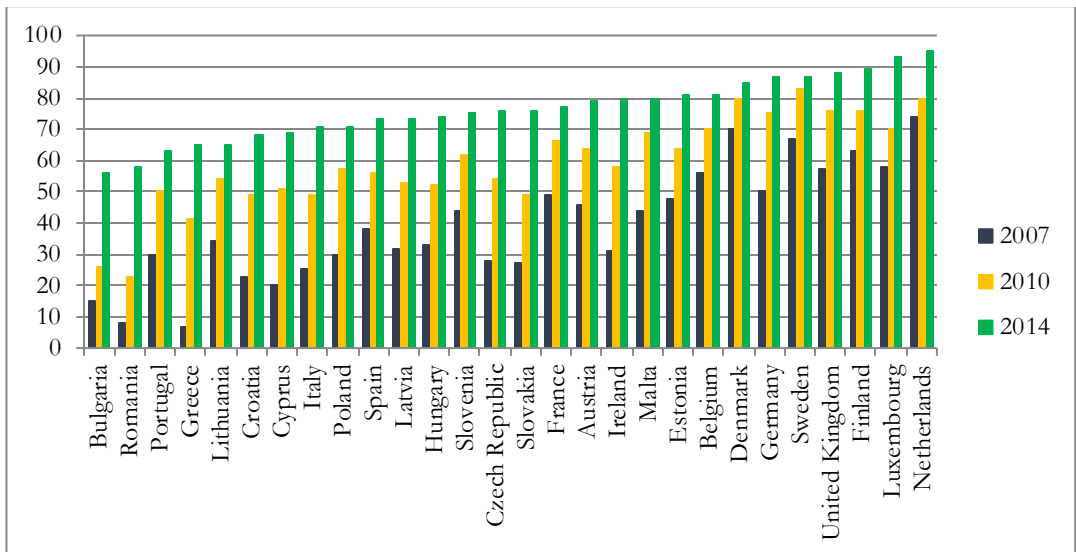
Source: Own elabration on EUROSTAT data (isoc_pibi_hba).

Fig 2: Percentage of households with broadband Internet connection at home[1]

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[1] With bar chart are shown increases of access at home of households to broadband Internet (2007-2014 and 2010-2014), with lines are shown Percentages of households with broadband Internet connection at home in 2007, 2010, 2014.
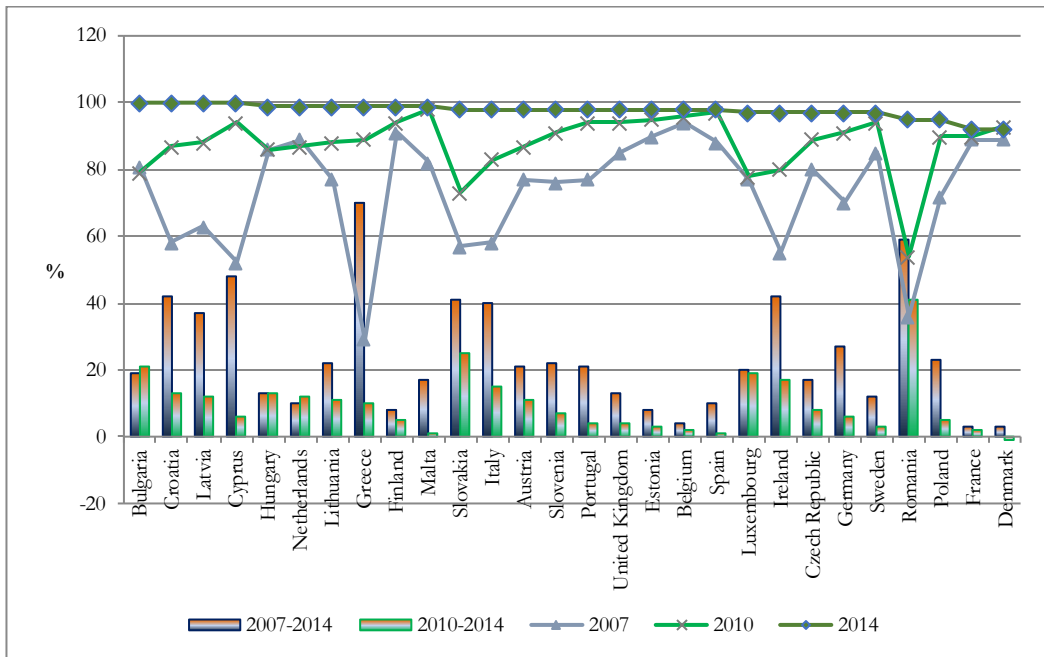
Source: Own elabration on EUROSTAT data (isoc_pibi_hba).

Figure 1 shows the changing number of households with access to broadband Internet. In Poland in 2007, such access was available in 30% of households (20th place among the current 28 Member States of the EU), in 2010 - 57% (ranked 15th), in 2014 -71% of households (20th place). Since 2007 until 2014 the percentage of households with access to a broad band Internet increased by 41 percentage points. This is the 11th result of EU Member States.

The situation is better given access at home of households to broadband Internet (Figure 2). Since 2007 up to 2010 the percentage of households with broadband Internet access increased by 23 percentage points, from 72% in 2007 to 90% in 2010 and then 95% in 2014). By 2014, four countries have 100% of households access to broadband Internet at home, households from six countries have access in 99%, 98% of households in 9 countries, from 5 countries 97% of households, from 2 countries 95% of households (including Poland), from 2 countries 92% of households have broadband Internet access at home. In 2007 the lowest access at home of households to broadband Internet were observed in Greece and in Romania. Both of these countries made great progress in access to the Internet. In 2014 in Greece 99% of households have access at home to broadband Internet, and in Romania - 95%.

The latest report on the implementation of new Digital Economy and Society Index - DESI (European Commision 2014) shows compressed information about Internet skills, the use of online activities, digital technologies and digital public services. Table 1 and Figure 3 shows ranks[1] calculated of three indices: DESI, percentage of households in 2014 with access at home to broadband Internet (R2014), increase since 2007 to 2014 of access of households with access at home to broadband Internet (R2007-2014). The pair correlations were measured with use of Spearman Index.

Figure 3 presents the rank allocated in three variables for each country. Poland is ordered in the far position for DESI and R2014, but for R2007-2014 Poland is ranked much better. This means that across five main dimensions (Connectivity,

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[1] The indices were ranked after ordering values from best to worst. The indices were ranked after ordering values from best to worst. After ordering the indices from best to worst ranked. Rank 1 represents the best country, rank 28 - the worst. In the case of variable R2014 occurs many countries with identical values of the indices. In this situation were used linked ranks.

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Human Capital, Use of Internet, Integration of Digital Technology, Digital Public Services) the Poles are a lot worse evaluated in comparison to people in most other Member States of EU. In 95% of Polish households at home have access to broadband Internet, it is only the result lower of 4 percentage points than the best countries, but it shows that in this matter in Poland there is still need for further development. The last indicator R2007-2014, shows a large increase in the number of Polish households having access at home to broadband Internet. Figure 4 presents the correlations between analyzed variables. Highest relationship is found between DESI and R2007-2014. The correlation is inversely proportional. This means that an increase in access to broadband Internet not directly cause an increase, but a decrease in its ability to operate and use. An analogous conclusion can be found in Krajowy Program Reform (2014). There is indicated the need to "improve the quality of education, . . . , make full use of ICT, as well as ensuring that the innovative ideas can be turned into new products and services that contribute to the increasing economic growth, creating new work places and solving social problems" (Krajowy Program Reform 2014, p. 22).

Since the widely used characteristic of Gen Y is constant and natural use of ICT in everyday life and work, so it becomes increasingly important question if there are significant differences in the use of the Internet and other modern technologies for Generation Y and Generation X, Baby Boomers (BB). Combes (2009, p. 31) writes that because " they have never known a world without the Internet and technological change", so their skills in use of technology are almost intuitive. Therefore, the chapter 3 presents an analysis of the use of the Internet in Poland.

Table1. Ranks of three indexes: DESI, R2014, R2007-2014

Country	DESI	R2014	R2007-2014
Austria	13	15	14
Belgium	5	15	26
Bulgaria	27	2,5	16
Croatia	24	2,5	4
Cyprus	22	2,5	3
Czech Republic	17	22	18
Denmark	1	27,5	27
Estonia	12	15	25
Finland	4	7,5	24
France	14	27,5	27
Germany	10	22	9
Greece	26	7,5	1
Hungary	20	7,5	19
Ireland	9	22	5
Italy	25	15	7
Latvia	18	2,5	8
Lithuania	11	7,5	11
Luxembourg	8	22	15
Malta	15	7,5	17

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Netherlands	3	7,5	22
Poland	23	25,5	10
Portugal	16	15	13
Romania	28	25,5	2
Slovakia	21	15	6
Slovenia	19	15	12
Spain	7	15	23
Sweden	2	22	21
UK	6	15	20

Source: Own elaboration on EUROSTAT data (isoc_pibi_hba) and European Commission (2014).

Fig 3: Ranks of three indices: DESI, R2014, R2007-2014
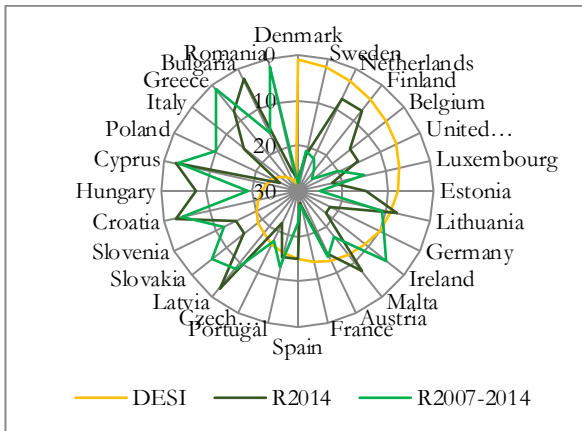
Source: Source: Own elaboration on EUROSTAT data (isoc_pibi_hba) and European Commission (2014).

Fig 4: Correlations between ranks of three indexes: DESI, R2014, R2007-2014
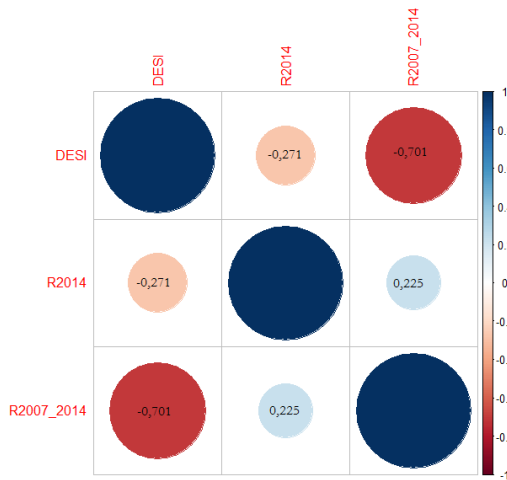
Source: Source: Own elaboration on EUROSTAT data (isoc_pibi_hba) and European Commission (2014).

3. Use of the Internet – differences between Generations Y, X and BB

Use of the Internet by the Poles were checked on the basis of data from the Diagnoza Społeczna 2013 (ang. Social Diagnosis [Rada Monitoringu Społecznego, 2013]). Analysed age groups were as follow: Gen Y (aged 18-33), Gen X (aged 34-48), BB generation (age 49-67). Firstly, from the respondents were taken only Internet users, because subsequently was checked for what purpose they use the Internet[1]. Figure 1 presents rate of Internet users of three generations and average time spend on the Internet in last week (last week before date of interview). 91% of Gen Y were Internet users and spent in 2013 almost 15 hours per week on the Internet. Among Generation X the rate of Internet users is lower – 76% (10 hours per week spent on Internet). The rate for BB Generation is the lowest. Only 33% used the Internet, but the time spent on the Internet was almost the same as for Gen X - 9 hours per week.

Fig 5: Rate of Internet users and average time on Internet in last week (in hours) in 2013
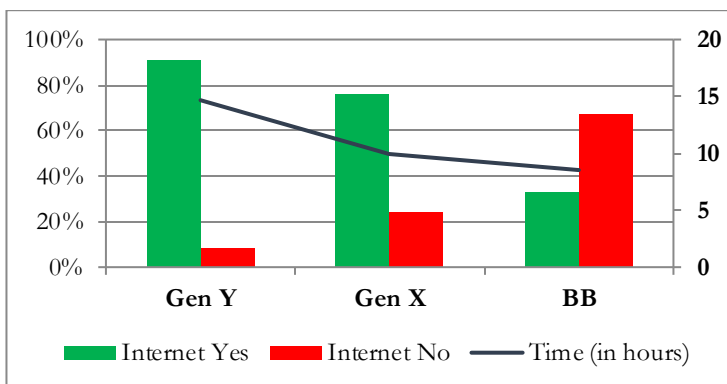
Source: Own elaboration on Diagnoza Społeczna [Rada Monitoringu Społecznego, 2013].

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[1] Literal questions: Do you use a computer? and Do you use the Internet?

Figure 6 show the rate of computer and Internet user. Rates of persons who didn't used computer are lower than for users. Some of persons who used computers in 2013 didn't used the Internet: 1,3% of Gen Y, 1% of Gen X, 1,4% of BB.

Fig 6: Rate of computer and Internet users in 2013

	Gen Y	Gen X	BB	Gen Y	Gen X	BB
	Computer Yes			Computer No		
■ Internet Yes	90.6%	75.3%	32.6%	0.7%	0.6%	0.4%
■ Internet No	1.3%	1.0%	1.4%	7.3%	23.1%	48.4%
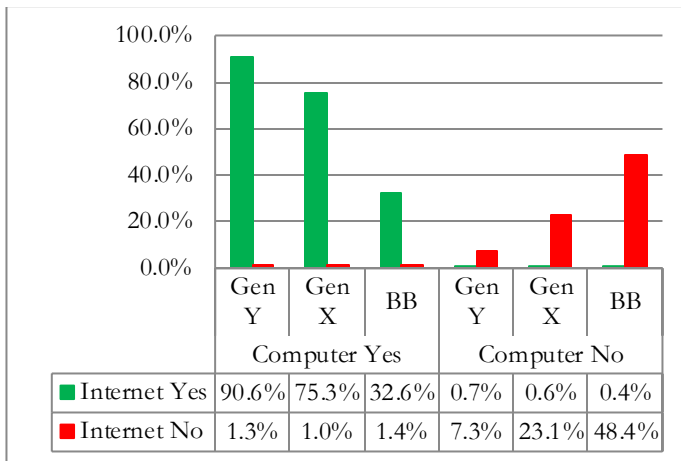
Source: Own elaboration on Diagnoza Społeczna [Rada Monitoringu Społecznego, 2013].

Next analysis was conducted for reasons to use the Internet and frequency of use of the Internet for all reason.

Analysed reasons were grouped in 10 subjects:

- social networking (Q1 participating in discussion groups or forums; Q2 Facebook; Q3 social network);
- searches (Q4 obtaining information from websites of public institutions, Q5 ticket reservation);
- reading (Q6 reading newspapers or books on the Internet);
- communication (Q7 e-mail, Q8 the use of instant messaging, Q9 chats, Q10 phone calls (VoIP, Skype));
- multimedia sites (Q11 free software downloading, Q12 free music and movies downloading, Q13 listening to music or the radio, Q14 watching TV)
- shopping (Q15 purchases of products and services in Poland, Q16 purchase products and services from abroad, Q17 participating in online auctions);
- own creativity (Q18 creating or modifying a web pages, Q19 creating or modifying own texts (eg. a blog, twitter), graphics, music or others);
- learning and working (Q20 collection of materials needed for study or work, Q21 participation in courses or trainings, Q22 job search, sending offers for employment , Q23 home use of the Internet and e-mail for professional purposes);
- online games (Q24 online games);
- official matters (Q25 Internet banking, Q26 downloading or filling official forms).

Fig 7: The reasons for using the internet (A – never; B – ever, C – last week[1])

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[1] Last week before date of interview in 2013.
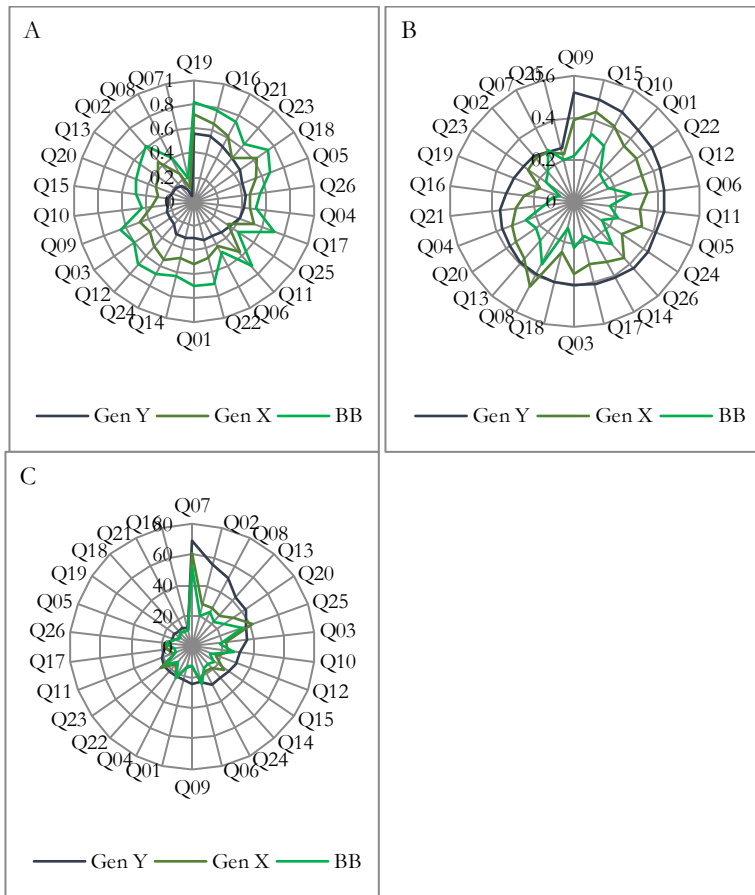
Source: Own elaboration on Diagnoza Społeczna [Rada Monitoringu Społecznego, 2013].

Between *never users* (Figure 7A) from three analysed generations were large differences in 2013. The category *I never use the Internet for refered reasons* was most popular for BB generation in 2013. More than 60% of Gen Y never used in 2013 the Internet for buying products and services from abroad (Q16), creating or modifying own texts (eg. a blog, twitter), graphics, music or others (Q19) and participating in courses or trainings (Q21).

Most people of ever used the Internet in 2013 (Figure 7B) belongs to the generation Y followed Gen X, and the lower number of persons ever used the Internet was from BB generation. The highest level of the internet use was for buying products and services in Poland (Q15) for all generations. Many people from Gen Y ever used the Internet in order to chats (Q9). Gen X used ever the Internet for instant messaging (Q8), like BB generation.

In Figure 7C last week means a few days prior to the interview in 2013. In all age groups in last week very popular reason for using the Internet was communication via e-mail. Almost the same rates of all generations of Internet users in 2013 used the Internet for Internet banking (Q25), reading newspapers or books (Q6), obtaining information from websites of public institutions (Q4), downloading or filling official forms (Q26). The lowest percentage of people in each age group indicated the use of the Internet to ticket reservation (Q5), own creativity (Q19 and Q18), participating in courses or trainings (Q21), buying products and services from abroad (Q16).

Parment (2013, p. 39) wrotes that "Die Generation Y ist daran gewohnt, das Internet als Informationsquelle und Wissensbasis zu nutzen" (Generation Y is accustomed to use the Internet as a source of information and knowledge base). In Poland in 2013 use of the Internet for information searching was quite different: 40% of Gen Y declared that never used the Internet for obtaining information from websites of public institutions (Q4), 37% used ever the Internet for Q4 reason and only 22% used the Internet for searching information in last week.

In Figure 8 are shown values of Phi correlation coefficient between generations and reasons for using the Internet. The most influencing reasons differencing generations was in 2013 Q2, i. e. using the Internet for connecting with Facebook. Next, very important reasons for using the Internet which differ among generations were free music and movies downloading (Q12), the use of instant messaging (Q8), chats (Q9), online games (Q24).

Fig 8: Phi coefficient of generations versus reasons for using the Internet
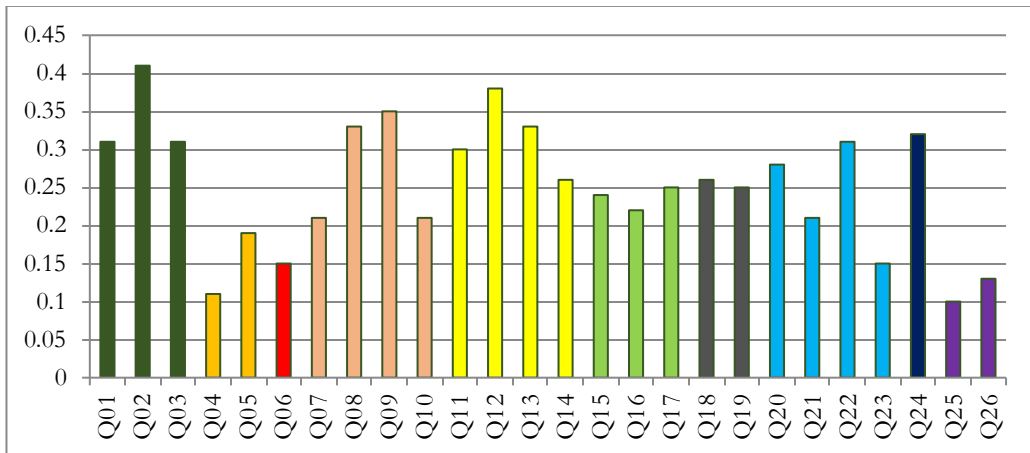
Source: Own elaboration on Diagnoza Społeczna [Rada Monitoringu Społecznego, 2013].

4. Conclusions

The conducted analysis showed that between EU countries are differences in the use of the Internet. During the analysis of the behavior of Poles using the Internet also were indicated differences that reflect the generational change.

Poland has one of the highest indexes of increase since 2007 to 2014 of households with access at home to broadband Internet R2007-2014 and the lowest index of DESI. As Punie, Zinnbauer and Cabrera (2008. p. 7) wrote that between Member States in 2006 were "three clusters of countries: A cluster of "high performing countries" …; A cluster of "average performing countries"…, A cluster of so-called "delayed countries" …". This statement was made for educational system, but may be that the situation in education in 2006 influencing the situation in use of new digital technologies in 2014. In explanation of DESI indices for 2014 may be find the same information about countries and digital society in EU: "According to their performance, countries were grouped in high, medium and low performance clusters" (Digital Agenda, 2015) – Poland is in the last group.

Analysis of reasons for using the Internet (in last week) among constantly Internet users pointed out that there is no generational differences in the use of the Internet to Internet banking (Q25), reading newspapers or books on the Internet (Q6), obtaining information from websites of public Institutions (Q4), downloading or filling official forms (Q26). The biggest differences are in the use of Facebook (Q2), instant messaging (Q8), listening to music or the radio (Q13) – the young Poles use for these purposes the Internet more frequently than older.

The least frequent reason given for not using the Internet is email (Q7). Other causes are arranged in order of priority in the same way for all generations. The share of people never using the Internet for the specified purposes is the highest among BB generation.

The most differentiating generations reasons for using the Internet is a social networking (especially use of Facebook), communication (specially chats), multimedia sites (the most free music and movies downloading). Between generations in Poland there is no difference due to the following reasons for the use of Internet: searches, reading and official matters.

5. Acknowledgements

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Problems Associated with the Legal Substance of Real Estate Encumbrances

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Abstract

The article is devoted to the problems pertaining to the establishment of encumbrances on real estate. Encumbrances that are created on the basis of law have a different legal substance. As a rule, encumbrances by law are significant and bring benefits to an unlimited number of rightholders. This type of encumbrances includes various protection zones, roads, nature reserves, etc. It is assumed that these encumbrances are for the common good; therefore, the rights of an owner may be restricted. Legislation allows establishing encumbrances without any authorisation from the real estate owner. The objective of the thesis is to analyse the legitimacy of encumbrances based on law in the context of the impairment of owner's property rights. To this end, both descriptive and analytical methods have been employed to analyse the legal grounds for encumbrances and related case-law. The study has relied on both legislation and case-law. The results of the study give strong grounds to conclude that a special procedure could be applied to the establishment of encumbrances in situations when those are intended to meet the needs of the entire society or individual communities of certain regions. Like any other encumbrances, those established by law restrict owner's property rights. A real estate encumbrance should be recognised as a restriction on owner's property rights. Certain remedies should be introduced with a view to balancing the rights and interests of the society and the owner and minimising the adverse effects of encumbrances. Such remedies could comprise an owner's right to claim reasonable compensation, challenge the establishment of encumbrances and initiate their annulment.

Introduction

Real estate has always been an essential element of economic growth. Equally important is the role of real estate in meeting social needs and ensuring public welfare. Real estate allows for the exercise of individual's constitutional rights. For instance, real estate provides housing, healthy and safe environment and a possibility of obtaining material benefits from the property. The Universal Declaration of Human Rights serves as the initial legal base of these principles[1] and, according to this Declaration, everyone has the right to own property and no one shall be arbitrarily deprived of his property, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services. Democratic countries have implemented these principles into their national laws. Chapter VIII of the Latvian Constitution contains provisions safeguarding fundamental human rights.[2]

The path of public development testifies to the approximation of various social and economic processes. Population growth leads to the decrease in isolation and aloofness. Nowadays, the necessity for cooperation is an objective fact. This also refers to the utilisation of properties, which is most often outside the needs of a single owner and the boundaries of a single property, for instance, ensuring of the construction and maintenance of public roads and technical facilities (gas pipelines, communications and power supply equipment), flora and fauna protection. It is evident that this manner of utilisation concerns the needs of the entire society or at least communities of certain regions rather than individual owners. The socially responsible exercise of own rights is coming to the foreground. The partial restriction on an individual's rights for the common good is reflected in legal doctrine. The author shares the opinion of Martijn W. Hesselink, Professor of the Amsterdam Institute for Private Law, that "private law is no longer based on the principle of autonomy" (Martijn W. Hesselink,

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[1] Vispārējā Cilvēktiesību deklarācija. Available on: http://www.humanrights.lv/doc/vispaar/vispcd.htm, [viewed on 10.02.2015]
[2] Latvijas Republikas Satversme, adopted on 15.02.1922, entered into force on 07.11.1922. Published: Latvijas Vēstnesis, No 43, 01.07.1993

2002). This means that legal scholars and society in general face a new challenge, which is to find a balance between the socially responsible policy of property utilisation and the guaranteeing of an owner's rights.

The establishment of encumbrances is a way to safeguard public interests, which would enable the use of real estate owned by another person for the common good.

In this article, the author analyses encumbrances as a legal institution, legal aspects of encumbrances and the need for effective mechanisms to safeguard the rights of owners.

Research

Legislation does not provide for any uniform definition of the term 'encumbrance'. As a result, this term stands for various legal institutions, such as easement, mortgage, rent, operating restrictions, protection zones. More generally, an encumbrance means any third party's rights to real estate. The substance and types of encumbrances as a legal institution may be understood by means of the interpretation of law and the analysis of the legal system.

Encumbrances by their grounds can be categorised as follows:

1) arising from private law;

2) arising from public law.

In private law, mortgage, rent and easement should be viewed as encumbrances. The common feature of these legal institutions is the grounds for their establishment, which can be either law, or a contract, or a court judgment. As a rule, these encumbrances are defined on an individual basis and created with the consent of the party concerned (real estate owner) or at least with his knowledge. For instance, easements are established for the benefit of a particular person (easement in gross) or for a particular property (appurtenant easement), mortgage is registered for a particular property, and it is a specific property that is rented. On certain occasions, the encumbrance may result not only in the restriction on the rights of the party concerned (real estate owner) but, on the contrary, in material benefits for this party, such as rental.

The grounds for terminating these encumbrances are accurately defined by law. [1] For the most part, encumbrances may be terminated by a relevant agreement between the parties and due to the expiry of their term.

As regards encumbrances arising from private law, obligations are normally established between two parties, i. e. the owner and the party in whose favour the encumbrance is created. The party concerned (real estate owner) is aware of the grounds for terminating encumbrances in advance or is allowed to refer to these grounds by law. Certain kinds of encumbrances bring material benefits to the owner, thereby minimising the adverse effects of the encumbrance, i. e. compensating for the restrictions attached to the exercise of property rights. Considering that obligations arising out of encumbrances are established between rightholders, while legal relationships are associated with real estate, the legal substance of encumbrances may be characterised as a mixed legal relationship. Property law treats encumbrances as *jura in re aliena*, while the law of obligations views them as a duty to comply provided for the party concerned.

These encumbrances have only immaterial significance for public interests.

Encumbrances that are meaningful for society arise from public law. They could be described as a matter of national interests. These encumbrances represent territories and facilities that are necessary for the safeguarding of significant public interests and the protection and sustainable use of natural resources. [2] Spatial planning is a duty of public authorities, and the owner has only a minor role in introducing encumbrances. According to Section 4 (1) of the Spatial Development Planning Law, spatial development must be planned through public participation, while Section 4 (4) of this Law provides

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[1] For instance, see Sections 1237 and 1379 of the Civil Law. Civillikums. Trešā daļa. Lietu tiesības: Latvijas Republikas likums, adopted on 28.01.1937, entered into force on 01.09.1992. Published: Valdības Vēstnesis, No 44, 24.02.1937; Section 2165 of the Civil Law. Civillikums. Ceturtā daļa. Saistību tiesības: Latvijas Republikas likums, adopted on 28.01.1937, entered into force on 01.03.1993. Published: Ziņotājs, No 1, 14.01.1993

[2] Teritorijas attīstības plānošanas likums: Latvijas Republikas likums, adopted on 13.10.2011, entered into force on 01.12.2011. Published: Latvijas Vēstnesis, No 173, 02.11.2011

that the interests of private individuals and public interests must be balanced with sustainable spatial development. [1] The aforementioned Law contains a declaratory provision. There are grounds for criticism of the fact that owners whose properties are subject to encumbrances are not individually involved in the solution of matters, which is also confirmed by the case-law of the Constitutional Court of the Republic of Latvia showing that applications challenging the detail planning of territories have been lodged nine times. [2] In all these cases, the encumbrances have been recognised as proportionate and complying with the Basic Law. The case-law treats spatial planning as legislation. [3] Therefore, no appeals are allowed because laws may not be appealed through courts of general jurisdiction.

Encumbrances are determined by public authorities (the Cabinet, sectoral ministries, planning regions and local governments) by developing spatial planning. A spatial plan is the initial document providing for encumbrances. The next step is the updating of encumbrances and their registration in a relevant property file of the Land Registry. In accordance with Section 41 (2) of the Land Registry Law[4], the process takes place online between two public authorities (the State Land Service and the Land Registry), without the consent of the real estate owner. It should be noted that a decision taken by a judge of the Land Registry Department concerning the registration of actual encumbrances is not subject to appeal.

Annex 2 "Unified Classification of Encumbered Territories and Real Estate Encumbrances" to Cabinet Regulation No 61 of 4 February 2014 serves as the legal basis for establishing encumbrances. [5] According to this Annex, there exist the following encumbrances: the coastal protection zone of the Baltic Sea and the Gulf of Riga, surface water body protection zones, protection zones around marshes, territories of state-protected cultural monuments and their protection zones, protection zones around water-supply points, protection zones along streets and motorways, protection zones along railroads, protection zones along electronic communications networks, protection zones around national meteorological and hydrometric gauging stations, protection zones along power grids, protection zones along heating networks, protection zones around hydrotechnical and amelioration constructions and installations, protection zones along water-supply and sewage networks, protection zones around geodetic points, protection zones around technical means of navigation, gas-supply protection zones, protection zones around state-protected facilities and the state border, protection zones around optical telescopes and radio telescopes, protection zones around facilities subject to enhanced sanitary requirements and territories where pollutants have been or could be detected, protection zones around hydrocarbon extraction sites, as well as pipelines, tanks, storage facilities for oil, oil products, hazardous chemicals and chemical products and related refineries and handling companies, petrol stations, special areas of conservation and their zones, windbreaking forest strips, national subsoil blocks, tow-paths, territories subject to construction restrictions specified in spatial development planning documents and territories designated by local governments for public access to public territories.

The establishment of encumbrances is determined by several laws, including the Protection Zone Law[6], the Fishery Law[7], the Law on the Protection of Cultural Monuments[8], while six other laws deal with certain elements of the creation of encumbrances. The analysis of the applicable legislation has revealed that encumbrances are determined only by public authorities based on law or their decisions (administrative acts) without considering the opinion of real estate owners. Disagreement of the real estate owner may not be an obstacle to encumbrances. The author believes that the absence of a clear procedure for appealing against decisions adopted by public authorities for owners whose properties are thereby encumbered is contrary to the principles of a democratic state.

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[1] Ibid.

[2] Latvijas Republikas Satversmes tiesas dati. Available on: http://www.satv.tiesa.gov.lv/?lang=1&mid=19 [viewed on 10.02.2015]

[3] Latvijas Republikas Augstākās Tiesas Judikatūra. Tiesu prakses apkopojumi Administratīvajās tiesībās. 2013.gads Tiesu prakses apkopojums teritorijas plānošanas, būvniecības un vides lietās 2008 - 2012. Available on: http://at.gov.lv/lv/judikatura/tiesu-prakses-apkopojumi/administrativajas-tiesibas/ [viewed on 10.02.2015]

[4] Zemesgrāmatu likums: Latvijas Republikas likums, adopted on 22.12.1937, entered into force on 05.04.1993. Published: Latvijas Vēstnesis, No 11, 08.04.1993

[5] Latvijas Republikas Ministru kabineta noteikumi Nr. 61, adopted on 04.02.2014, entered into force on 13.02.2014. Published: Latvijas Vēstnesis, No 31, 12.02.2014

[6] Aizsargjoslu likums: Latvijas Republikas likums, adopted on 05.02.1997, entered into force on 11.03.1997. Published: Latvijas Vēstnesis, No 56/57, 25.02.1997

[7] Zvejniecības likums: Latvijas Republikas likums, adopted on 12.04.1995, entered into force on 12.05.1995. Published: Latvijas Vēstnesis, No 66, 28.04.1995

[8] Likums „Par kultūras pieminekļu aizsardzību": Latvijas Republikas likums, adopted on 12.02.1992, entered into force on 11.03.1992. Published: "Ziņotājs", 10, 05.03.1992

The uncertainty of rightholders in whose favour encumbrances are created is inherent in the encumbrances established by public authorities. Encumbrances are made *a priori* to satisfy the needs of society and for the common good. Society is represented by the government in relations with real estate owners and, therefore, these legal relationships are subject in full to the principles of public law. The Constitutional Court of the Republic of Latvia has held that "both the general principles of law and of public administration and the principles of spatial planning must serve as guidance for the proper and adequate exercise of discretion in the field of spatial planning"[1] and "in the course of the development of spatial (detail) plans, the local government must act as an unbiased and neutral mediator balancing the interests of the developer of a particular territory and the community concerned, hear and make an objective assessment of the opinions of all the parties involved regarding the most appropriate and suitable way of development of the particular territory, as well as comply with the requirements set out in spatial planning laws".[2]

The above means that whenever public authorities by their decisions cause impairment of property rights, these decisions must be particularly solid, lawful and proportionate. Based on the case-law of the European Court of Human Rights, researchers have concluded that restrictions must always be specific and set within clearly defined limits, with respect for the law (laws must be freely accessible, clearly formulated and understandable), public interests (spatial development, defence of democracy, elimination of consequences, protection of national financial interests, road construction, land reform, etc.) and proportionality (the balance between the interests of society and owners) (Сагдеева, 2014).

An objective assessment can only be made of the lawfulness of encumbrances, while public interests and the balance between the interests of society and owners can only be viewed on an individual basis. No uniform procedure for defining the scope of public interests and proportionality can be introduced because characteristics (the level of economic and social development of the community (populated location), development priorities and targets to be achieved, the type and extent of encumbrances) will always vary. Consequently, the competence of officials and their understanding of fundamental human rights and the ability of courts to ensure lawfulness and equality in disputes – these are factors that are of primary importance in maintaining social balance and justice.

The author classifies encumbrances depending on their form as follows:

1) operating prohibitions (restrictions);

2) prohibitions (restrictions) of the use of territories;

3) restrictions on the exercise of rights.

Operating prohibitions (restrictions) mean that in an encumbered territory the owner may not carry on certain economic activity or economic activities are allowed only to a limited extent and subject to special licences. For instance, no operations may be authorised in protection zones around water-supply points[3], and nature reserves may have areas where natural resources are fully excluded from economic or other activities. Limited economic activities may be allowed in certain areas of nature reserves[4], and operating restrictions are effective in forests during the breeding season.[5] It should be concluded that, in order to protect public interests, owners are prohibited from pursuing any profit-making activities which are associated with their properties but have environmental impacts, or are carried out in heritage sites, or involve facilities of public significance, or are performed during a certain period.

Encumbrances associated with the use of territories have similar substance. The only difference is that they are static by nature. A territory should be recognised as encumbered merely due to the existence of an encumbrance. These encumbrances include all kinds of protection zones which may not be used in any manner. In fact, these are territories excluded from civil transactions. Protection zones may have a width ranging from 1m up to 300m. On certain occasions,

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[1] Latvijas Republikas Satversmes tiesas 2004. gada 9. marta spriedums lietā Nr. 2003-16-05, paragraph 5. Published: Latvijas Vēstnesis No 38, 10.03.2004

[2] Latvijas Republikas Satversmes tiesas 2007. gada 28. novembra lēmums par tiesvedības izbeigšanu lietā Nr. 2007-16-03, paragraph 7. Published: Latvijas Vēstnesis No 194, 04.12.2007

[3] Aizsargjoslu likums: Latvijas Republikas likums, adopted on 05.02.1997, entered into force on 11.03.1997. Published: Latvijas Vēstnesis No 56/57, 25.02.1997, Section 39(1)(1)

[4] Par īpaši aizsargājamām dabas teritorijām: Latvijas Republikas likums, adopted on 02.03.1993, entered into force on 07.04.1993. Published: Latvijas Vēstnesis No 5, 25.03.1993, Section 3(2)

[5] Meža likums: Latvijas Republikas likums, adopted on 24.02.2000, entered into force on 17.03.2000. Published: Latvijas Vēstnesis No 98/99, 16.03.2000, Section 37(4)

considering the relation of the width of protection zones to the size of a property, the encumbered territory may be rather large, taking the major part of the property, thereby leading to a considerable decrease in the cadastral value. According to the State Land Service, the value of land may be down by 20% if the relevant property is located, for instance, in the dune protection zone of the Baltic Sea and the Gulf of Riga or in the territory of a cultural monument. [1] It should be concluded that encumbrances, which take the form of protection zones, not only prevent the owners from using certain part of their properties but also reduce the possibility of earning maximum benefits therefrom (i. e. sell at a higher price).

The third type of encumbrances provides for a special procedure for transactions. In the cases referred to in law, the owner of encumbered real estate is bound by pre-emptive rights granted to the state. Pursuant to Section 35 (1) of the Law on Special Areas of Conservation, the state has a pre-emption right to land located in nature conservation areas, nature reserves and natural monuments. [2] Hence, the owner of the land is not free to exercise his rights when choosing the buyer and he has to take into account the state as a rightholder and potential party to the transaction.

In conclusion, the establishment of encumbrances leads to a considerably narrower scope of an owner's property rights, practically excluding the element of discretion, thereby reducing the possibility of obtaining economic benefits and restricting the freedom of transactions. Mechanisms offered by the state to minimise restrictions are essential to ensure compliance with the principle of proportionality. Legislation provides for certain compensation only for one kind of encumbrances, i. e. operating restrictions, and it should be emphasised that this provision refers only to agriculture and forest management. [3] It should be added that in certain instances a land owner may demand repurchase of the land, and this right is in line with the mechanism intended to minimise the adverse effects to be faced by the owner. In view of the spread of protection zones and their effect on property rights of owners, the author takes a critical view of the law-giver's position whereby no compensation is provided for the establishment of protection zones. It is evident that legislation views only operating restrictions as encumbrances. This approach narrows the interpretation of encumbrances as a legal institution because any encumbrance (not only operating restrictions) may limit property rights of owners. Moreover, any encumbrance should be viewed in the context of proportionality. The author believes that the opinion given in scientific literature that property rights are relative and owners have obligations towards others is still questionable. The relevant obligations are more significant and are not merely limited to the avoidance of harm to others. Within their community, owners must share their property or benefits therefrom to maintain peace and social order (Gregory S. Alexander et Euardo M. Peñalver, 2012). The author criticises the form and manner of participation and society's contribution in response to encumbrances rather than the sharing requirement.

The owner makes it possible for the public to derive benefits from his property and, therefore, the owner has already fulfilled his obligations towards the public. The author is of the opinion that, without compensating for the restrictions caused by encumbrances, property rights of owners are restricted unreasonably and the balance between the duty to share a property to satisfy public needs and the right to property is destroyed.

Conclusions

An encumbrance should be understood as de facto and legal limitations imposed on real estate owned by private owners in the form of restrictions on the use of property and the special procedure for transactions, as may be necessary for public needs. An encumbrance is a way how private property may be used for public needs. Encumbrances have a legitimate goal and origin. Whenever encumbrances are established and maintained, the protection of property rights of owners by means of the effective legislation is not sufficient, nor is it commensurate with duties and restrictions imposed by encumbrances.

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[1] Valsts Zemes dienesta informācija par kadastrālo vērtību ietekmējošiem apgrūtinājumiem. Available on: http://kadastralavertiba.lv/profesionali/vertibu-ietekmejosie-faktori/apgrutinajumi/ [viewed on 12.02.2015]

[2] Par īpaši aizsargājamām dabas teritorijām: Latvijas Republikas likums, adopted on 02.03.1993, entered into force on 07.04.1993. Published: Latvijas Vēstnesis No 5, 25.03.1993, Section 35(1)

[3] Par kompensāciju par saimnieciskās darbības ierobežojumiem aizsargājamās teritorijās: Latvijas Republikas likums, adopted on 04.04.2013, entered into force on 01.06.2013. Published: Latvijas vēstnesis No 74, 17.04.2013

Recommendations

The improvement of the legislation governing encumbrances should be viewed in the context of the protection of owners' rights because the existing encumbrance regulation focuses on public interests. Property rights and mechanisms to ensure the exercise of these rights are primarily civil institutions to be considered in the development of legislation. For the purposes of proportionality, it is necessary to increase the participation of real estate owners in the creation of encumbrances.

With a view to ensuring the uniform legal treatment and rendering the establishment of encumbrances more transparent, it is desirable to consolidate laws governing encumbrances and introduce regulation whereby owners could initiate alteration or annulment of encumbrances under certain conditions. The legal nature of spatial planning is worthy of debate because limited possibilities of appeals testify to the misunderstanding of democracy.

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An Integrative Approach in Treating Complete Food Refusal in Children: a Case Study

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Abstract

Eating disorders among children may be attributed to the range of complications associated with feeding problems; from mild (e. g. , missed meals) to total food rejection. Many early feeding problems can be diagnosed and corrected either by medical interventions, therapies or behavioural modification. Parents might use reward system in persuading them to eat and in extreme cases, pressure, force and punishment are also applied. There are also cases of children who do not eat at all and simply refuse to eat. For parents of children with feeding disorders, this is the beginning of a long and challenging journey that will include many medical and clinical experts. This paper presents the case study of a 13-year old boy with borderline autism, dyslexia and ADHD who did not consume any food at all i. e. complete food refusal for the first 12 and a half years of his life. In his treatment strategies, the therapist utilized a combination of several interventions strategies based on a few theoretical approaches. This integrative approach designed for his treatment intervention was divided into four phases comprising of: (i) Person-Centred; (ii) Behavioural Therapy; (iii) Cognitive Behavioural Therapy; and (iv) Psycho-educational. His family was also involved in the treatment. This study found that the approaches used in the treatment helps to improve the boy's eating problem as he started to eat pureed and soft food such as porridge. The therapy has also helped him gained self-confidence and improved his communication as well as social skills. He was healthier as he had not been admitted to hospital after the therapy ended. The findings of this study provide evidence that eating disorder problem involving children can be treated with psychotherapy. The treatment plan can be utilized to initiate suitable intervention as an effort to help children as well as adolescents manages their eating problems.

Keywords: Eating disorder, total food rejection, integrative approach, Person-Centred approach, Behavioural Therapy, Cognitive Behavioural Therapy, Psycho-Educational Approach

Introduction

For many parents, baby's first bite of food is a delightful moment as this is the move leading to a lifetime of memorable family experience of happy mealtimes. Unfortunately, while many parents strive to integrate fruits and vegetables into their child's diet once they start to take solid food, there are children who simply reject the food selections made for them. Parents may plead, persuade or use non-food reward to their children to try new foods. In extreme cases, pressure, force and punishment are also applied. Nonetheless, with some children, none seems to work. For parents of children with feeding delays and disorders, this is the beginning of a long and challenging journey that will include many medical and clinical experts such as gastrointestinal specialists, paediatricians, nutritionists, dieticians and psychologist.

Many early feeding problems can be diagnosed and corrected either by medical interventions, therapies or behavioural modification. Over a period of time, with appropriate interventions and parental efforts, young children who cannot eat properly due to a developmental or physical impairment can gradually improve and begin to consume solid food. But what about children who refuse to eat? This is different for a child who cannot eat for a definable reason or diagnosable problem. In many instances, parents trying everything under the sun to get their children to eat but to no avail. However, there are cases of children who do not eat at all and simply refuse to eat. For the parents of these children, the journey of making their children eat can be painful.

This paper presents the case study of a 13-year old boy who did not accept any food at all i. e. complete food refusal for the first 12 and a half years of his life. An integrative approach was designed for his treatment intervention.

Client's Information

Arief (was given a pseudonym to maintain the ethic of confidentiality) was a 13 year-old boy of Malay ethnic. He was the eldest child of two siblings and his brother was four years younger than him. He attended a class for special educational need student at an integrated primary school. Based on early observation ie. when he was brought to the therapist, Arief was able to do basic arithmetic (simple addition and subtraction) but quite slow in his reading. His language ability and communication was considerably good.

Arief lived with his parents and at weekdays they stayed with his maternal grandparents as his mother helped them to run food catering business and manage a restaurant which was located near their house. The school that he attended was not far from his grandparent's house and hence his family only returned home at weekends. His father worked at the information technology department in a commercial bank. The family had no problem in getting good and healthy food for him but their main concern was that he just refused to eat and totally refused to consume any solid food.

Presenting the Problem

Arief was nine years old when he was referred for treatment in 2009. He seemed not to be interested in food and had never eaten - neither solid nor pureed food at all since his infancy. However, he has no problem swallowing water. Arief would only drink especially milk and most of the time using feeding bottle. As he has normal height for his age although fairly thin, he seemed to get enough nutrients from the milk that he drank. He seemed not to have any emotional problems. Arief had been referred to paediatricians. Other than asthmatic and gastric, medical assessments indicated that there were no physical and health problems that would explain his symptoms. He had been admitted to hospital several times due to his asthmatic and gastric-related problems. His parents also reported that he got tired easily.

They had tried to give him food but to no avail. Arief told them that he did not feel hungry. His parents had been worried about his complete refusal of food as any attempts to help him to eat were met with resistance. They felt that all investigations had been conducted at various hospitals but there was no definite diagnosis made about his problem. They also reported that based on doctors' observation and prior medical reports, the child was said to have borderline autism, dyslexia and attention deficit hyperactivity disorder (ADHD).

Arief's parents claimed that he could not be fed with solid foods since infancy. He was breastfed for three months and then was given formula feeding. He only tolerated milk and nutritious fluids as soya, *ribena*, *vitagen* and *pedisure* milk. He also liked orange juice but it caused him to have gastric pain. He refused to take solid food such as nestum or porridge but he liked to lick soya sauce which was salty. Intermittently, he had abdominal pain that required hospital admission.

Arief did not show oral motor delays. However, his mother observed that Arief had low self-esteem at school. This was probably due to his diet problems as he was still dependent on bottle feeding. Apart from having borderline autism, dyslexia and ADHD, one of the reasons that the parents had to enrol him in a special class was Arief needed help from teachers to make milk for him and special educational need class was quite flexible with their students' routines. Teachers and their assistant were always around and provided helps to the students with special needs and attended to their physical needs.

Client's History Client's History

Arief could not tell the therapist about his eating problem. He simply said "I don't know"; "I don't want to eat"; and "I don't like to eat". Hence, information from the parents enabled the researcher to procure some ideas about the possible causes of his problem. Series of interview were conducted on Arief's parents. Information obtained from them is briefly presented in this section.

Base on his medical reports brought by the parents in the first therapy session, Arief was born preterm at 32 weeks via lower segment caesarean section (LSCS) and his birth weight was 2.42 kilogram. At postnatal, he had distressed syndrome and required assisted ventilation for 10 days in neonatal intensive care unit (NICU). He walked at the age of 13 months. According to the parents, his facial appearance was normal, like other normal children. The first six months of Arief's life were that of a normal baby. Arief's nutrition was his mother's breast and formula milk. He was sent to a baby sitter after his mother's maternity leave ended. At the age of about six or seven months old Arief was hospitalized due to bronchitis and phlegm suction procedure was conducted on him in which, suction tube was put through his throat. His father recalled that the procedure was done for at least three consecutive days. To avoid him from struggling, Arief was wrapped with hospital blanket.

After he was discharged from hospital, Arief's parents said that they had difficulty in feeding him as he started to reject milk and baby food that were given to him but after much persuasion and force, he only consumed milk from feeding bottle and prior to coming for therapy, he drank six to eight bottles of formula milk per day. He was still a bottle dependent and would not drink from other container such as glass and normal bottle. This meant that he had not taken any solid food until the age of 12. The parents reported that there was no family history of similar problem.

Arief's total rejection of food had also affected his relationships with his friends. He could not play football and other games with his friends as he got tired easily and there were several occasions that he had almost fainted. Apart from that, he could easily get asthma attack.

The following sections present a brief literature review related to eating disorders and total food rejection among children. It is followed by presentation of counselling and psychological approaches applied in the therapy which comprises of the treatment strategies and interventions in helping Arief to eat.

Review of Literature

Eating is a complex reaction consisting of a chain of behaviours that include accepting, chewing, and swallowing the food or drink (Bachmeyer, 2010). When a bite of food enters a child's mouth, the child can allow the bite by the teeth, further inside the mouth on the mid-tongue, with mouth closure, and later allowing the food to be swallowed. However, feeding can be challenging to some children and it is relatively common among typically developing children, with reported prevalence rates of up to 29% (Bachmeyer, 2010). Feeding problems may be attributed to the range of complications associated with feeding problems, from mild (e. g., missed meals) to total food rejection.

Children with the most significant feeding problems are often described as having food refusal. Food refusal has been defined as a general term that embraces a wide range of a child's feeding problems (Chatoor & Ganiban, 2003; Douglas, 2002, cited in Gardner & Shaw, 2008). Specifically, it refers to a child's refusal to eat all or most foods presented, resulting in the child's failure to meet his or her caloric and nutritional needs (Field, Garland, & Williams, 2003). Decreased appetite can also be applied to food refusal (Stainano, 2003). Unpredictable food refusal, selective food refusal and fear-based food refusal are among the expressions of food refusal (Chatoor & Ganiban, 2003) and resulting in dependence on liquid oral feedings (e. g., bottle feeding, tube feeding).

Total or complete food refusal however has not been directly mentioned in The Diagnostic and Statistical Manual of Mental Disorders – Text Revision (DSM-IV-TR) (APA, 2000). Nevertheless feeding disorder of infancy or early childhood in DSM-IV-TR has been renamed in version of the DSM-5 as avoidant/restrictive food intake disorder (APA, 2013). The criteria for this disorder also have been significantly expanded to include individuals, primarily but not exclusively children and adolescents, substantially restrict their food intake and experience significant associated physiological or psychosocial problems but do not meet criteria for any DSM-IV eating disorder. Avoidant/restrictive food intake disorder is a broad category intended to capture this range of presentations (Grohol, 2013). "Some authors have conceptualized eating

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disorders in pre-pubertal children as early manifestations of anorexia nervosa, but these children rarely met DSM-III-R diagnostic criteria" (Singer, Ambuel, Wade and Jaffe, 1992, pp 847, cited in Vaughan, 2000). Nevertheless, their health risks can be are just as serious as those risks for children with a clear diagnosis.

Studies have reported that the prevalence of eating problems in general was found to be high among children with developmental disabilities, with rates ranging from as high as 35% (Bachmeyer, 2009). Findings from the studies revealed that, children who have been identified by the refusal of food have also been diagnosed with a developmental disability.

Although food refusal is relatively common, it can pose a significant health risk for some children (Chatoor & Ganiban, 2003). Children who refuse food have similar health risks to people diagnosed with anorexia and food deficiency, for any grounds, can cause physical problems. Severe food refusal, if left untreated, can result in weight loss, malnutrition, fatigue, impaired mental or physical development, and even death (Christophersen & Hall, 1978 as cited in Bachmeyer, 2010). It can also cause more serious effect on the psychological development of children. Their eating disorder can also lead to persistent medical procedures, admission to hospital, and eventually cause limitation in social emotional as well as educational functioning and development (Kerwin, 1999). Thus, early intervention and treatment of eating disorders such as food refusal is extremely important in caring for the health of the children as well as the adolescents.

Limited literature was found about eating disorders in pre-pubertal children, especially those who are otherwise healthy and have no obvious developmental disabilities (Singer et. al. , 1992, in Vaughan, 2000). Most of the researchers focus on other types of eating disorders affecting children and teen agers such as bulimia, anorexia nervosa and binge eating. There are also numerous literatures on children eating problem such as neophobia, selective eating, picky eating, restrictive eating and binge eating especially among children. Treatment for total food rejection is even more critical. Many intervention strategies and theoretical approaches were suggested and utilised but little has been written on treatment of total food rejection. Among the treatments presently offered to treat a range of eating disorders include anti-depressant medication, hospitalization, individual psychotherapy, family therapy, classical and operant conditioning, and cognitive restructuring (Vaughan, 2000). In relation to individual psychotherapy, behaviour analysis was recommended as one the effective preliminary approach to identify problematic behaviours during mealtimes and then to "teach" an appropriate set of behaviours that will yield a proper mealtime experience (Zimmerman, 2010). Others suggested Cognitive-behavioural Therapy (CBT) for the treatment of eating disorders (Hay, Bacaltchuk, Stefano & Kashyap, 2009) as they believed that the approach has been effectively utilized in many treatment procedures (Murphy, Straebler, Cooper & Fairburn, 2010).

Identifying and diagnosing eating problems in children can be more challenging than we might think. However, upon obtaining and analyzing the information from the parents as well as literatures on eating disorder-related studies, it is believed that this 13-year old boy's total food rejection was due to fear and traumatic experience. This assumption is also based on one of Chator and Ganiban's (2003) postulation that an expression of food refusal can also be observed in different qualitative ways including fear-based food refusal. In this case study, the therapist explored the utilization of a combination of several interventions strategies based on a few theoretical approaches i. e. an integrative approach in treating a young client who totally rejected food since infancy.

Treatment Intervention Plan

It is important to note that the intervention was planned to treat Arief eating-related problem. The therapist did not conduct any assessment for his reported borderline autism, dyslexia and ADHD as the problem has been diagnosed by medical doctors earlier. For his complete food rejections problem, intervention plan for Arief's treatment was divided into four phases as follows:

i. Person-Centred approach

ii.   Behavioural Therapy

iii.   Cognitive Behavioural Therapy

iv.   Psycho-Educational Approach

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Phase 1

Person-Centred Approach (PCT)

The client was nine years old when he was first referred to the therapist. Even though his autism, dyslexia and ADHD were at borderline, it was quite challenging to get his attention. Hence, development of therapeutic relationship with this client is very important. Rogers (1957, reproduced in Kirschenbaum & Henderson, 1990) believed that a therapist must demonstrate three core conditions which are empathetic, communicate an unconditional positive regard for the client, and shows genuineness or congruence in order to foster a strong therapeutic relationship and create a psychological atmosphere. These conditions will help the client feel safe to examine their situations and not being judged and eventually they can be empowered to take the steps necessary to grow and self-actualize (Rodriguez, n. d.). Apart from that, children and psychotherapists need to create an entire therapeutic world in which children actively engage in appropriate expression of emotion and are able to focus on their strengths (Landreth & Bratton (2000).

Intervention Strategies

i. Development of rapport started with play therapy. It was conducted using some small toys including army and army vehicles (his own choice as he said he liked them) as well as other animal miniatures. The therapist sat on the floor with him and started talking to him but he did not respond much in the conversation. Most of the time he shook or nodded his head (indication 'yes' or 'no'), raised his shoulder or simply said "I don't know". As the therapist proceed with the play Arief felt more comfortable. He started to interact with her to share about what he liked and disliked, his family, school, and friends. There was a minimal eye contact though. Nevertheless, he did not feel safe as he also kept going to the window or door checking if the mother was still around.

ii.   The next course of action was taking Arief to cafeteria and shop which were located within the therapist's office premise. This 'tour' was aimed to observe if he recognized different types of food, their names and whether he could stand the smell of the food. He could name the foods but could not take their smells. When asked to guess the taste of the food, his response was "delicious but I don't want to eat" (*sedap tapi Arief tak nak makan*). In the shop, he was asked to pick any food that he wanted but only took some food for his younger brother and none for him with the same remarks "I don't want to eat" (*Arief tak nak makan*).

iii.   Development of rapport and trust continued with playing toys and reading children story books at the toy corner in the therapy room. His conversation showed some improvement after the third session. We started to focus on his positive aspects such as his look, his hobbies and his improved communication skills as well as confidence in expressing his ideas during play therapy and book reading. It is important to mention here that there was a time that he requested the therapist to accompany him for a medical assessment involving an x-ray procedure at a government hospital. Taking into consideration of his psychological and cognitive conditions (low self-esteem and other borderline disorders) and also to maintain the rapport and trust that has been developed the therapist presented herself at the hospital for that procedure. Nevertheless at this juncture, there was still no mention about food and why he refused to eat. This was in agreement with Rogers (1957, reproduced in Kirschenbaum & Henderson, 1990) who believed that "what clients need is not the judgment, interpretation, advice or direction of experts, but supportive counsellors and therapists to help them rediscover and trust their 'inner experiencing'…, achieve their own insights, and set their own direction" (Kirschenbaum, 2004, p. 121)

The therapist also guided him in writing short notes after each session. This was meant to give him some empowerment and showed that the therapist had trust in him writing his own report. As he did not read and write well, the therapist assisted him with the spellings. The report was brief and short and contained about four to five lines for each session. It was obvious that he got mixed up with the alphabets like 'b' with 'd', and 'p' with 'q' in his spellings. This is an indication of dyslexia - not being able to tell the difference between letters that have similar shape but different orientation.

Behavioural Therapy

After initial treatment sessions to establish a relationship with Arief, behavioural therapy techniques followed. In behavioural therapy, the goal is to reinforce desirable behaviours and eliminate unwanted or maladaptive ones. The techniques used

in this type of treatment are based on the Behavioural theories ie. classical and operant conditionings (Cherry, 2012). The goal is to teach Arief new behaviours in that it minimize or eliminate the issue he was having.

Intervention Strategies

Arief had a propensity to lose his focus easily. He also could not sit still and at times just refused to participate in therapy activity. So operant conditioning was adopted in which behaviour modification was exercised by utilizing reinforcement to encourage or discourage certain behaviour. In this regard, rewards were set up. Arief was rewarded for engaging in positive behaviour. The reward was variety of stickers that boys might like such as pictures of transport, dinosaurs, children heroes (e. g. superman) etc.

i. We agreed that Arief would be rewarded for his good work and behaviour during the session which comprised of:

- giving eye contact when talking – one sticker of the therapist choice;

- less body movements while communicating (restlessness) – one sticker of the

    therapist choice;

- participating in conversation and activities – one sticker of the therapist choice; and
- writing notes in his diary - one sticker of his choice.

ii.   Arief was assigned to write notes of his sessions with the therapist. He was also given a task to write his diary of activities in a notebook at home in between the sessions.

Sometimes he could get up to four stickers pasted on his note book. He gave the impression that he was happy and expressed that he liked to come to therapy sessions and looking forward to come again. Behaviour wise, Arief demonstrated some progress. His responses to questions got better. Apart from that, he was not only writing his activities at home with help of his mother, but he also read the report to the therapist. The report was brief but he has made some efforts. Further reward system will be presented in later sessions.

Phase 2: Cognitive Behavioural Therapy (CBT)

Once trust was developed and the client felt more comfortable in his interaction with the therapist and he demonstrated behaviour improvement, the therapy was focused on his irrational beliefs and maladaptive thoughts. The therapist asked him if he wanted to eat and he said, "Yes but I'm afraid that I'll get chocked" (*Ya tapi takut tercekik*). When asked what make him refused to eat, he gave similar reason, "I want to eat, but I am afraid that I might get choked" (*Arief nak makan tapi kalau makan nanti tercekik*). So, it was very obvious that he has irrational belief that he would get chocked if he consumed food.

Intervention Strategies

For the second phase of treatment, CBT approach was employed. CBT is a psychotherapeutic approach that addresses dysfunctional emotions, maladaptive behaviours and cognitive processes and contents through a number of goal-oriented, explicit systematic procedures. So, the name refers to behaviour therapy, cognitive therapy, and therapy based upon a combination of basic behavioural and cognitive principles and research (Schacter, Gilbert, & Wegner, 2010). CBT refers to a group of approaches (i. e. rational emotive therapy, cognitive therapy) that presume a client's cognitions shape the way they feel and act (Guterman & Rudes, 2005). "CBT works by changing people's attitudes and their behaviour by focusing on the thoughts, images, beliefs and attitudes that we hold (our cognitive processes) and how this relates to the way we behave, as a way of dealing with emotional problems" (Martin, 2003, p. 1). Hence, in utilizing CBT approach the

researcher focused on how irrational beliefs or maladaptive thoughts contributed to the client's maladaptive emotions and behaviours.

The therapy aims to break overwhelming problems down into smaller parts to make them easier to cope with. During the treatment the therapist and client focus on the here and now. In other words, therapy focus on the then current issues and dilemmas while noting how past events has shaped his thinking and eventually his behaviours. The therapy was divided into two parts which were cognitive and behavioural phases respectively. In a simpler description, CBT is an action-directive, solution-focused approach to therapy. By utilizing the therapeutic approach, the researcher helped the clients eradicate irrational briefs and move towards their goals in more effective and efficient manner as outlined by Guterman and Rudes (2005, pp. 230-239): (a) problem definition and goal setting; (b) accessing and examining thoughts, identifying irrational beliefs; (c) disputing irrational beliefs and other cognitive-behavioural techniques; (d) assigning homework and tasks; and (e) re-evaluating the problem and goal. In cognitive phase, the therapist focused on steps (a), (b) and part of (c) while in the behavioural phase, the therapist continued with another aspect of part (c) and proceed with (d) and (e).

i. Cognitive Phase

Cognitive processes refer to client's thoughts, including his ideas, beliefs and attitudes. The cognitive element of CBT looks at the way one's thoughts can trigger or stimulate certain feelings and behaviours. Its goal is to change patterns of thinking or behaviour that are behind people's difficulties, and so change the way they feel (Martin, 2013).

(a)   *Problem Definition and Goal Setting*

Arief could not relate much about what brought him to the therapist except "My mother and father brought me here so that you can make me eat". However when asked whether he wanted to eat, he said, "Yes, I want to eat, but I am afraid if I get choked". This is the **automatic thoughts** that he had. Thus at this juncture, the goal of the therapy was also to help Arief understood negative thought patterns he might have, how they affected him and, more importantly, what he could do to change them. Once accomplished, he would subsequently be able to eat.

(b)   *Accessing and Examining Thoughts, Identifying Irrational Beliefs*

From the therapist observation, Arief was scared to eat as he had developed the thought that the food would clog in his throat, remained there and subsequently he will be chocked. With reference to information obtained from his parents, his fearful and traumatic experience probably developed in his infancy i. e. when tube was inserted into his throat to such out phlegm was not attended to. Persuasion, pressure and force to eat did not seem to work. Although the incident took place when he was still very young to remember, most likely less attention was given on the psychological aspects which contribute to the underlying issues related to the problem especially his anxiety and fear. As suggested by Beck, these thinking patterns are building up in childhood, and become automatic and relatively fixed (Martin, 2013). So, he grew up believing that he could not eat and could never be able to eat. He was afraid to make any attempt to put food into his mouth. Attempts to feed him were unsuccessful as he got angry, threw tantrums and in due course totally rejected food. He only tolerated liquid as to him, "I drink water only because I won't get choked" (*Arief minum air aje sebab tak tercekik*).

 (c) *Disputing Irrational Beliefs and Other Cognitive-Behavioural Techniques*

As treatment progressed, disputing irrational beliefs were initiated and cognitive restructuring techniques which aimed at recognizing and changing problem thinking patterns were introduced. An array of techniques was applied in CBT "to help individuals dispute irrational beliefs, and, in turn, eradicate emotional and behavioural problems so that they can work towards their goals in an effective and efficient manner" (Guterman & Rudes, 2005, p. 226).

Automatic thoughts and beliefs that perpetuate the problems (*"I will get choked if I eat"*) are identified and work aimed at developing new perspectives and ideas began. The therapist only focused on two questions related to eating behaviour of people around him: "Have you observed people eating?" and "What happen to them when they eat?" Examples of his responses were as follows:

"*My younger brother can eat and he doesn't have any problem*"

"*My classmates also eat and they are O. K.*"

"My friends who play football with me are strong and they play longer. They have energy and fit...because they eat"

'My classmates don't bring feeding bottles to school. ... teacher give food and they eat"

Next the therapist helped Arief to read a book entitled "Our Body" (*Badan Kita*). This was children book which displayed pictures of human body and explains the functions of parts of the body. There was a chapter on why people need food and what happen to them if they eat. Pictures of foods and food pyramid were also provided. There were also explanations on why people need food and the nutrition benefits of the food in the pyramid. He was later asked to explain the consequences if people do not eat. This required Arief to take the role of the person in the book where he has to post the questions to himself and then answer the questions:

'Why I need food?"

- Response: I need food because. . . . . . "

"What will happen to me if I eat?

- Response: " If I eat. . . . . . . "

"What will happen to me if I do not eat?"

- Response: "If I don't eat . . . . "

*Answers were all based on the book that he had just read.

Later the therapist focused on the pictures of digestive system and showed to him that there is no obstruction in the throat that could block the movement of food when we swallow that could lead to choking. Arief was later shown a video on you tube entitled "Human Digestive System" (*https://www. youtube. com/watch?v=b20VRR9C37Q*). This video began with the process of eating, i. e. putting food into mouth, biting, chewing and swallowing before the food enters the digestive system. After further explanation by the therapist Arief agreed that there is no obstruction in the throat that could block the movement of food that he would swallow that could lead to choking. This discussion was meant to dispute his irrational belief and restructure his automatic thought about "I will get choked if I eat."

His medical reports and the therapist opportunity to observe the X-ray procedure when the water that he swallowed flowed down straight into his stomach increase the confidence. At this juncture, the therapist believed that Arief was able to eat. The next question was posted, "Can we get something so that you can try to eat?" With a low voice he said "May be. . . . . . but are you sure that I won't get choked?"

ii.   Behavioural Phase

This is a continuation of the aforementioned step which was disputing irrational beliefs and other cognitive-behavioural techniques. Behavioural therapy notes that behaviour is often learned and can therefore be unlearned. It looks at unsafe or maladaptive behaviours and helps client to understand why the behaviour occur and what he can do to change them (Martin, 2013). Arief agreed that he could try to eat. These sessions started in the beginning of the third year of therapy.

The therapist requested for Arief to come every week (Thursday) just to keep him in the right momentum as longer break period might affect his efficacy and motivation.

The following are the observations on the experience of Arief's break-through to eating which was done through a lot of persuasions:

First week

Arief was accompanied by his father. The therapist obtained consensus from him to begin feeding Arief with food. To begin with, the therapist used spoon to feed him strawberry flavoured blended ice. He showed grimaces like he was eating a bitter or sour food but swallowed the blended ice with much difficulty. The fear of swallowing was very obvious. He agreed on three spoons.

Second week

The therapist fed him with very soft vanilla flavoured puddings. His grimaces were quite bad this time and he was on the verge of throwing up – but did not vomit. He drank a lot of water after every feedings indicating that the fear of choking still existed. Arief looked very stressful and rejected the fifth spoon. So he was not force to take more puddings. The therapist noticed that he just swallowed and did not chew the food.

Reward system was again set-up here. He always asked the therapist if he could play computer games on her computer. The agreement was, he would be given five minutes of computer games for every spoon that he ate and it would begin in the coming session.

Third week

Deep breathing exercise was introduced to reduce his anxiety and stress. The therapist helped him to do jaw exercise involving jaw movements (open mouth widely and close, twisting to left and right and chewing exercise – without food). He was also taught to move his tongue from side to side to help him control food in the mouth when he began to consume solid food.

For eating session, there was not much of a difference - he took four spoons of chocolate flavoured very soft puddings. He still had a glass of plain water in his hand and quickly drank after every feeding. So as a reward he wall allowed to play computer game for 20 minutes after the session.

He was encouraged not to show grimaces and his facial reaction after each feeding improved. Arief's mother who accompanied him this time was asked to bring very soft rice porridge for the coming session. More importantly, Arief agreed to try.

Fourth week

This session began with breathing exercise followed by chewing and tongue movement exercises. Arief had never chewed anything before and hence he did not have the skill. Chewing and controlling food in his mouth could be quite challenging for him. This was very important as the therapist needed to prepare him for solid food. The concern was, he might get chocked if he simply swallowed the food and to redevelop his confidence could be more challenging.

The porridge looked almost like puree. It was rather tough to convince him that he would be alright if he eats. He was ready with two bottles of plain water this time. Arief tried to delay the feeding by asking the therapist a lot of questions – about the weather (it was raining heavily outside at that time) and about her students that he knew. He also made a lot of excuses by going to toilet, checking on who was walking outside the therapist office and sometimes pretended to look for his mother. He even hid under a table when the therapist answered a friend call at her office door.

The therapist reminded him of what have been agreed in the previous session that he would eat and would be rewarded according to the number of spoons he took. After much persuasion and much difficulty, the therapist managed to feed him five spoons of porridge. He was on the brink of throwing up but managed to control.

Arief was encouraged to continue eating at home. When asked to suggest a person whom he preferred to feed him, he named the family maid, Bibik Ema. The therapist made a call to his maid and informed her about Arief's suggestion and made him talk about the request by himself. He was also asked to write about this in his session report. This is a kind of collaboration contract between the three of us – the therapist, the client and the care provider. He was rewarded with 25 minutes of computer games after the session.

Fifth and Sixth Weeks

Sessions in fifth and sixth weeks respectively still focused on his eating. The quantity of porridge had increased and at times the therapist managed to feed him up to 10 spoons. He still refused to chew and continued drinking water immediately after every spoon but with less quantity. Another significant observation was Arief could not identify taste differences. Drinks and food were always 'delicious' (*sedap*) to him. There was as time when I asked him about the taste of plain porridge, his response was 'salty' (*masin*). His mother conveyed to the therapist that when his grandfather who came home from a vacation asked him to taste salt from the Dead Sea, he replied that the taste was 'delicious' (*sedap*).

The therapist also helped him to hold his own spoon and put food into his mouth. This action was to develop independency and give him some empowerment and sense of responsibility. To reinforce his behaviour, the reward was not only on computer game but also ice-cream treats and buying book at the shops in the university compound. This reinforcement will be presented later in the psycho-educational approach.

(d) Assigning Homework and Tasks

Giving homework and tasks assignments between sessions are vital parts of the therapy process. What this might involve varied. In working with Arief, as mentioned earlier, at the start of the therapy, the therapist asked him to keep a diary of what he did between the sessions. He was not asked to write about his anxiety or incidents that provoke feelings of anxiety or fear toward certain things as he was not able to communicate much and express his feelings and emotion in the initial sessions. He usually wrote about things that he enjoyed doing such as an outing with his family. But when he came back, for the next session we discussed about his feeling and his answer was always "enjoyable" (*seronok*).

As the therapy progressed to another phase, the assignment given consisted of exercises to cope with problem situations of a particular kind. Arief was asked to write on what he had done and experience in the therapy session. At this stage, he was encouraged to write his feelings, emotion and wishes in the report. He also mentioned about his aspirations in education and career. As we proceeded into the third year, Arief was able to spell many words correctly, read his own report of activities at home faster and wrote better. Capital letters and small letters were still mixed-up. He also reported about the amount of food he consumed at home.

Several assignments were given to Arief. The first was to continue with jaw and chewing exercise. His mother was asked to help him with the chewing skill with an aid of a baby teether. The second was to encourage him to have hobbies which outcome could be used to make inferences to his problems related to eating. The first assignment was to rear fish, which the parents agreed to buy a small aquarium and a few pairs of gold fish. He was given the responsibility to feed the fish every morning before going to and coming home from school. Like fish which need to be fed to live, we also discussed why he also needed to eat his breakfast before he left home and eat again for lunch when he reached home. This developed a consciousness in him on why he need food and must eat every day.

Secondly, the therapist suggested to his mother to prepare several flower pots and encourage him to plant tree that could produce flowers or fruits in a short duration. He should also be given the responsibility to take care of the tree, including watering and fertilizing it. These assignments were aimed to help him develop awareness that fish and trees need food to live and survive. Subsequently, he was also made to understand why human being must consume enough food and good nutrition is important for their bodies. In the same way, Arief also need to eat good food to make him strong and healthy.

At this point, the CBT approach seemed to work quite well to dispute and restructure his negative thoughts about food and eating and the cognitive-behavioural techniques planned for him managed to accomplish an important desired goal of the psychotherapy which was helping him to eat.

(e) Re-evaluating the Problem and Goal

In CBT approach, therapy goals and strategies have to be continually monitored and evaluated. Thus it is important to note that the goal of therapy is to dispute his irrational beliefs, restructure his distorted thoughts and eventually teach him new skills to more effectively manage his difficulties. Apart from that, he should be able to try to practice these skills outside the session and in his day-to-day life.

As Arief studied in a special educational need class, his mother reported that the lessons taught were more on the basic skills in reading, writing and arithmetic some drawing as well as handicraft activities. Thus, as extensively explained above, the homework and tasks given were practical, and involved trying out new behaviours, thinking strategies, etc. , rather than the kind of homework associated with his classroom learning.

There are no tests in CBT. Thus, tasks and activities that happened outside of sessions aimed to attribute improvement in his problems to his own efforts, in collaboration with the therapist and his family, especially his parents. Weekly reports from his parents were also utilized for the revaluation of the problem and therapy goals.

It is important to note that Arief showed better participation in the therapy. By the third year, he was able to follow instruction, participated in therapy activities, and showed better eye contact when communicating with the therapist. His communication has also improved and could express his feelings and thoughts.

iii.   Psychoeducational Approach

"Psychoeducation is a professionally delivered treatment modality that integrates and synergizes psychotherapeutic and educational interventions" (Lukens & McFarlane, 2004, p. 206). They indicated that in many instances, the client and/or family are considered partners with the treatment provider on the basis that the more knowledgeable the care recipients and informal caregivers are, the more positive health-related outcomes will be for all. Hence, psycho education can be observed as a more holistic and competence-based approach, emphasizing health, collaboration, coping, and empowerment (Dixon, 1999; Marsh, 1992 in Lukens & McFarlane, 2004).

In working with Arief, the therapist believed that rather than focussing on working with him alone, the best possible results could be also realized when the psychoeducational intervention was initiated. The intervention was based on a collaborative partnership between the therapist, family and client. In this regard, as the therapy session progress, apart from direct therapist-client kind of relationship or rather expert-driven approach, we should also have indirect working relationship where family work together to come up with strategies for feeding the child takes charge of the child's development at home.

Family Involvement

Family members often experience heightened level of worry when they have someone among them who refused to eat. Parents often feel vulnerable in their efforts to treat a child who totally reject food. However, family involvement is critical as they are an integral part of the treatment team. The chances that our children recover from an eating disorder will be increased with family involvement in supporting and maintaining coping strategies (Ekern, 2012).

In Arief's case, his parents' strong support and help provided positive impact in the treatment. He was accompanied by either parents, or sometimes both of them came together. They left Arief alone with me and joined us at the end of the session to discuss about their son's progress and also to receive further assignments from the therapist to work with Arief

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at home. We planned on our roles and responsibilities – the therapist conducting the therapy and the parents providing support at home.

Family participation has also been demonstrated as effective method of treatment for many children with eating disorder (Robin, Gilroy & Dennis in Vaughan, 2000). As Arief preferred to be fed by his family maid, the parents needed to make sure he ate the three main meals – breakfast, lunch and dinner and also reduce the quantity of water between each spoon.

The therapy also requires family working together to come up with strategies for feeding the child. Other than fish rearing and little agricultural activities, Arief's parents and the therapist also plan for other intervention strategies outside the session including improving his academic achievement and at the same time enhancing his self-esteem as well as psychosocial skills. Besides that, his other interest and strength were also explored. His parents sent him to tuition class and music lesson. A retired music director who came to know about our treatment strategies and his interest in music offered to give him free piano lessons.

Since Arief was in a special need class, he was given the privilege of staying longer in primary school. His parents made a request to the school to allow him to take the national assessment test for primary school which was compulsory for normal students. His examination result would determine if he qualified to study in regular classrooms under the Malaysia Ministry Education's inclusive education.

Limitation of the Study

Arief's treatment took almost three years. It is a rather long series of therapy. Sometimes the therapist could not see him for almost two months due to several reasons. Sometimes the parents could not take him for therapy sessions as his mother was busy with her food catering business and his mother was busy with his work commitment. The therapist also change her workplaces twice in the three years. Apart from that, Arief's case was the first child eating disorder problem handled by the therapist. A lot of research work and references had to be made to really understand the nature of the problem and to work on the right and feasible treatment plan, especially involving a child with borderline autism, dyslexia and ADHD.

Recommendations for Further Study

"Feeding problems, including those exhibited by children who have established patterns of eating, are not homogenous. Thus, treatment strategies should be selected individually based on existing eating patterns and potential maintaining variables" (Bachmeyer, 2009, p. 50). It is interesting to note that the treatment process of a child with complete food rejection problem is even more difficult but therapists and other professionals must trust that it is possible. The affected children might come from diverse family background along with different kinds of health problems. Eating problems themselves are complicated. Thus, additional research for prevention measures and treatment intervention must be carried out as a treatment strategy designed for one child probably might not work on other child or in other words it cannot be replicated for another child. Apart from that, parents' or other adults' in the family attention is also need to maintain appropriate mealtime behaviour.

Summary and Conclusion

The therapist believed that the treatment was successful. The goal of therapy which was to help him to eat was achieved. The intervention was carefully planned and carried out as this was the first experience of this therapist handling this type of eating disorder specifically total food rejection. What made it more challenging was that he has borderline dyslexia and autism and ADHD. To gain his focus, attention, and participation was sometimes tough and required a rather high level of patience and passion.

Nevertheless, there were several factors that contribute to success of the therapy. Firstly, it was Arief trust on the therapist and also the unconditional positive acceptance on the therapist side. Once strong trust had been developed, his resistance towards the therapy activities was minimized. He was always looking forward to come to the therapy sessions. The pre and post intervention strategies for each session required careful preparation and lots of readings as this was the first time that the therapist was encountered with the problem in her years of practice. Furthermore, there is so little written on the topic of childhood food phobias and what more complete food rejection. Most literature groups it together with difficulty swallowing. However, application of CBT approach in the therapy appeared fruitful. In understanding the development of Arief's problem and the progress of his treatment, we might need to agree with Albert Ellis postulation in his ABC model that "…people experience undesirable activating events (A) about which they have rational and irrational beliefs (B) which lead to emotional, behavioural, and cognitive consequences (C). Rational beliefs lead to functional consequences, while irrational beliefs lead to dysfunctional consequences" (David, Szentagotai, Eva, & Macavei (2005), p. 176). This opinion was really helpful in designing the intervention strategies.

Arief had to wait too long before he could consume solid food. Paediatricians and nutritionist believed that babies who are not introduced to solid foods until later in the first year may have a difficult time learning to eat different textures and flavours of foods. This was what exactly happened to Arief. Nonetheless for Arief's case, his parents believed that it was better late than never. Their tireless effort, support and cooperation facilitated the treatment procedure and process and eventually made a breakthrough to the treatment. The therapist terminated the session when Arief started to eat and had shown psychosocial improvement but Arief and his mother always report his progress through phone calls. He was still lacking in chewing skill. To develop skills and confidence for him to take solid food like rice, vegetable, fruit and other food associated with the Malay culture, and also eradicate the food phobia will require another long journey. Nonetheless, it is a pleasure to receive report from his parent that he had neither have serious health problems nor he had been admitted to hospital after the therapy termination, and more importantly, once he started to eat.

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Synchronization Possibilities and Features in Java

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Abstract

In this paper we have discussed one of the greatest features of the general purpose computer programming language –Java. This paper represents concepts of Synchronization possibilities and features in Java. Today's operating systems support concept of "Multitasking". Multitasking achieved by executing more than one task at a same time. Tasks runs on threads. Multitasking runs more than one task at a same time. Multitasking which means doing many things at the same time is one of the most fundamental concepts in computer engineering and computer science because the processor execute given tasks in parallel so it makes me think that are executing simultaneously. Multitasking is related to other fundamental concepts like processes and threads. A process is a computer program that is executing in a processor, while a thread is a part of a process that has a way of execution: it is a thread of execution. Every process has at least one thread of execution. There are two types of multitasking: process – based and thread – based. Process-based multitasking, means that on a given computer there can be more than one program or process that is executing, while thread-based multitasking, which is also known as multithreading, means that within a process, there can be more than one thread of execution, each of them doing a job and so accomplishing the job of their process. When there are many processes or many threads within processes, they may have to cooperate with each other or concurrently try to get access to some shared computer resources like: processor, memory and input/output devices. They may have to, for example: print a file in a printer or write and/or read to the same file. We need a way of setting an order, where processes and/or threads could do their jobs (user jobs) without any problem, we need to synchronize them. Java has built-in support for process and thread synchronization, there are some constructs that we can use when we need to do synchronization. This paper, a first phase discussed the concept of Parall Programming, threads, how to create a thread, using a thread, working with more than one thread. Second phase is about synchronization, what is in general and in the end we disscused the synchronization possibilities and feautures in Java.

Keywords: Thread, Process, Multithreading, Synchronization, Java language.

1 Intoduction

Many applications from scientific computing can benefit from object-oriented programming techniques, since they allow a flexible and modular program development. Often, these applications are computation-intensive, so the sequential execution time is quite large. Therefore it is profitable to use a parallel machine for the execution. But up to now, no parallel object-oriented programming language has been established as a standard.

Java is a popular language and has support for a parallel execution integrated into the language. Hence, it is interesting to investigate the usefulness of Java for executing scientific programs in parallel.

In the following sections we have covered in more detail the problem starting threads, how to create a thread, using a thread, working with more than one thread, synchronization , what is in general and in the end we disscused the synchronization possibilities and feautures in Java.

2 Processes and Threads

"In concurrent programming, there are two basic units of execution: *processes* and *threads*. In the Java programming language, concurrent programming is mostly concerned with threads". However, processes are also important.

A computer system normally has many active processes and threads. This is true even in systems that only have a single execution core, and thus only have one thread actually executing at any given moment. "Processing time for a single core is shared among processes and threads through an OS feature called time slicing. It's becoming more and more common for computer systems to have multiple processors or processors with multiple execution cores. This greatly enhances a system's capacity for concurrent execution of processes and threads — but concurrency is possible even on simple systems, without multiple processors or execution cores ".

Thread and Process are two closely related term in multi-threading and main difference between Thread and Process in Java is that *Threads are part of process*, while one process can spawn multiple Threads.

To understand multithreading, the concepts *process* and *thread* must be understood. A *process* is a program in execution. A process may be divided into a number of independent units known as *threads*. A *thread* is a dispatchable unit of work. Threads are *light-weight* processes within a process . A process is a collection of one or more threads and associated system resources. The difference between a process and a thread is shown in Figure 1. A process may have a number of threads in it. A thread may be assumed as a subset of a process [1].
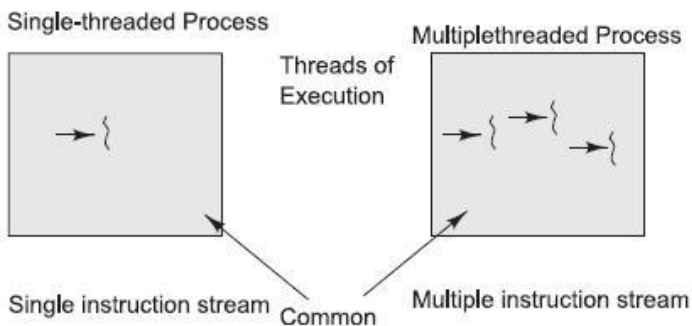
Figure 1 A process containing single and multiple threads.

Multitasking of two or more processes is known as *process-based multitasking*. Multitasking of two or more threads is known as *thread-based multitasking*. The concept of multithreading in a programming language refers to thread-based multitasking. Process-based multitasking is totally controlled by the operating system. But thread-based multitasking can be controlled by the programmer to some extent in a program

Thread creation: In contrast to most other programming languages where the operating system and a specific thread library like Pthreads [2] or C-Threads are responsible for the thread management, Java has a direct support for multithreading integrated in the language, see, e.g., [3]. The java.lang package contains a thread API consisting of the class Thread and the interface Runnable. There are two basic methods to create threads in Java.

Threads can be generated by specifying a new class which inherits from Thread and by overriding the run() method in the new class with the code that should be executed by the new thread. A new thread is then created by generating an object of the new class and calling its start() method.

An alternative way to generate threads is by using the interface Runnable which contains only the abstract method run(). The Thread class actually implements the Runnable interface and, thus, a class inheriting from Thread also implements the Runnable interface. The creation of a thread without inheriting from the Thread class consists of two steps: At first, a new class is specified which implements the Runnable interface and overrides the run() method with the code that should be executed by the thread. After that, an object of the new class is generated and is passed as an argument to the constructor method of the Thread class. The new thread is then started by calling the start() method of the Thread object.

A thread is terminated if the last statement of the run() method has been executed. An alternative way is to call the interrupt() method of the corresponding Thread object.

Multithreading in Java: "A thread is an independent context of execution with in a process. A process can have more than one thread. All threads of a process share the resources allocated to the process. An operating system that supports this behavior is a multi-threaded operating system and a programming language that gives constructs/API to create and manage threads is called a multi-threaded programming language " [4]. Java has in built support to the multi-threading. Java is a *multithreaded programming language* which means we can develop multithreaded program using Java. A multithreaded program contains two or more parts that can run concurrently and each part can handle different task at the same time making optimal use of the available resources specially when your computer has multiple CPUs. Multitasking is when multiple processes share common processing.

Thread synchronization: The threads of one program have a common address space. Thus, access to the same data structures have to be protected by a synchronization mechanism. Java supports synchronization by implicitly assigning a lock to each object. The easiest way to keep a method thread-safe is to declare it synchronized. A thread must obtain the lock of an object before it can execute any of its synchronized methods. If a thread has locked an object, no other thread can execute any other synchronized method of this object at the same time. An alternative synchronization mechanism is provided by the wait() and notify() methods of the Object class which also supports a list of waiting threads. Since every object in the Java system inherits directly or indirectly from the Object class, it is also an Object and hence supports this mechanism. When a thread calls the wait() method of an object, it is added to the list of waiting threads for that object and stops running. When another thread calls the notify() method of the same object, one of the waiting threads is woken up and is allowed to continue running. These basic synchronization primitives can be used to realize more complex synchronization mechanisms like barriers, condition variables, semaphores, event synchronization, and monitors, see, e.g., [3].

3 Synchronization processes

Using many threads to running tasks has some advantages and disadvantages. We need to take a control when more than one thread share a same resource or same piece of data. Controlling access of threads in same resource done by technique called "Synchronization".

To use synchronization, specific data structures should be included in a system, and they should be manipulated by a set of functions.

To provide this functionality the Java has summarize synchronization variables in each and every object. The manipulating of there synchronized variables is done by the help of a thread.join(), synchronized keyword and other methods. These are included in all the libraries and they provide the coordinating of the instructions of threads. Shared data can be protected by means of synchronization variables.

Atomic Actions: Atomic operation means an operation that completes in its entirety without interruption [5].

One common source of bugs in concurrent programs is the failure to implement atomic actions correctly. An atomic action acts on the state of a program. The program's state contains a value for each variable defined in the program and other implicit variables, such as the program counter. An atomic action transforms the state of the program, and the state transformation is indivisible[6].

An action is atomic if the processes performing it:

- Are not aware of the existence of any other active process, and no other active process is aware of the

activity of the processes during the time the processes are performing the action.

- Don't communicate with other processes while the action is being performed.

- Can detect no state change except those performed by themselves and it they don't reveal their state changes until the action is complete.

- Can be considered, so far as other processes are concerned, to be indivisible and instantaneous, such that the effects on the system are as if they were interleaved as opposed to concurrent.

First, an interface can be defined for a three-way atomic action, which is represented in Listing 3.

```
public interface ThreeWayAtomicAction
 {
   publlic void role1();
   public void role2();
   public void role3();
```

Listing 1 A fragment code of three way atomic action.

In following is represented structure for three way atomic action which is show in Figure 2.
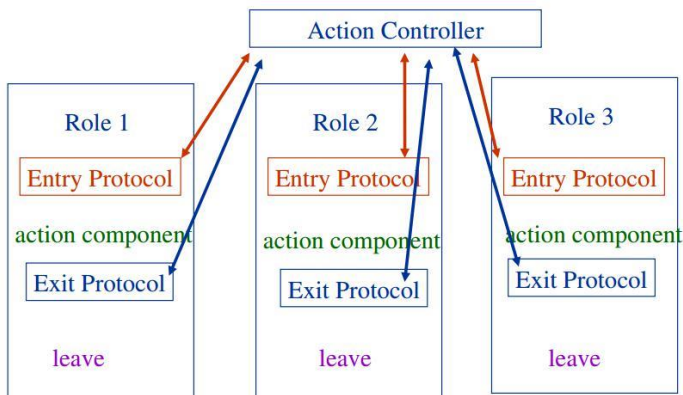
Figure 2 Structure of three role of action controller

The code listed below is based on the structure of which is shown in Figure 4, which declaration a declaration a public class AtomicActionControl.

```java
public class AtomicActionControl implements
ThreeWayAtomicAction
 {
     protected Controller Control;
    public AtomicActionControl() // constructor
      {
        Control = new Controller();
      }
    class Controller
    {
        protected Bolean firstHere, secondHere, thirdHere;
        protected int allDone;
        protected int toExit;
        protected int
        numberOfParticipants;
        Controller()
      {
        firstHere = false;
        secondHere = false;
        thirdHere = false;
        allDone = 0;
        numberOfParticipants = 3;
        toExit = numberOfParticipants;
      }
    synchronized void first() throws InterruptedException
      {
        while(firstHere) wait();
        thirstHere = true;
      }
    synchronized void second() throws InterruptedException
      {
        while(secondHere) wait();
        secondHere = true;
      }
    synchronized void third() throws InterruptedException
      {
        while(thirdHere) wait();
        thirdHere = true;
      }
    }
  }
```

Listing 2 Declaration a public class for AtomicActionControl.

Fragment code in Listing 3 is the continuation of Listing 2, which synchronizes three action.

```
synchronized void first() throws InterruptedException

{
  while (firstHere)
  wait();
  firstHere = true;

}
synchronized void second() throws InterruptedException

{

  while(secondHere)
  wait();
  secondHere = true;

}
synchronized void third() throws InterruptedException

{
  while (thirdHere) = true;
  wait();
  thirdHere = true;

}
synchronized void finished() throws InterruptedException

{

  allDone++;

  if(allDone == numberOfParticipants)

    {
      notifyAll();

    }

  else while(allDone != numberOfParticipants)

    {

      wait();

    }
  to exit --;
  if (toExit == 0)
    {
      firstHere = false;
      secondHere = false;
      thirdHere = false;
      allDone = 0;
      toExit = numberOfParticipants;
      notifyAll ();

  // release processes waiting for the next action

    }
  }

}
```

Listing 3 A fragment of code that could be synchronized three actions.

Following fragment code in Listing 4 is the continuation of Listing 3, which declaration Entry Protocol and Exit Protocol in Role1.

```java
public void role1()
   {
      bolean done = false;
      while (!done)
       {
          try                                      <---------   Entry Protocol
             {
                control.first();
                done = true;
             }

          catch (InterruptedException e) { // ignore
       }
         // .... perform action

       done = false;
       while(!done)
      {
         try                            <---------      Exit Protocol
            {
               Control.finished();
            }

         catch (InterruptedException e) { // ignore }

      }


   };
```

Listing 4 Entry Protocol and Exit Protocol in Role1.

Critical Sections: "As an introduction to concurrent programming, a fundamental problem called the *critical section problem*" [7]. The problem is easy to understand and its solutions are small in terms of the number of statements they contain (usually, fewer than five). However, the critical section problem is not easy to solve, and it illustrates just how difficult it can be to write even small concurrent programs.

"A code segment that accesses shared variables and that has to be executed as an atomic action is referred to as a *critical section* [6]. The critical section problem involves a number of threads that are each executing the following code in Listing 5":

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```
while (true)

  {

    entry-section

    critical section // accesses shared variables
or other shareresources.

    exit-section

    noncritical section  // a thread may terminate its execution in this
section.



  }
```

Listing 5 A fragment of code that describe critical problem.

Listing 6 A fragment of code that could be synchronized three action.

The entry- and exit-sections that surround a critical section must satisfy the following correctness requirements [8SPG91]:

- *Mutual exclusion*. When a thread is executing in its critical section, no other threads can be executing in their critical sections

- *Progress*. If no thread is executing in its critical section and there are threads that wish to enter their critical sections, only the threads that are executing in their entry- or exit-sections can participate in the decision about which thread will enter its critical section next, and this decision cannot be postponed indefinitely.

- *Bounded waiting.* After a thread makes a request to enter its critical section, there is a bound on the number of times that other threads are allowed to enter their critical sections before this thread's request is granted.

4 Synchronization in Java

To use synchronization, specific data structures should be included in a system, and they should be manipulated by a set of functions.

To provide this functionality the Java has summarize synchronization variables in each and every object. The manipulating of there synchronized variables is done by the help of a thread.join(), synchronized keyword and other methods. These are included in all the libraries and they provide the coordinating of the instructions of threads. Shared data can be protected by means of synchronization variables.

Semaphores, condition variables, wait sets, join(), barriers etc are used to prevent threads from useless waste. Using the synchronized (this) block is so common in instance methods that Java provides a shortened notation for specifying that an instance method is synchronized against its invoking object. These are functionally equivalent definitions of instance method foo is represented in Listing 6 :

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```
synchronized void foo()
 {
    void foo()
 }
    count +=2;
```

Listing 7 A fragment of code that describe Method foo.

Semaphores: "Semaphores are an abstract data type which is used to restrict the usage of common shared resources in concurrent programming. Semaphores are implemented mainly in restricting the number of threads that can access some resource"[9].

Semaphores are used for managing the threads that are waiting for something. This can performed by having a thread call sem_wait() in semaphore which have value zero, than the value of semaphore can increment by another thread [1]. This is shown in Listing 8.

```
Java (from Semaphore.java)
    s.semWait();
    s.semPost();
```

Listing 8 A fragment of code that initializing a semaphore.

In the Listing 9, we declare a semaphore s and initialize it to the value 1 by passing 1 in as the third argument. The second argument to sem_init() will be set to 0 in all of the examples we'll see; this indicates that the semaphore is shared between threads in the same process. See the man page for details on other usages of semaphores (namely, how they can be used to synchronize access different processes), which require a different value for that second argument. After a semaphore is initialized, we can call one of two functions to interact with it, sem_wait() or sem_post(). The behavior of these two functions is seen in Listing 9. For now, we are not concerned with the implementation of these routines, which clearly requires some care; with multiple threads calling into sem_wait() and sem_post(), there is the obvious need for managing these critical sections. We will now focus on how to use these primitives; later we may discuss how they are built. We should discuss a few salient aspects of the interfaces here. First, we can see that sem_wait() will either return right away (because the value of the semaphore was one or higher when we called sem_wait(), or it will cause the caller to suspend execution waiting for a subsequent post. Of course, multiple calling threads may call into sem_wait(), and thus all be queued waiting to be woken. Second, we can see that sem_post() does not wait for some particular condition to hold like sem_wait(). Rather, it simply increments the value of the semaphore and then, if there is a thread waiting to be woken, wakes one of them up. Third, the value of the semaphore, when negative, is equal to the number of waiting threads [10].

Monitors: The most basic method of communication between threads in Java is synchronization, which is implemented using monitors. A unique monitor is assigned to each object in Java and any thread dealing with the objects reference can lock and unlock the monitor. A locked monitor ensures exclusive access and any other threads trying to lock the same monitor are blocked until the monitor is unlocked.

A monitor is a class used the content of concurrency. The instances of the class will thus be object simultaneously used by several processes. The all methods of the monitor are running with mutual exclusion. Thus, at the same time the methods of the monitor could be running from only one thread. The orders of the mutual exclusion do so easy usage the methods

that include a monitor. The other property of the monitor makes the threads to wait for a condition, during this time, when threads are waiting, the thread provisionally take up its exclusive access and should re take it after completed the condition. After completion of the condition one or some threads can be signaled.

Conclusions

At the end of this paper, we have concluded that when it comes to process and thread synchronization, Java offers many possibilities. Its built in constructs for synchronization are not difficult to understand and use in many synchronization scenarios (although we have covered them in general), from those that require allowing just one thread of execution to use protected shared resources at a time to those that may allow a number of threads use protected shared collections of a computer resource.

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Geographic Information Systems (GIS) in Urban Planning

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Abstract

Geographic information systems can be defined as a intelligent tool, to which it relates techniques for the implementation of processes such as the introduction, recording, storage, handling, processing and generation of spatial data. Use of GIS in urban planning helps and guides planners for an orderly development of settlements and infrastructure facilities within and outside urban areas. Continued growth of the population in urban centers generates the need for expansion of urban space, for its planning in terms of physical and social infrastructures in the service of the community, based on the principles of sustainable development. In addition urbanization is accompanied with numerous structural transformations and functional cities, which should be evaluated in spatial context, to be managed and planned according to the principles of sustainable development. Urban planning connects directly with land use and design of the urban environment, including physical and social infrastructure in service of the urban community, constituting a challenge to global levels. Use of GIS in this field is a different approach regarding the space, its development and design, analysis and modeling of various processes occurring in it, as well as interconnections between these processes or developments in space.

Keywords: GIS, urban planning, territory management, sustainable development etc.

1. Introduction

People have used maps for centuries to reflect the terrestrial environment and the processes that occur in it, to show the locations and measure distances, for navigation, for exploration and illustration of the phenomena, for communication in public and private sector.

But which is more important is its role in reflecting the relations between objects in the real world and betwen them and space, as well as their planning and developmental models in territory.

GIS are part of spatial information systems. They process, and generate spatial information (through cartographic and photogrametric products, statistical reports etc.).

GIS products mainly with spatial containing, are result of the integration of spatial information and other data with multithematic character. In GIS real world models generally come in mapping and imaging formats .

Almost in any field of study and of human activity, maps, aerial photos, satellite images

 are necessary products and analytical instruments for many aspects of academic and professional life. Nowadays GIS are expanding quite their range of functions and applications. More than 60 disciplines and departments in colleges and universities in the world have integrated GIS within their curricula and research, as the science of geography, geology, archeology, agriculture, journalism, biology, economics, engineering, political science, computer science, urban planning, environment etc.

Uses of GIS continue to grow beyond businesses, industries, universities and government sector. In

current economic conditions and urban developments such as in regional levels , as well as in global level, the demand for the use of the natural resources (soil, water , vegetation ,) is growing, which dictates even in many cases their irrational use through several informal actions. In these conditions, is necessary their good management. Human community has recognized the need for better sharing of resources between them for all life forms and activities. GIS plays an essential

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role in providing optimum models of land use and its resources. It is important to know where these resources are located (spatial data), their relations with objects, events and other phenomenas, the conditions in which they develop, ways how you can continually monitor them, as to register and arrange in such a way as to recover them at any moment where we need their use etc. Use of GIS in urban planning helps and guides planners for an orderly development of settlements and infrastructure facilities within and outside urban areas.
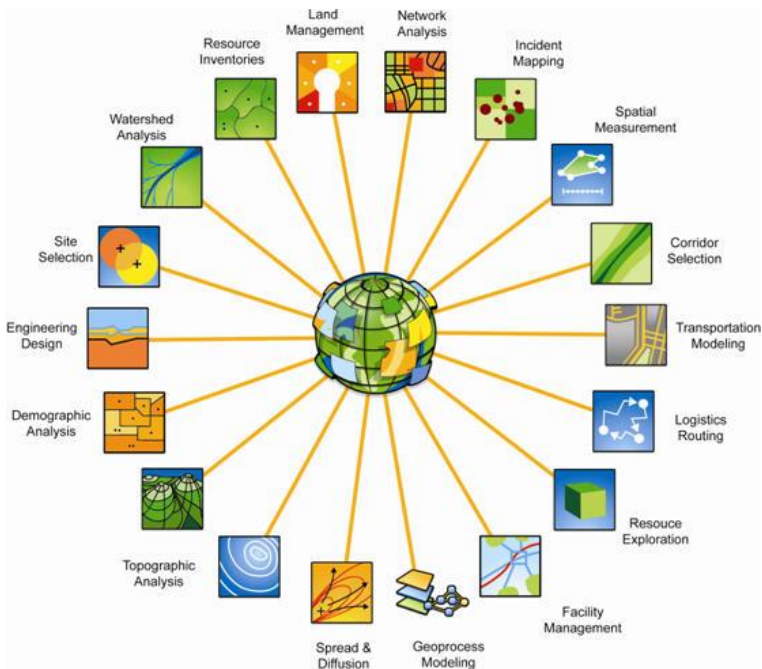
Source: http://www.directionsmag.com/images/newsletter/2011/01_week1/world_lg.jpg

In this context , its use in urban planning is indispensable given that in the world live 7.25 billion people, where 53.7 % of them live in urban centers [1]. This growth dictates the need for urban spatial planning based on the principles of sustainable development . Nowadays territorial development, are affected from population growth beyond the carrying capacity of the territory, from global warming , social conflicts, human development , economic development activities at the expense of natural spaces , loss of biodiversity and environmental pollution problems. Such situations are common in daily activity together with their complexity and their severity constituting the emergency challenges in the future in terms of their solution.

In this context , is necessary the possession of full knowledge of the territory , mainly in terms of its planning and its development in the future based on the principles of sustainable development. GIS provide an enabling environment in which the spatial and attributive data are recorded and stored, which are used in every field of study.

Today urban life is facing multiple challenges , such as pollution and traffic , poor access to public services etc. , challenges which are addressed to the planning process, which is more fast, efficient and with more quality using GIS technology .

Use of GIS in this area is an approach and a different opinion regarding the space , its development and its design , analysis and modeling of various processes occurring in it, as well as interconnections between these processes or developments with space. Solutions that provides GIS in urban planning can affect the growth of the design and planning of the territory having the spotlight on the community , the further development of economic poles , improving the quality of life in general , the growth of social service planning , etc .

---

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2. Brief historical overview of the use of GIS in urban planning

The level of development of all information systems has been high , and therefore in this context is not the exception GIS. GIS as a multifunctional set and consequently with an intensive use in different areas, after 1990, GIS progressed with specific applications in different fields, initially as archive systems, analysis systems, presentation systems, and finally as the decision-making systems.

The genesis of the use of GIS in urban planning , is related to chaotic transformations that suffered the urban city and industrial centers in the mid nineteenth century. At the end of this century, the necessity of implementation of GIS in urban planning came as a necessity of achieving territorial decisions by evaluating a number of factors and conditions at the same time to arrive at an optimal result that reflects adequate planning goals.

In this period, urban planners widely used archive and analysis context of GIS. Decision- making in this period rely on statistical analysis, but also spatial analysis relying on existing maps.

Manual processing of data in this period limited the spatial analysis. In the early 1970 appeared the first models of the digital data mapping. Computer systems provide tools and techniques for automated processing of data with significant volume. In this period were built the first foundations of today's concepts and applications of GIS in urban planning. The transition from analog formats of graphic data in digital ones, through geometric representations (point - for settlements , polyline-for roads and polygon - for surfaces), in one coordinate system gave a new incentive this process in general , and helped the process of re- design of the rapid changes in the territory. Within a short time, many developing countries enabled the updating of existing urban maps.

A big role to the urban planification throughout GIS, played the functioning for the first time in USA of the Landsat satellite. It was used to capture and record in time spatial data at global level. This event encouraged the orientation of searchings for improvements in data structuring and analyzing.

After 1980, SMBD[1] were developed from which was attained the codification and indetification of geographical features in territory, as well as main infrastructural urban objects, which provided the fastest extraction of results regarding these features or a given object. Nowadys, research in urban planification were orientated in issues linked to accuracy, structuring, availability of data, as well as their integration in other fields.

Since the early 1980s, there was a significant increase in the installation of GIS in different levels of urban planning in developing countries, especially in Europe and North America, and later in countries in developement after 1990.

During the 1990s , attention was directed to the depth spatial analysis for urban planning, where GIS was structured with analytical systems for mathematical and statistical solutions .

Integration of GPS and Remote Sensing in GIS , the massive use of aerial photos and satellite imagery as data sources, improved the analysis in urban planning , as well as increased the efficiency in decision making .

Today GIS is increasingly accessible , constituting an important tool for urban planning in terms of integration of data from different sources to provide information necessary for effective decision-making. GIS technology correlates a wide range of variables to arrive at more effective decision making in the territory.

3. The use of GIS in urban planning

GIS products have content space (mainly geographical). At the foundation of the functions of GIS stand spatial analysis. GIS are mainly used in land use planning, service management, ecosystem modeling, assessment and planning of landscape, transport and infrastructure planning, market analysis, evaluation of real estate etc.

Urban planners use GIS technology in monitoring, development and implementation of their projects in service to facilitate the decision - making process. In this context the role of GIS in urban planning takes place through the growth and

---

[1] database management system

development of archive, management, analytical and modeling instruments. All these functions have placed GIS as one of the implementing and comprehensive techniques in many areas.

3.1.   GIS as an archive and inventory system

In all contents of GIS terminology , what is important is the term geo - information. In fact the term geo - information is used simultaneously with the use of automated procedures for the development of information systems for data with spatial context. In this context becomes more important the necessity not only for geo-information production, but also for archiving of the data. From here ran the database concept . Based on functions of Database System, a GIS operates and analyzes the data , but initially registers and archives them.

During urban planning and territorial designs, GIS provides archiving of voluminous and multi - thematic data closely associated with the geographical reference in the service of specific applications.

Database System in GIS, initially has archive functions that should be constantly maintained, so that data could be safe and durable so they could be used at any period of need. A major influence in building of the database in urban planning, have the maps of real estate assessment which provides a variety of data and a comprehensive database on the location of the property, their ownership, prices, proximity of the property with social facilities, material of construction, number of floors, covering with infrastructure, risk factors etc.

The system of storage and retrieval of data in GIS organizes data as spatial and attributive data, so the updateing, analysing and decision-making can be carried out as soon as possible.

GIS inventory and classify data based on a predetermined criterion. Planners can also extract data from the database derived from modeling and spatial analysis. Some GIS use database management system to maintain their attributes associated with the corresponding topology and spatial context .

GIS organizes thematic spatial data through various Database formats, like Excel, Access, SQL, ORACLE etc. , which labeled in GIS as Geo - database which are important in urban planning.

In database management system there are three types of data: the location of objects (defined through reference coordinate system), the attributes associated with them (attributes of objects) and relationships that arise through spatial reference and features of one or several objects with other objects .
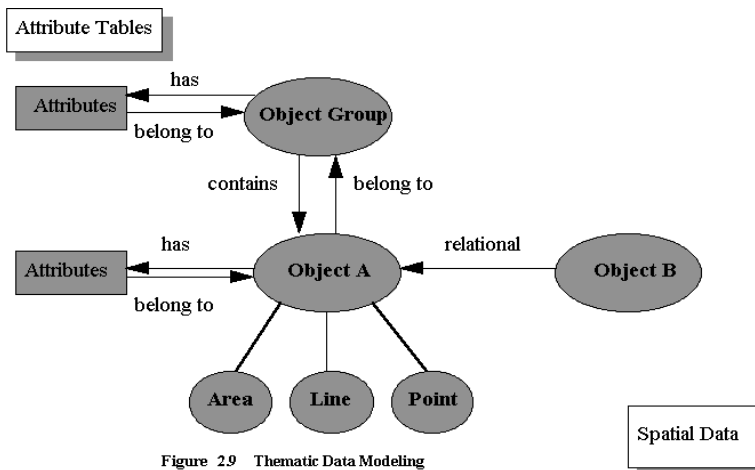
Figure 2.9   Thematic Data Modeling

Fig.3. Organization and modeling of data in GIS. Burimi: http://cret.cnu.edu.cn

This type of organization of data is important in urban planning since the residences are associated with social infrastructures   the road with the city, a city with another city etc.

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3.2. GIS as a monitoring and management system

SIG throughout cartographic products and spatial analyses enables:

- monitoring, management and periodic maintenance of social and physical infrastructure in urban centers and beyond; (map 1)

- implementation of integrated analyzes for full coverage of the community with public infrastructure, compilation of alternatives for a sustainable distribution of social and economic facilities in order to increase the accessibility of community in these services;

- preparation prognosis plans of management of infrastructure according the needs of the community based on the future trends of demographic growth and integrated analysis territory / population / infrastructure;

- decision-making, management and solution in time of conflict situations in the territory in case of misuse;

- monitoring, diagnosis of the territory , especially in spaces with the lack of public infrastructure , in spaces inclined for potential territorial developments, in exclusion space development, in urban spaces planned for reclamation and environmental regeneration etc.
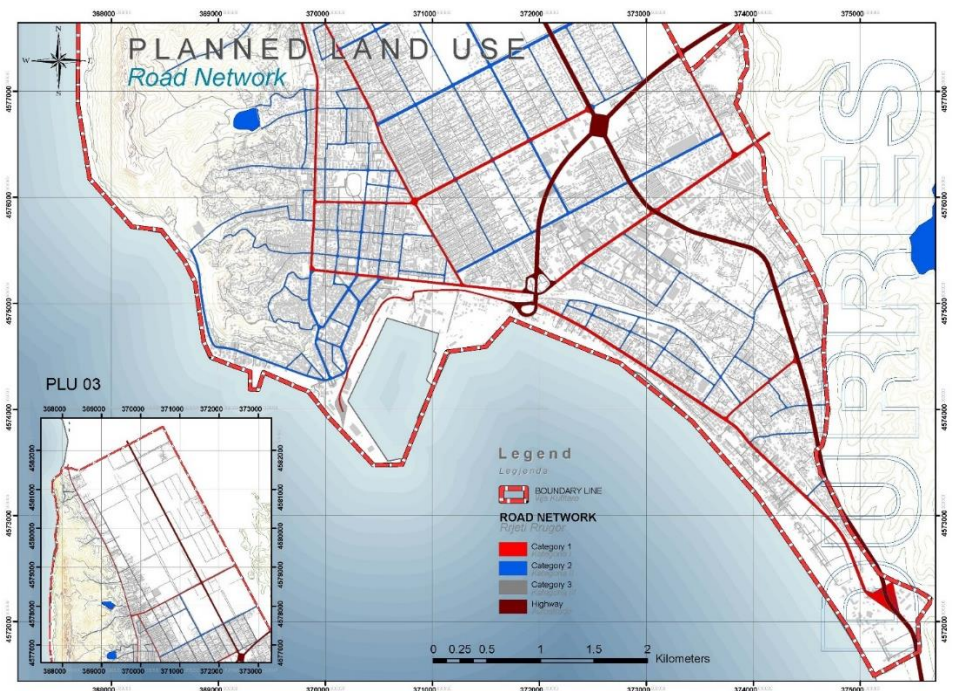
Map 2: Road infrastructure. Urban Planning Office. Municipality of Durrës

3.3. GIS as an analytical system

GIS use archive database for compilation of queryes (question and answer) that serves for spatial analysis such as: What are the least populated areas within 70 km radius distance from the town , or what are the areas with the highest consumption in the seaside resort; which are health centers located 500 m from the residential center. (map 2)
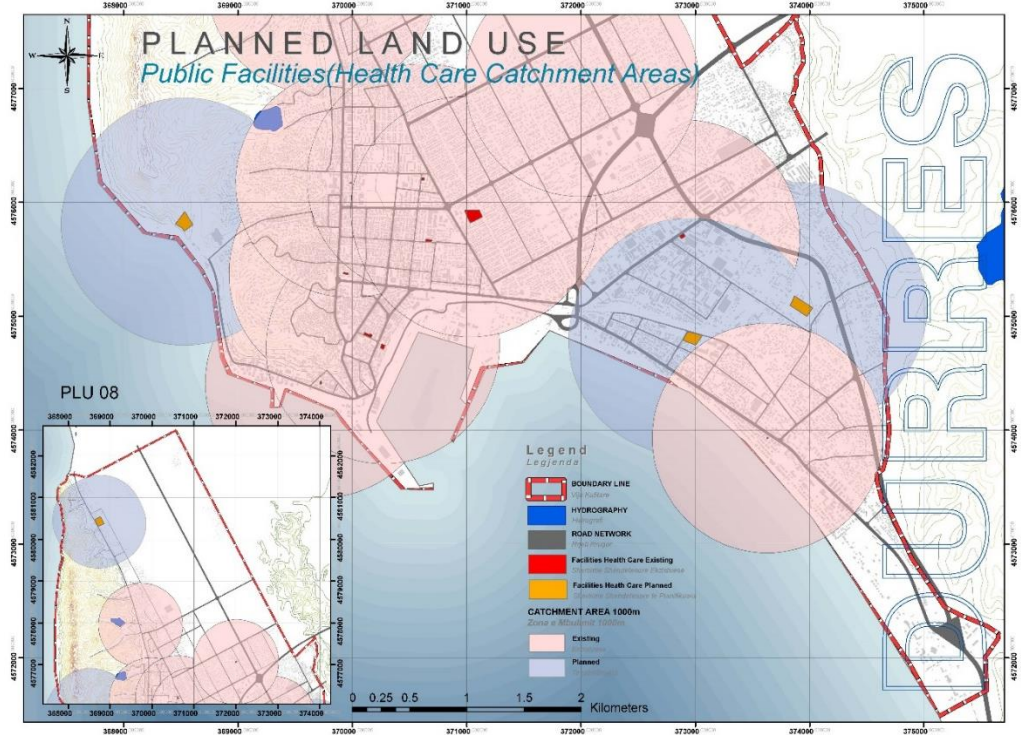
Map 2: Current and planned health infrastructure in the town of Durres (Buffer-Arc GIS 9.0 methodology) . Cooperative product with Urban Planning Office (Municipality of Durres) in the function of Lamp Project on the long-term planning in urban spaces and territory regulation, January, 2007

The goal of GIS is that any specific data out of general database could serve for one primary purpose, to develop a unique geographical analysis. GIS is a powerful tool for the implementation of integrated analysis and trend analysis.

GIS is given emphasis in his analytical skills , or in its application to solve specific issues in various fields , but also in scientific research applications. Such applications come to the users from the simples formats to integrated formats for achievement of specific purposes In this context, Geographic Information Systems are characterized by :

- ability of using voluminous data, and with specific purpose in service to analysis process. In this case, often the data collected are stored and archived for a specific purpose, and used for analysis within a project with specific content.

- great analytical bbilities , mainly in statistical and modeling applications.

The purpose of the analytical system in GIS is building a clear understanding on relations between spatial position and geographical phenomenon. Its functionality related to urban modeling enables:

- zoning of urban space, based on the function and territorial linkages , infrastructure linkages, environmental linkages, etc.

- classification of urban space, based on the type of strategies to be followed today and in the future (emergency intervention strategies, assessment strategies , protection and regeneration strategies, etc).

- building a functional structural scenario, determining the exact size of the buildings and facilities services in the future, as well as defining the environmental and infrastructure connecting structures, etc.

Map 3: Land use in the town of Durres. Municipality of Durres

3.4. GIS as a decision-making system

GIS enables us to see, to understand , to interpret and visualize data in different forms, where we can find various spatial correlations, patterns, and trends in the form of maps , atatisical reports and charts, etc. In this context it is an important decision-making tool in various fields. GIS is able to design possible alternatives and future development of the territory, of population, of economy development etc . Applications of GIS in support decision making allow:

- designing different alternatives of actions in the territory, through the examination of the data with different thematic content, which are integrated with each other and are related to the spatial context.

- linking data with different thematic patterns in territory development models

- designing projections of triad population/area/economy in the future

- designing of building models of the urban territory, land-use models, evaluation and expertise models of the territory, offering quality, efficient , fast and accurate products that facilitate the decision making process

In conclusion , the use of GIS in urban planning has led to :

- use of qualitative analytical products, and consequently effective decision making;
- higher efficiency in the extraction of spatial information, and therefore qualitative analysis;
- use of a wide range of multi - thematic data in the service of decision making in urban planning;
- improve the quality of spatial analysis process and of public service in urban planning institutions;
- Increasing consciousness on the territory and spatial thinking in community

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Power, National Unity, and Territorial Integrity: the Cases of Russia's Chechnya and Ukraine's Crimea

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http: //hhs. uncg. edu/wordpress/cps/

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Abstract

Perhaps, in the age of globalization, the concepts of national unity and territorial integrity sound to many of us like obsolete terms, although they are still important to international law. But, no matter whether they remain essential or worthless they are equally applicable to both Russia and Ukraine. This paper discusses Russia's stern approach to strangle the freedom aspirations in Chechnya to preserve its own territorial integrity, while avidly pushing Crimean Russians to separating from Ukraine thereby ruining its national unity. While the political scientists talk about an increasingly integrated contemporary world in which the concept of power loses its classical meaning, Russia's brute force-based aggressive policies towards Ukraine refute the arguments that traditional state forms have disappeared. The cases of Crimea and Chechnya have many similarities, however Russia's approach to them has been very different.

Keywords: Russia, Ukraine, Crimea, Chechnya, power, territory, unity

1. Introduction

Perhaps, the most remarkable event of the 1990s in the post-Soviet Russia is the Chechen war of liberation that started in December 1994 and lasted until August 1996. The war seemingly ended with the signing of the Khasavyurt Accord resulting in a truce among the combatants. The Kremlin portrayed this war as illegitimate and presented it as violating the rules of international law, such as territorial integrity and national unity. Moscow portrayed the Chechen rebels as bandits and terrorists who targeted Russia's unity, peace, and economic prosperity. Thus, the Kremlin worked hard to make it known that restoring the disturbed peace and order in Chechnya, a breakaway republic of the Russian Federation, through the application of brute force, was ethical and legitimate. Nonetheless, after two-years of devastating combat, Russia lost the war and was forced to sign the Khasavyurt ceasefire agreement in August 1996, and the Moscow Treaty in May 1997 that forbade the use of force to resolve further differences between Russia and Chechnya, as well as deferring the determination of the final status of Chechnya to 2001. By then, Chechnya would exist as a de-facto independent state and prepare all necessary infrastructure for full independence. Regardless of the agreements made, the war resumed in August 1999 under controversial conditions creating an opening for the Kremlin to restore Russia's authority in Chechnya. This phase of the conflict is called the Second Chechen War that still continues, today. In contrast, the Kremlin and the pro-Russian Chechen authorities in Grozny continue to claim that the Second Chechen War was over in April 2009.

In early 2014, almost 20 years after the start of the First Chechen War, Russia invaded the Crimean peninsula, an integral part of Ukraine. The events in Crimea, resulting in Russia's annexation of the peninsula, have revealed Russia's long-existing, but hidden, expansion agenda. The Kremlin's hard-hitting policy choices vis-à-vis the former Soviet regions included options such as the creation and perpetuation of conflict, invasion, recognition, and annexation to satisfy its interests and perpetuate its influence in the region's affairs. Russia's unfriendly approach to Ukraine has a long history, and the forced annexation of an integral part of a sovereign nation has had a shocking effect on people and governments worldwide. Despite the imposition of western sanctions, Moscow continued its brutal policies and moved forward to

encourage secessionism in the eastern part of Ukraine, where violent conflict erupted between the Kremlin-backed local Russian separatists and Ukrainians.

As Russia continues to engage in power politics, it appears that it looks anywhere for justification of its brutality. For Russia, it is a matter of presenting myriad explanations for its actions and following the one that the community of nations is most willing to accept. This appears the case following Russia's suggestion that its interests in eastern Ukraine are in protecting ethnic Russians. The Kremlin articulated Russia's presence as an outcome of its responsibility to protect. With an eye to the Balkans, Russia responded to international criticism of its intervention in Ukraine by pointing to the west's use of responsibility to protect in Kosovo.

This paper analyzes the power-oriented aggressive policy choices of Russia in its historical "backyard"- Chechnya- and its antagonistic policy toward Ukraine. Our goal in this paper is to recognize how Russia's contemporary power-driven aggressive policies towards its neighbors are framing Russia's current and future standing as a regional and global power. The common points regarding these two separate, though complimentary, cases are related to national unity and territorial integrity of a nation-state. Russia has participated in both conflicts where its positions are controversial. Interestingly, in these two different cases, despite being in opposite positions, Russia has been able to posture itself favorably. In the case of Chechnya, Russia justified its position with the right to protect its national unity and territorial integrity suppressing Chechens' aspirations for self-determination, while in the case of Crimea fully supporting the Crimean Russians' separation from Ukraine to join Russia. These two cases are a sign of the futility of international law to achieve justice; rather they show that power, a realist concept, still plays a decisive role in Russia-centered politics.

The application of pure power politics allows Russia to craft explanations after its actions. Without any necessity to build democratic consensus, it is free to act solely because it has the power to do so. An explanation of the action is an afterthought for the history books, something for scholars to debate while mapmakers engage in redrawing the world.

2. Russia's Chechnya

The Chechen question for Russia has more than a 300-year-old history. Imperial Russia passed the Chechen problem to Soviet Russia in the late 1910s and, in turn, it handed the issue to an independent Russia in 1991. Throughout this period, Chechens, together with other mountaineers of the North Caucasus, fought against Russian troops either to preserve their freedom or to gain their independence. At various times and for many reasons, one of the biggest issues for Russia has been the *Chechen problem*. It has been hard to subdue these people because of their nature and the unique geographical characteristics of the region. As a result of their pressure against Russia for a free and independent state, Russia has felt it necessary to deploy large troops in the region, at a very high cost.

In the 19th century, there had been three important resistance movements in the North Caucasus that Imperial Russia was not able to entirely subdue (Gammer, 2006). The Chechens continued to challenge and resist the political order in the Soviet times as well. The Chechen secret movement for independence took place under Hasan Israilov, which contributed to the Kremlin's decision to exile Chechens to Siberia and Kazakhstan in 1944. This national tragedy did not curb the Chechens' desire for freedom and independence and they were repatriated to their homeland in 1957 by a decree issued by Nikita Khrushchev, then first secretary of the Central Committee of the Communist Party of the Soviet Union. Having returned home the Chechens did not find everything as they had left it; others that moved to the region from other parts of the Soviet Union occupied their homes and contributed to the dissolution of Chechen identity grounded to a geographic space (Askerov, 2011). But these problems were gradually resolved. The political status of Chechnya as an autonomous republic within the Russian Federation was returned. When the Soviet Union collapsed in 1991, and all fifteen constituent republics of the Soviet Union became independent, Chechnya started to prepare the necessary conditions to declare its independence from Russia as well. This was materialized in late 1991 under Johar Dudayev's leadership.

The Kremlin, naturally, had made a great effort to preserve Russia's integrity. First, the Kremlin organized a Chechen opposition under the leadership of Ruslan Labazanov and Beslan Gantemirov that received significant material support from Moscow, against the Chechen rebel government. Moscow also supported the political opposition of Umar Avtorkhanov to Dudayev. But, none of these was successful in toppling Dudayev's government by force (Seely, 2001). Recognizing the stakes involved, and in an attempt to hold Chechnya firmly in its orbit, in late 1994 the Kremlin dispatched federal troops to Grozny initiating the First Chechen War.

The war lasted until August 1996 concluding with the sides signing the Khasavyurt Peace Accord, which legally ended the conflict. The stipulations of the accord were quite unfavorable for Russia. In 1997, the sides signed the Moscow Treaty, which enclosed a provision that the sides would not resort to force to resolve their differences whatsoever and to negotiate the ultimate status of Chechnya in 2001. This was interpreted as a victory for Chechnya even though its final status was postponed until 2001. The Kremlin, however, did not wait until the proposed date to resolve Chechnya's final status and it renewed the war in August 1999 after gaining the strength necessary to change the situation in its own favor.

The latter phase of the Chechen conflict is associated with the name of Vladimir Putin who played a key role in formulating and implementing Russia's new Chechen policy. President Yeltsin surprisingly appointed him as prime minister on August 9, 1999 and the Second Chechen War started on August 26, 1999. On December 31, 2000, Putin became an acting president of Russia following the resignation of President Yeltsin.

With Putin in charge, Russia's war strategy changed dramatically. The Kremlin developed new policies that involved increasingly greater use of brutal force in Chechnya, ignoring the war's impact on civilian lives, and quelling the free media blocking an unrestricted and objective information flow from the region to the rest of the world (Gilligan, 2010). Arguably, the first official step to strengthen the state's administrative influence on the mass media was Russia's Security Council's adoption of 'Information Security Doctrine of the Russian Federation' approved by President Vladimir Putin on September 9, 2000. The doctrine represented the state's official policy regarding information security in Russia, which had increased the Kremlin's capacity to shape the role the media played in reporting from the North Caucasus. Embattled in war, the narrative that flowed out of the North Caucasus was framed by Russia leaving Chechen voices silenced.

The State Duma in June 2002 adopted another law called 'On Counteraction of Extremist Activities'. The new law further limited the role of a free media by prohibiting the "dissemination of extremist materials via the mass media and the conduct of extremist activities by the mass media" (Soldner, 2008: 169). These legal restrictions adversely affected the free media in Russia- one of the most significant signs of democracy in any country - and were supported by an implied connection to the war on terror and a need to protect the state. The Kremlin considered terrorism as equivalent to the Russian war in Chechnya, and consequently, these documents targeted Chechnya rather than any other part of the Russian Federation.

Moscow's policy to curb insurgency at any cost led to an increase in civilian casualties in Chechnya in the early 2000s. Estimates show that every fourth resident of Chechnya passed through the new *filtration centers* system in Chechnya used by the Russian troops to beat, torture, and even execute detainees. According to *Memorial*, a Russian civil rights society, the purpose of the filtration system in Chechnya was to create a network of informers through forced recruitment. The system was part of the general state terror policy of suppression and intimidation of an entire population and was characterized by its arbitrary arrests and mass detentions of innocent people (Gilligan, 2010).

Ultimately, the Kremlin has been successful in preserving Russia's territorial integrity through the use of brute force in Chechnya. The cost of this has been heavy for civilians, as well as democracy in Russia. The free media and journalists have suffered tremendously from oppressive official Russian policies as well. Civilian casualties in Chechnya are estimated at up to 250,000. Russia has lost about 40,000 troops in Chechnya during the conduct of both wars. Rebel casualties are approximately the same. The number of internally displaced persons, and refugees from Chechnya due to the war, along with defections, has also been huge (Nichols, 2000).

3. Ukraine's Crimea

Following independence from the Soviet Union in 1991, Ukraine, like all the other former Soviet republics, had to decide which political orientation to adopt. Located in Eastern Europe, it had to select one of two major approaches to governance: pro-Western or pro-Russian. Despite some hesitations, Ukraine's initial orientation was pro-Russian which lasted until the Orange Revolution that resulted in Viktor Yushchenko rising to power in 2005. Up to this time, Kiev had not been able to introduce serious economic and military strategies to achieve significant welfare and security reforms (Ulrich, 2007). As a result, Ukraine remained linked to Russia for economic and security reasons. Yushchenko's government did not want, however, to see Ukraine continue as a satellite state of Russia in the long term. Kiev's new pro-Western liberal policies and leanings displeased the Kremlin and it became the source of significant tensions between the previously allied countries. Arguably, however, the history of Russia's massive covert involvement in Ukraine's affairs has had even deeper roots (Wilson, 2005).

Most Ukrainians perceived Russia as the major source of their troubles, and as a consequence Ukrainians were receptive to movements that would shift their country away from Russia and to integration with Europe. This desire for integration into the European family of nations caused an overwhelming social mobilization in Ukraine. In November 2004, hundreds of thousands of Ukrainians rallied in Kiev to protest the authoritarianism of Ukraine and Russia's role in keeping it alive in the country. At the heart of the protests were the people's demand for free and fair elections and justice (D'Anieri, 2010).

Even under Soviet rule, many Ukrainians accused Russia of developing too severe policies for implementation in Ukraine. [1] In the 1920s and 1930s, hundreds of thousands fled Ukraine due to Soviet land policies. Many Ukrainians developed a sense that they were relatively deprived in the Soviet Union and that Russia had stifled their language. Russia suppressed Ukrainian identity and replaced it with a Russian identity on behalf of the existing pro-Russian national projects (Plokhy, 2006). Ukraine was seen as the breadbasket of the Soviet Union, and while not being as politically effective as Russia, its agricultural strength provided it with a strategic worth that could not be dismissed. Memories about the deadly famine in the country have been alive and transformed for new generations helping to develop deeper grievances about the communist regime and its policies. Most Ukrainians ceased to see Russians as their brethren, despite a large Russian population in the country. This was manifested during the Orange Revolution that brought Yushchenko to power to build a new Ukraine outside of Russian-led political and economic domains.

The political circumstances in the mid-2000s in Ukraine were not in favor of Russia. Analysts argued that regardless of who became Ukraine's president, the conditions would not improve (Pastukhov, 2006). After Yushchenko's presidential term ended in 2010, new developments in Ukraine did not go in accordance with Russia's plans pushing it in search of new projects that appeared to be supporting and empowering of the pro-Russian forces in Ukraine. Yushchenko's ineffective economic policies coupled with the slow integration process of Ukraine with Europe were exacerbated by the misfortunate global economic crisis that hit the country hard (Schuerkens, 2012). Unfulfilled and rising expectations of the people of Ukraine facilitated Viktor Yanukovich's coming to power in 2010.

Yanukovich was not sympathetic to the pending Ukraine-European Union Association Agreement; rather, he chose to pursue a policy of strengthening ties with Russia. He preferred to obtain a Russian loan bailout to address immediate economic needs of the country rather than address the necessity for long-term economic reforms. This policy angered pro-Western Ukrainians who started mass protests against the government in Kiev. In early 2014, events escalated into deadly clashes across the country between police units and citizens. On February 22, 2014, President Yanukovich fled Kiev for Kharkiv, then Crimea, and finally onto Russia.

Russia's reactions to events in Ukraine were twofold. First, the Kremlin tried to alleviate the problem in Ukraine through economic incentives offered to Kiev. But Moscow gradually galvanized its approach to events in Ukraine as they raised and nurtured anti-Russian sentiments. Russia's inability to preserve the Yanukovich government against the revolution in Kiev manifested itself in the form of a political crisis in Crimea.

3. 1 Crimea: History, Law, Politics

At one point, the Crimean Khanate was a nightmare for Imperial Russia. The Crimean Tatars were even able to conquer Moscow in 1571 when they burned the entire city, excluding the Kremlin. The raids of the Tatars of the Crimean Khanate on the territories of the southern Russia started in the early 16th century and continued until the late 17th century. The Crimean Tatars were almost always supported by a third power. Nonetheless, their presence had created a serious problem for Russia's security and economic growth. Russia under Catherine the Great managed to conquer the peninsula in 1783 and it remained as part of Russia until 1954 despite the change in the political structure of the country.

There were two short intervals between 1783 and 1954 that the Russian state did not control the region. Those intervals were associated with the civil war started after the demise of the Tsarist Russia in 1917 and the Nazi invasion of the peninsula in 1942. The Crimean Tatars were exiled in 1944 after the peninsula was liberated from the Nazi troops for their

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[1] One of the authors of this paper witnessed a number of such cases in Kiev in 1988. His young Ukrainian friends had talked about the disaster of Chernobyl as sadly as the famine of the 1930s that happened long time before they were born. They held Russia as responsible as Joseph Stalin, the Soviet leader of the time.

alleged cooperation with the Germans. About 250,000 Tatars were deported to Uzbekistan and Kazakhstan and were never allowed to return to Crimea until the 1980s.

In 1954, Crimea was transferred to Ukraine, which was a constituent part of the Soviet Union. Nikita Khrushchev, general secretary of the Communist Party, played a key role in this transfer. Crimea remained as an integral part of Ukraine following its independence with the collapse of the Soviet Union in 1991. In February 2014, a crisis between Russia and Ukraine erupted on the peninsula.

Obviously, Crimea's history is quite complex, and by no means interpretations of recent events anchored to the historical past result in Russia's favor (Magocsi, 2014). At the very least, the peninsula belonged to someone else, as explained above, before and after it was part of Russia from 1783 to 1954. If entitlements based on history were legally valid, others' claims for Crimea would be stronger than Russia's. Indeed, the principle of *uti possidetis* in international law makes Ukraine's position stronger than Russia's. Having its roots in the Roman law, the principle originates from Latin America's practice of decolonization meaning that a newly independent state retains the borders it had as an administrative entity of the disintegrating state (Lalonde, 2002; McWhinney, 2007). This well established rule of international law refutes Russia's claims to the right over the peninsula based on Crimea's attachment to Ukraine in 1954. If Russia's claims formed a precedent for the former Soviet republics, the political map of the post-Soviet region would sharply change.

Russia's covert support for the demonstrations in the peninsula against Kiev in early 2014 gradually took on an open character. Russia's intervention culminated in capturing the legislative and government buildings in Crimea and Sevastopol, a city on the peninsula with a special status, in late February 2014. The dissolution of the Council of Ministers of Crimea was followed by the declaration of a new prime minister of the autonomous region. Sergei Aksyonov, the leader of the Russian Unity party and a declared prime minister, cooperated with the Kremlin to quickly isolate the peninsula from Ukraine through Russian military campaigns in Crimea.

Russia has tried to justify Crimea's annexation with a number of factors ranging from the will of the majority of the population of the peninsula, historical elements, and preserving the rights of Russian compatriots, among others. Paradoxically, Russia's current and recent history is full of cases having considerable similarities with the case of Crimea. Tatarstan, Chechnya, and Tuva, the republics of the Russian Federation with their own aspirations for independence, to name just a few, would go free if Russia sincerely respected the values and rights it claimed to protect for the Russian population of Crimea (Amirkhanov, 1998; Drobizheva, et al., 1998; Toler, 2010).

Self-determination of the Russian population of Crimea at the expense of the rights of other ethno-cultural groups living in the peninsula would somehow be understood, if the region became independent without joining Russia. The political developments in Crimea supported by legal means grew in a way to legitimize Russia's invasion of the region. The Kremlin denied the demands of the non-Russian population of Crimea against joining Russia ignoring their political and national existence. Moscow disdained the Tatar population of the peninsula ignoring their political aspirations, and cultural and identity needs.

Crimean Tatars, the indigenous peoples of the peninsula, have been against Crimea's unification with Russia, despite Vladimir Putin's promises to grant them greater autonomy with special privileges within the Russian Federation. Among other factors, Tatars' stance has been shaped by Moscow's severe policies towards them during different political epochs. They were exiled *en masse* in 1944 to Siberia, Central Asia, and Kazakhstan, and were allowed to come back to Crimea only in the late 1980s (Sheehy & Nahaylo, 1980; Uehling, 2004). Just to compare the Tartars' situation with the case of the Chechens, for example, who were exiled at the same time but were allowed to repatriate in 1957, makes the Tatars' pains more understandable. They had faced too many exiles throughout Russian rule, therefore when asked to narrate exile, they need clarification about which one (Uehling, 2004). The returning Tatars have faced not only material hardships in their own lands, but also severe discrimination. In late March 2014, the Crimean Tatars representative body, *Kurultay*, gathered to evaluate the political situation in the peninsula and decide about the fate of the Tatars. But it ended without reaching any tangible decision.

Crimean Tatars, making up slightly more than 12 percent of the Crimean population, were important for the Kremlin to further justify its annexation policy. Even in 1991, Tatar leadership received an offer from President Boris Yeltsin to join Russia in return for being granted the status of Crimean Tatar national autonomy (Shevel, 2014). The Tatars rejected the Kremlin's offer in 1991 just as they did in March 2014 unequivocally choosing Ukraine. They rallied against Russia but their

nonviolent resistance did not play a significant role in stopping the peninsula's invasion. The Kremlin has been in a continuous effort to build a new nation in Russia throughout the independence period (Shevel, 2011). The Crimean events have indicated that the process of nation building in Russia is not complete yet.

Ironically, not all Crimean Tatars enjoyed equal rights with the Ukrainian citizens, since Kiev did not extend the right of automatic Ukrainian citizenship to Crimean Tatars. The Ukrainian parliament recognized Crimean Tatars as indigenous peoples of Crimea only after Russia's annexation of the peninsula (Goble, 2014). Crimean Tatars had hoped that their own system of self-administration, although the Ukrainian government never recognized it, would become a national government some time later. Despite the Kremlin's promises of higher autonomy for Crimean Tatars, they have been facing increasing political pressures on a daily basis in the peninsula after Russia's annexation (Izmirli, 2014).

4. Discussions and Conclusions

The cases of Russia's Chechnya and Ukraine's Crimea are idiosyncratic but also they have many similarities. The first and most important parallel is related to a sovereign struggle to preserve one's own territorial integrity. The sovereigns, Russia and Ukraine, have a legitimate right under international law to protect their territorial integrity and national unity. Nonetheless, the odd fact is that Russia, suffered tremendously due to the wars in Chechnya, had itself disturbed Ukraine's national unity and territorial integrity. Russia has been a party to both the Chechen and Crimean crises, in which it is in different and opposing positions. Russia's approach has instigated wonders and questions, since the same state cannot be right in two opposite situations of the similar cases.

Russia has tried to justify its Crimean policy through referendum, even though it was held under force and Crimean parliament's request about reunification with Russia, ignoring the national parliament in Kiev. It is no secret that the Kremlin put this scenario into life to justify its *power politics*. However, the Kremlin did not respect the true popular elections in Chechnya such as the 1991 referendum that confirmed Johar Dudayev as President of the Chechen Republic of Ichkeria and the declaration of Chechnya's independence. Russia had made a number of attempts to terminate the elected pro-independence Chechen government forcefully. The Kremlin chose to go to war when Moscow was not successful in destroying a free and self-governing Chechen government in Grozny. With the onset of the *Second Chechen War* in 1999, Russia eagerly went to war to restore its unity without caring about civilian casualties, devastating cities and towns, and dying Russian soldiers. The Kremlin had tried to justify its use of force by its rights to restore the constitutional order, national unity, and territorial integrity.

Russia's use of power politics has not stopped in Crimea. While the events in the peninsula were hot, the Kremlin gave a green light to the Russian separatists in Eastern Ukraine to initiate a new conflict situation. Obviously, Russia has been managing both the cases with its use of hard power. The Kremlin has been pressurizing in the Eastern Ukraine to distract attentions from Crimea. At the same time, Russia is demonstrating its power and assertiveness to the former Soviet countries to have them comply with the Russian policies in the region.

Russia has resorted to power, which not only is about using brute force but also creating pro-Russian forces and clandestinely supporting them, which is the case in both the situations. In Chechnya, the Kremlin has used its resources generously to create pro-Russian Chechen forces and eventually consolidated its power in Grozny through them. In Crimea, Russia used the local Russians to fulfill its political aspirations and to that end used vast resources. By using its power Russia likes to create no war, no peace situations in different regions that offer the Kremlin more leverage to reach its political objectives. The principles of national unity and territorial integrity are important to the Kremlin when they are needed for Russia. When it comes to others, it seems, Russia does not care much and violates those principles by using its hard power, which is a legacy of the Soviet Union.

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Historical-Anthropological Ethno-Genesis of Albanian Society Development, Especially the Gjakovar with Surrounding One

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Abstract

Albanian society inherits an ethno-genesis since ancient ages. Part of this, is also the Gjakovar society with surrounding. Through development phases, as many other societies, this one faced with challenges from the most different. Among the main ones was the war for surviving from numerous invaders, and that until the last decade of the 20th century. Of course that all of them who had claims toward these lands, they tried through different ways, to make the history of this society as their own, alluding that this population wasn't existent in this land. However, the Albanian society managed to survive all historical periods and that by keeping its genesis clear. It had been achieved through 'inherits' guides of traditions and culture over generations, and that, leaving deep footprints not only for itself, but even for the stories of neighbor societies. So, through this study, we will try to tell how the society of Gjakova region has kept its ethno-genesis, proving that it was a unique part of Albanian society and that was one of the very first in Europe. We will prove it through showing historical-anthropological fact since the antiquity to the newest artifacts. To clarify that this population is really autochthonous in this land, it is told also by saving and taking-after the cultural heritage. As an argument it is also the keeping of surnames based on cultivated artisans through ages, which are still being held by a part of this population.

Keywords: culture, heritage, artifacts, habits and traditions

Introduction

Nowadays science has managed to prove that the Albanian nation, being one of the oldest nation in Europe, during their journey and development throughout history has experienced a journey with many obstacles and stops.

Its geographical and geo-strategic position had placed them at the crossroad of all crossroads that outlined social developments of all time, which became a cause and a target of political interests of countries and numerous invaders, starting from the Roman Empire, the Byzantine, Slavic invasions, Ottoman empire and up to the great powers of the past century.

It was precisely these that in different forms tried to eradicate the Albanian people, ranging from assimilation and up to its biological liquidation. This is also proven by that that when in the territory of Kosovo today, in medieval times were changed many rulers, such as the Romans, Byzantines, Bulgarians, Macedonians, Serbs and Turks, to continue later, until recent years of XX century.

Whenever it comes to researching the distant past, science constantly continues to uncover new facts and documents, as every day new artefacts are discovered, which in some cases deny the ones so far.

This is also enabled by the modern tools of the latest technology, which enable explanations by more advanced methods.

History shows various forms of social organization, depending on the invaders who changed, so from the Romans to the Slavs of the twentieth century. Despite this, all settlements in Kosovo managed to build and preserve its history and of whole Kosovo.

Some previously created some later, with changes in designations and history, first Roman, then Byzantine, Slavic, Bulgarian, Ottoman again Slavic, with persecuted and mutilated population, but never submissive, ultimately remained pure Albanian settlements since their genesis.

One of the earliest settlements and with a pure and proud history, proven through various times in history, since ancient times is also the settlement called Gjakova and its surroundings.

1. Historical-Anthropological ethno-genesis of the development of Albanian society

Referring to the numerous researches and studies by different researchers we have now proven the accurate genesis of the Albanian people since ancient history and its role and that from ancient times until today. Researches show that since the creation of the Illyrian family and their tribal union up to the building of Illyrian-Dardan state, not leaving aside also the luck that accompanied it throughout history.

Illyrians were great people, made up of many tribes, which, even if they sometimes had separate tribal organization, or the state itself, they were cooperative and solidary with other tribes; they had a common culture, one tradition and one territory and thus belonged to the Illyrian ethnic trunk. (Krasniqi, 2002) That the Albanian people is a descendant of the ancient Illyrians and Illyria, is confirmed today by science through many researchers from different countries, who provide convincing proves.

So even today we prove that predecessors of the Albanians were living in a large space, almost the entire Balkan Peninsula, and were in a large number as indigenous and homogeneous ethnicity.

Among many studies and researches is also that of 1877 in Germany, where for the first time we have an anthropological study on Albanians, which identifies Albanians with Illyrians. It was a pathologist and anthropologist Rudolf Virhov (1821-1902), known as the "founder of cellular pathology," a prominent figure of the science of the last century, who came up with this study. (Këpuska, 2004) From here began the anthropology of Albanians. So, obviously, the Albanians are descendants of old Illyrians old.

They are indigenous in the Balkan countries where they were spread before the pre-national period and their seniority lies at least in the Mediterranean- Pelasgian historical period respectfully Epical–Homeric period. We mentioned these historiographical data because the culture, Albanian traditions and rituals, draw the roots in the twilight of time. Spiritual and material culture of the ancestors of the Albanian people serves as the basis, respectively adstrat, but also superstrat of the spiritual and material culture of surrounding nations located in the Illyrian territories in the ancient and medieval period. (Pirraku, 1989)

Science has proven that the Albanians are direct descendants of the ancient Illyrians. So, Albanians and Greeks are the oldest people in the Balkans, permanent residents of the geographic area for thousands of years before Slavic tribes arrived in these parts from their lands beyond the Carpathian. (Krasniqi, 2002)

Regarding Illyrian - Dardani, their lands and heritage, especially the social customs, traditions and ethnic autochthony, compacts as; natural, historical, political, ethnographic, ranging from ancient authors and onwards, chronologically are treated proving sources over the actual existence and progress through periods from Homer and up to the VII century.

During these periods' nations bordering Illyrian - Dardan, some were assimilated and some were vanished entirely, until they stood proudly preserving pure origins and traditions of ancient Illyrian-Albanians.

Illyrian traditions, described by many scholars, among them also Varrioni, are passed from generation to generation to their descendants - Albanian men and women today. (Këpuska, 2004)

Survival of the Albanian people since antiquity is presented in this way "Described as if it was a survived and all-timely Arcadia, she was believed to be inhabited by primitive people, free and courageous, carriers of millennial invariable traditions codified by Law of the Mountains influenced by a hostile geographical environment and archaic living conditions, a builder of people's characters, their customs and ancient trends ". (Rago, 2011)

Despite many centuries' Storms, which had even more damaging consequences, Illyrian-Dardans continued to maintain their ethno-genesis? One may justifiably conclude that ethno-genesis of our people starts from caves to continue forward with its development until today. So antiquity of Illyrian-Dardans is known not only for the Balkans and Europe, but also across the globe.

They already stretched as homogeneous and indigenous ethnicity in most of the Balkan Peninsula. This is why they are also regarded as one of the oldest people of this peninsula. This is even said by the American researcher William W. Howard who wrote that Albania "is the most ancient nation of Europe. .. They were there long before Helens established the ancient Greece". (Osmani, 2010)

Historical developments dictated that this people experienced many movements, especially in its trunk, by different invaders taking over their lands. There were precisely many difficulties during centuries imposed this people to find different ways to protect their genesis and land.

Today science has managed to demonstrate and prove that the Albanian people during the journey and development through history, being among the oldest peoples of Europe had experienced a journey with many obstacles and stops. Its geographical and geo-strategic position had been at the crossroads of all crossroads outlining social developments of all time, which became a cause and targeted political interests of countries and numerous invaders, starting from the Roman Empire, the Byzantine, invasions Slavic, Ottoman empire to the great powers of the past century.

New settlements of Slavic travellers in Balkan Peninsula in VI-VII century and further developments during the middle Ages were the most threatening danger of dissolution of ethnicities and cultures throughout the Balkans, but the well preserved/isolated Albanian ethno-genesis either from culture, origin and territory, was what challenged this by preserving the pure ethnic and cultural features.

It was these that in different forms tried to eradicate the Albanian people, ranging from assimilation and up to biological eradication. This also proves that when the territory of Kosovo today, in medieval times were changed many rulers, such as the Romans, Byzantines, Bulgarians, Macedonians, Serbs and Turks, to continue later, until recent years in the XX century.

The fact that the Albanian people is in these lands, preserving for generations and centuries, language and culture, proves its existence as an ancient people. It has given and taken from the neighbouring people and cultures, but always retained its identity.

Actually, the general underdevelopment, territorial compactness of population and geographical and socio-cultural isolation, influenced the Albanians in general be kept as national and ethnic community, despite the secular efforts of rulers and occupiers to assimilate, to displace in remote areas or even to eradicate them. (Islami, 1981)

Their occupying history had continued about one hundred years after the declaration of Albanian state, including the entire twentieth century. However, even this did not achieve its goals; they guarded and defended the dignity of being Albanian.

Having its roots in the values that most closely relate to the protection and preservation of the clan and family, *Albanianism* emerged as a modern elaboration of traditional notions embedded in centuries and different from the idea of the nation, which was characteristic for those years. (Rago, 2011)

History shows various forms of social organization, depending on the invaders who changed so from the Romans to the Slavs of the twentieth century. Despite this, all settlements in Kosovo managed to build and preserve its history and the history of all Kosovo. Some previously created some later, with changes in designations and history, once Roman, then Byzantine, Slavic, Bulgarian, Ottoman again Slavic, with population persecuted and mutilated, but never submissive, ultimately remained pure Albanian settlements since their genesis.

Whenever it comes to researching the distant past, science constantly continues to uncover new facts and documents, as every day and discovered new artefacts, and which in some cases deny the ones so far. This is enabled by the modern tools of the latest technology, which is enabling explained by more advanced methods.

It is precisely these methods that argue that the ancestors of today's Albanians have lived in their lands for centuries before the Romans and the Greeks, and who have faithfully preserved and transmitted its customs and traditions from generation

to generation. They have even managed to preserve and convey the common habits of people with whom they had been neighbours even better and more originally than they themselves.

2. Gjakova with its surroundings in anthropological and historical context

One of the earliest settlements and with a pure and proud history, proven through various times in history, and that from the twilight times is also the settlement called Gjakova and its surroundings.

Anthropology and history of the Albanian people of Gjakova, as indigenous people and descendants of the Illyrians, presents a story on its own, which besides being very loud, not only for itself but also for other peoples of the Balkans and Europe, is also very glorious. This is also enforced by archaeological findings, which proves of "a thriving life in this region since prehistory to the Middle Ages. (Shukriu, 2002)

Thanks to its suitable geographical position throughout history, Gjakova with its surrounding had very good conditions for growth and challenge to all past historical periods, however severe they were.

Referring to the geographical position, assets and natural goods which consist of in one hand the rich mine of Deva and on the other hand the fertile plains traversed by two rivers: Drini in the east, which is of great importance since it connects the Adriatic sea with the central Balkan, and Erenik in west and south, as well as the structure of the terrain of Gjakova with the surrounding, are proven facts and arguments that these lands had been inhabited since prehistoric times. This is also proven by the findings of artefacts on this area, which belong to the Illyrians who lived in these areas, findings that are coming to light day by day.

Documentary sources from different backgrounds demonstrate the continuity of Albanian native population in the region of Gjakova from Illyrian-Dardan time until the twentieth century and beyond. This conclusion does not exclude neither the changes that have occurred over the centuries due to migratory processes, related to the political factors, foreign conquests, with the economic and social ones, etc. These factors have resulted in the presence of other ethnic elements in this province and in the dividing of its people sin different religions, the Muslims, Catholics, partially Orthodox. But even in these circumstances Albanians remained the dominant population in the region of Gjakova, which is noted for its ethnic homogeneity. (Bajraktari, 1998)

Regarding the way Gjakova was established different opinions are given, many of which lack the supporting documentation.

The facts and historical records indicate that Gjakova is known since fifth decade of the XIV century and that since 1348. During this time it belonged to the Alltun-Ihlia Nahija (Nahijë was an administrative unit in the Ottoman Empire. Its administrative system responds to the level of a municipality in Kosovo) based in Junik. On the other hand, based on the sources of material culture, monumental architectural constructions, it is known from the last decade of the XVI century.

However, for the first time in the middle Ages, in 1485, Gjakova, is referred to as a bazaar village-place. According to Turkish defter (defter-land cadastre in Turkish Empire) the year 1485 had 54 houses that responds to respective counting of families or about 300 residents.

Based on what they talked and argued that until 1582 Gjakova was as shopping centre and countryside, its convenient geographical position as well as importance in strategic aspect, created the opportunity for a rapid development in time, making it a centre of connections between Shkodra, Sanxhak and other surrounding places. (Shkelzen & Blerim Zajmi, 2010)

The city as an urban centre dates from the late XVI century when the foundations are laid for the impressive Mosque – of Khadim Aga in 1001-1003 according to Muslim calendar (years 1592-1594). Until then there was the central homonym rustic dwelling where the weekly market was held for this area.

Only about half a century after the establishment of the Mosque of Khadim-Aga, Gjakova is described by foreigners as a city with outstanding craftsmanship and trade. (Lleshi, 1987)

So Gjakova was founded as a city at the time of the Ottoman rule. The old part of the town was built in the space between Krena and Çabrat. Hadum Suleiman Efendi, known as Hadum-aga, built a mosque in 1594/5, which was named after the

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founder Hadum's mosque. At the same time they built an inn and a hammam. According to people's tradition, these important objects of the city are built in the field of Jak Vula, hence the name of the city is Jakova. Around Hadum's mosque was built the Grand Bazaar. In its vicinity were set the homes of noblemen. They built large towers built in the square called the Clock field. **(**Osmani, 2010)

From these data we come to the conclusion that Gjakova was inhabited since old times, was formed as a town in the late XVI and early XVII century, while in the middle of the XVII century it became one of the largest cities in Kosovo. Throughout this time (since its establishment until 1878) Gjakova was one of the most important economic, political and strategic centres of Kosovo and as such has attracted the attention not only of the Ottoman administration, but also of many missionaries and diplomats, clergymen, travellers and scientists of the time.

That this place was really inhabited since ancient times to keep up with current developments becoming a known centre is also proven by the writings and reviews of some of the personalities of the time who had been fortunate enough to pass through this region. (Bajraktari, 1998)

Archbishop of Bar Gjergj Bardhi in 1637/38, begins his report with Gjakova, who also during another visit in 1641/42 mentioned Gjakova.

Turkish geographer Haxhi Kallfa (around 1635) mentions Gjakova- Jakova- small town located between Peja, Vushtri, Pristina and Prizren. While the Altun-Ili, he writes that it is located: between Peja, Gjakova, Podlima. Prefect of Catholic missions in Albania, Frater Cherub, on March 27, 1638 wrote inter alia: ". . . As you pass Gashi for half of a day, there is the province of Jakova in a very nice field, where there are many villages. . .". **(**Osmani, 2010)

Evliya Çelebi was the Ottoman traveler, who for the first time in 1662 mentioned Gjakova as a city. According to him, Gjakova was an advanced settlement, Gjakova people were good people and beautiful and that it had had 2,000 homes, two beautiful mosques, inns covered with lead, a hammam and 300 shops with many kind of crafts.

Also in some Austrian reports by the end of the XVII century is mentioned Gjakova, which was estimated that it had many villages.

Some data on Gjakova are brought and shown by J. Muller, a former employee of the Austrian consulate in Shkodra, and in his report of 1838, he gives concrete proof for the population of this area dividing them based on religion and neighbourhoods of that time.

A. Gilferding Russian traveller, who, during his trip through Herzegovina, Bosnia and Kosovo, visited this region in 1857 and wrote that Gjakova was a town inhabited by Albanians, where tribal way of life prevailed. The basis of the way of living of Albanians from here, according to him, constitutes the tribe. In Gjakova, according to him, the Albanian element is more emphasised than in any other place.

Sometime around the 40's of the XIX century, also in Gjakova started appearing first elements of capitalist relations, leaving aside those feudal ones until then. This brought the capitulation of the system of known Gjakovar crafts since the Middle Ages, through which craftsmanship was organized, as well as opening of a market between other cities as well as other countries. This brought a more stable and stronger economy.

Based on the toponymic arguments, Gjakova with surroundings results as the place with the greatest number of pure Albanian named areas and preserving old track of ancient Albanian descent. This proves the fact that this population lives on in its land.

XIX century marks a significant turning point in the economic, political and cultural life of the Balkan people within this the Albanian people, respectively the people of Gjakova and its surroundings. This population, as we saw, took an active part in all the events of the time, giving its contribution in different areas of life. Gjakova Albanians were activating not only in political events, but also in the economic, material as well as a cultural and artistic ones. Gjakova area and its surrounding in the XIX century and early XX century takes an important position in all of these areas, not only in Kosovo, but also beyond.

Developments in history significantly influenced also the general anthropological issue of ancestors of the Albanian people, and also in Gjakova and its surroundings, ie since the early Albanian language with Pelasgian-Illyrian origin up to today's

Albanian language. Based on the "historical documents, Gjakova exists as a settlement from early times, but as the city it's one of the newest cities of Kosovo". (Haxhosaj, 2012)

The organization of social life in administrative and territorial terms depended on the rulers whereas occasionally it wound undergo changes and that based on their invasive interests.

Even this part was a part of the Roman conquest, after the division of the empire, it remained under Byzantine occupation. Later Gjakova with the surroundings was under Bulgarian rule and later in the Middle Ages under the Serbian-Slav. In the medieval documentation of that time, where there are very few historical sources, the area is mentioned by names Patkovë, Reka and Alltin. Forms of naming the city underwent changes over the centuries.

While in the XIX century Gjakova with the surroundings possessed a territorial space much larger than today, Serb-Montenegrin invasion in 1913 gave it the administrative form of today. After 1963 there were no territorial administrative changes.

After the declaration of independence of the Albanian state, Gjakova was occupied by Serbian-Montenegrin, who continued the destruction of everything, populating it with Montenegrins and Serbs up to the assimilation and conversion of the population of this area.

During World War I Gjakova with the surroundings were under the rule of Austria-Hungary and after the war back was again retaken by Serb-Montenegrins and that by performing colonization in almost every part of it.

However, despite these challenges, Gjakova managed to preserve the pure Albanian language, culture and traditions and is today the city with the earliest literary tradition and culture. According to the author Halil Haxhosaj, literary beginnings (poetry) with historical and religious value but not so with aesthetic value, dating from the XV century with the poetry of Sulejman Effendi-Harxhiza Baba, who was with origin from the famous family Bushataj of Shkodra and who was the founder of famous Masjid in Gjakova and Kosovo, The Great Masjid. Also one of the fruitful creators from Gjakova was Tahir Efendi Boshnjaku. (Haxhosaj, 2012)

Gjakova with surrounding is in the central part of Dukagjini area and has 586 km2, ie 5: 38% of the territory of Kosovo, at an altitude of 365 m. (lowest in Kosovo), while in mountainous areas it reaches a height of up to 2305m, which makes us understand the difference of the relief is quite highlighted in a strategic position between North Albania and Kosovo centre and consists of 87 settlements

2. 1 Preserving the traditions and cultural heritage

Cultural traditions of this area is associated the same with the Albanian one in general, known since Neolithic time and developed as indigenous. This culture develops its journey in the footsteps of time changes and its advancement, going even through the Age of bronze and iron and medieval. These were really periods where there were movements and large blossoms on the cultural level in all human societies, where mutual borrowings were inevitable. However, persistence and continuity in the sustainable lands just made continuous shaping of culture of this region, being indigenous and reaching the highest degree of development.

Albanian Gjakovar culture and one developed as indigenous culture and at the same time with Indo-European process. This was confirmed also by our language, which has roots from the Indo-European languages, proven since ancient authors up to more recent studies.

The fact itself of the existence on its lands and preservation of culture and language are evidence of the antiquity of this population.

Archaeological discoveries in the territory of Gjakova indicate that in this area is present the organized process of urban life since the most ancient times. So with all Albanian folk cultural values, architecture, sculpture, habits and Dardania customs inherited from: Antic time, Rome, Byzantium, the Middle Ages, the Ottomans, and the completion of new construction preserve a emphasized continuity.

The organization and functioning of this area was special. Many times it was the model of social organizations not only to Albanian society. The patriarchal family was the prevailing form in Gjakova as well, as in almost all Albanians, and it was organized under the common law. Some passer-by who passed by were first astonished with the order, culture and traditions of this area, which really were typical traditional and timely. Population of this area kept and cultivated with 'fanaticism' crafts inherited through generations, also following the developments of the time. Gjakovar families are known for passing the crafts of their ancestors from generations to generations which are mentioned in their surnames. So today we have Gjakova families with surnames Sahatcija, Çarkagjija Tabaku, Oven, Kazaz, Gunpowder, Nallbani, Kamishi etc.

According to prof. Masar Rizvanolli, (Rizvanolli, 2009) Gjakova has a rich tradition of education and culture, tradition, which started with the beginning of its civic life.

It was exactly these that imposed to the Kosovar Albanian population to get traditionally embedded to their native country. What made this people traditionally special was their relationship with the family and place of birth, which they always defended with wars and blood.

This is also expressed by albanolog - scholar Franz Nopcsa, who says: "As all the peoples of the patriarchal cycle in the Balkan Peninsula also Albanians are distinguished by clear firm moral sense, for their morality almost harsh, for straight ways, often wild, of action.

The have a strong sense of community of the tribe and family and, at the same time, show a spirit of sacrifice, not discouraged before any obstacle. (Nopça, 2013)

Referring to the geographical position, assets and natural assets and the structure of the terrain of Gjakova and its surrounding are proven facts and arguments that these lands had been inhabited since prehistoric times. This is also evidenced by the findings of artefacts on this side, which belong to the Illyrians who lived in these areas, findings that are coming out day to day. Construction or material culture is typical in these parts. We are talking about a significant number of cultural heritage monuments Gjakova municipality has these cultural-historical monuments:

Conclusion

Referring to numerous scientific studies and finding of many new artefacts, it is already clear that anthropological and historical ethno-genesis of Gjakovas' Albanian society is

Passed by and inherited from the Illyrian-Dardans.

The fact itself of the existence in its lands and preservation of culture and language are evidence of the century antiquity of this population. All historical challenges have accompanied the Albanian society through generations. However, despite the social evolution, it has maintained its tradition and culture with fanaticism. Part of this 'preservation' was also Gjakovar Albanian society. Exactly, culture was the most powerful weapon of Albanian society that challenged all the storms of history and managed to get out triumphant.

The way of life on itself and internal social organization was special, and it was taken as a model by other Albanian societies.

Albanian culture and Gjakovar one developed as indigenous culture at the same time as the Indo- European process. However, Gjakovar territory is known for preserving "intact" traditions and pure culture since its ethno-genesis.

This is also evidenced by passing by through generations of surnames according to crafts they worked, surnames that even nowadays exist and that still try to preserve part of their tradition, and from the large number of many objects of heritage that are in this region and clearly show the continuity of the historical - anthropological genesis of this pure Albanian society and with traditions and customs passed by from generation to generation.

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	Stonehouse (Kulla) of Avdullah Pashë Dreni		The Terzi Bridge built by the craftsmen (tailors) in 1750
	First Albanian School in 17th century		The great madrasa (a premise of knowledge) built in 1748

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	The Bridge of Taliqi, archeological building over Krena river, built in 17th century		The Fshejt Bridge built in 17th century
	Illyrian jewlrey from the Bronxe Midtime		Stella - A tombstone of an Illyrian - Roman soldiers from II century
	Pitos - Object from Illyrian time XIII B. C.		Hadum Mosque - built by Hadum Aga in 1586.
	Catholic Church of Saint Anton built in 1836.		Tabaku bridge- built in 1836 from craftsmen (leather-workers)
	Orthodox Church of the Wholy Lady - built in 1823		Bektashi masjid

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	Ethnographic museum- built in 1830 as a dwelling premise.		Haraqia's Inn – a guestohouse- built in 1562 as a hotel building
	The Clock Tower – built in 1602.		The Kosh Stonehouse – a dwelling place built in 18th century
	The Stonehouse of Sylejman Age Vokshi - a dwelling place from 18th century		

	Type of cultural heritage	Number of buildings
1	Archeological locations	10
2	Sacral Curch monuments	14
3	Sacral Islam monuments	26
4	Shrines	20
5	Mejtepe	4
6	Madrasa	2
7	Masjid	16
8	Clock Towers	1
9	Stonehouses	128
10	Cemetery complexes	9
11	Mills	7
12	Monumental bridges	4
13	Architectonic-urbanistic complex of the Old Bazar	1
14	Craft Centre	1
15	Monumental Houses	50
16	Inns/ Guesthouses	4
17	Monumental fountain-heads	6
18	Barns and backets	15

The Importance of the Convergence of Legal Cultures for Modern Trends of Integration

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Abstract

Reflections on the importance of cultural convergence and integration in the European countries of the region are still present in the social, economic and legal discourse. Converging trends, in most general terms, mean strengthening, consolidation and merging international political, economic and cultural cooperation. A contribution to this is given by processes widely discussed in the literature like globalization, economic liberalization and political, ideological and moral pluralism. The phenomenon of convergence applies to law as such. The above mentioned factors are fostering the convergence of law. However, one can indicate conditions shaping legal integration in a specific way. An adhesive joining the European legal culture tends to be a common legal tradition of states of the relevant cultural area, constitutional tradition, ethical values - humanity, freedom, justice and equality - defining the legal thinking and interpretation of the law. These considerations aim to illustrate the importance of the convergence of legal cultures to seek answers about the role and importance of law and changes in the way of understanding of the law within globalization and integration processes. For this purpose, the concept of globalization will be reconstructed as well as the idea of integration, culture and legal culture, and then described the impact of converging trends on the processes of creation, interpretation and application of the law.

Keywords: Convergence, Legal Cultures, Modern Trends, Integration

I. Introduction

A theorem of contemporary, multifaceted integration trends which indicate the establishment, consolidation and integration of the international cooperation of legal entities within the political and economic field, and which determine the areas of cooperation in many fields of social and economic life, is a truism. Something which is primarily affected by the processes of globalization[1] which receive a broad literary coverage, economic and political liberalization, related geopolitical situation, and ideological and moral pluralism[2]. The phenomenon of integration which contributes to cultural, social, and civil changes also applies to law. The elements indicated above certainly belong to a group of factors which support legal integration; However, there are certain conditions, specifically legal, which shape the institutional legal integration, in both regional (e. g. European) and international aspects. The unifying factors certainly include a common legal tradition in the countries from certain cultural area, constitutional tradition, the idea of convergence of cultures, and ethical values such as humanity, freedom, justice and equality. The problem of the institutional dimension of legal integration has already been widely discussed in literature, with focus on the analyses of the integration processes which function for years worldwide, and the ones closer to us, in Europe which relate to the development of European Union[3]. However, despite the currently

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[1] See i.a. *Integration and Globalization from the Perspective of the Philosophy of Law* by A. Bator, W. Gromski, S. Kaźmierczyk, A. Kozak, [in: *The Philosophy of Law and Globalism*, ed. J. Stelmach, Kraków 2003, pp. 9-26]; *Globalization and Jurisdiction* by J. Guść, K. Łokucijewski, . *On the Impact of Globalization on the Scale of Law-making in the Liberal Democratic State*, [in: *The Philosophy of Law to ...*, pp. 27- 37;], *The Current dispute about the Concept of Law* by T. Kozlowski, [in: *Legal and Theoretical issues with European Integration*, ed. L. Leszczynski, Lublin 2004, p. 12-32]; idem, *The Philosophicality of law as the law de-nationalized as per the expertise of Andrew Stelmachowski* [in: *The Law in the Era of Globalization,* materials from the XIth Conference of the Faculty of Law, University of Warsaw, Warsaw 2010, pp. 26-34].

[2] M. Szyszkowska, *Prawo jako czynnik kształtujący nową świadomość obywateli w dobie globalizacji,* [transl. *Law as a Factor which shapes a new awareness of citizens in the age of globalization*] [In:] *Prawo w dobie globalizacji* [transl. *The Law in the Era of Globalization*] materials for XI Conference of the Faculty of Law, University of Warsaw, Warsaw 2010, p. 7.

[3] In literature, the idea of integration has wide possibilities of interpretation, not only as relating to EU, but also to the Council of Europe as a coordinating body which defines common standards; see.

observable changes in the way the law is created and applied, and bases of thinking about the law, seeking the legal grounds for integration still seems to be a current issue. Such explorations appear to be justified by the questions about the role of law in the light of globalization and integration processes, about the prospect of changes in the attitudes towards the nature of law [1], as well as about the bases for the development of a common cultural code.

II.

In the deliberations concerning legal integration in the European space, what is specifically analyzed is the dogmatic perspective; that is the emphasis on the development and functioning of legal institutions which are the product of a close and enhanced cooperation between the Member States of the European Union. The process of integration is accomplished through the evaluation of methods of approximation and codification of law (among the methods of European integration, the following are distinguished: mutual recognition, coordination, harmonization, substitution[2]), which applies to the creation of common institutions and legal regulations in specific areas (pertaining mostly to the economic and social integration, as well as to new areas such as the Internet and global business communication), to the universalization and the development of common legal principles and methods of interpretation for authorities enforcing the law (*claritas* doctrine, common interpretation directives and types of legal argumentation), to the formulas of law application (the classical model of law application, related to the state of justice, and a post-classical one, identified with the principle of *fair trial*, the legislation of adequate guarantees, and, other than adjudicate[3], modes of resolving legal issues), to creating a system of basic human rights and their protection, and to the development of structural and institutional principles of functioning of the Union. Obviously, it is easy to identify those branches of law in which the integration develops the fullest and most intensively, as, for instance, in business law (hence, it is emphasized that integration in Europe means primarily the creation of "economic community"), labor law and environmental law[4].

However, the institutional signs of integration indicated above enforce the search for internal basics for the "community of law[5]". The study of integration processes cannot be limited only to concepts, rules or institutions related to it. Therefore, next to the formal and dogmatic methods or naturalistic, typical for legal positivism, way of recognition of the law, it is necessary to adopt an attitude which considers law as the object of communication and the object of culture. It is relevant to the processes of integration, to see the concept of law "in the light of culture," thought, as noted by M. Zirk-Sadowski, understanding of the law as a cultural object, as a group of certain meanings[6] upon which the order in the integration process and the creation of a common "code of legal culture[7]" and "common meanings and symbols"[8] depend. The image

Z. Brodecki, *Filozofia prawa europejskiego [transl. The Philosophy of European Law*], [In:] *Integracja europejska. Wprowadzenie,* [transl. *European Integration. Introduction*] ed. M. Perkowski, Warszawa 2002, p.16.

[1] About the necessity of changing the positivist paradigm of the conception of law in connection with the development of European law see. T. Giaro, *Dogmatyka i historia prawa w dobie globalizacji. Nowe rozdanie kart, [transl. Dogma and the history of law in the age of globalization, the new deal]* [In:] *Prawo w dobie…,* p. 39-50; T. Kozłowski, *Spór o obecne pojęcie…*[transl. *The dispute over the present idea of…*]; p.13, also J. Winczorek, *Socjologia prawa a integracja europejska. O pożytkach z pewnej teorii* [transl. *Sociology of law and European integration. About the benefits coming from a certain theory*]. [In:] *Teoretycznoprawne problemy integracji…,* pp. 38-39 [transl. *Theoretical and legal issues with integration*].

[2] For more information on the methods of integration, see. i.a. Z. Brodecki, *Prawo europejskiej integracji,* Warszawa 2001, p. 92-96; also E. Dynia, *Integracja europejska. Zarys problematyki,* [transl. *European Integration, an outline*], Warszawa 2003; J. Ruszkowski, E. Górnicz, M. Żurek, *Leksykon integracji europejskiej,* Warszawa 1998 [transl. *Lexicon of European Integration*].

[3] See. more in L. Morawski, L. Morawski, *Główne problemy współczesnej filozofii prawa. Prawo w toku przemian,* Warszawa 2003, ch. VII [transl. *The Main Problems of Contemporary Philosophy of Law. The Law in the course of Transition*]

[4] See more in S. Hoogmoed, *Integration of Europe,* International Institute of Interdisciplinary Integration 1995.

[5] Z. Brodecki, *Prawo integracji w Europie,* Warszawa 2008, p. 21.

[6] M. Zirk-Sadowski, *Uczestniczenie prawników w kulturze,* „Państwo i Prawo", 2002, no 9, p. 11.[transl. *Emploees' participation in culture,* „Country and Law"]

[7] Z. Brodecki, *Prawo integracji w Europie..,* p. 23. For more information on the notion, characteristics of legal culture and its influence on legal awareness and legal basis please check i.a. A. Gryniuk, *Próba rozstrzygnięcia sporu o status kultury prawnej,* [In:] *Ze sztandarem przez świat,* ed. R. Tokarczyk, K. Motyka, Kraków 2002, s.81- 87; K. Pałecki, *O pojęciu kultury prawnej,* „Studia Socjologiczne", 1972, b.2, p. 205- 224; this same *O użyteczności pojęcia kultura prawna,* „Państwo i Prawo" 1974, b. 2, p. 65-75; M. Zirk-Sadowski, *Prawo a kultura,* Notebooks of science. U Ł, Nauki Humanistyczno-Społeczne, series I, book. 19, 1977, pp. 29-42;

[8] M. Zirk-Sadowski, *Pozytywizm prawniczy a filozoficzna opozycja podmiotu i przedmiotu poznania* [transl. Legal positivism and philosophical opposition of subject and object of knowledge], [In:] *Studia z filozofii prawa,* ed. J. Stelmach, Kraków 2001, s. 95; the same

of the code of culture consists of factors such as the tradition of legal culture of societies which participate in the integration process, their legal traditions, concepts, values, as well as the law itself which is, in fact, a reflection of that culture, the normative patterns of behavior related to it and values associated with socially accepted standards, and the legal awareness of social actors and their attitudes towards the law.

The legal culture, as noted by A. Gryniuk, is expressed in recognizing its products, the values, norms, ideals, as the ones which play a leading role in the life of given community [1]. In the case of the integration processes, these cultural products should include patterns (specific, native, primates[2]) common to legal cultures and their traditions. The core of each legal culture consists of: specificity of the historical development of the law, views on its nature, philosophical orientations dominant in a given area, concepts law sources and its development, principles of law, style in which legal concepts are used, methodology, methods of reasoning and argumentation, style of justifications for judgments and decisions, forms of documents[3]. And although legal norms may be changed on daily basis, their creation and use will still depend on continued immutable components of legal culture. The concepts, institutions and procedures created in the process of rule integration, will therefore be a reflection of national tradition and legal culture[4]. In the perspective of European integration, it is the penetration of cultural traditions - *common law* and *civil law*[5], the heritage of the former of which is reflected in the procedural sphere, while cultural elements of positive law are often present in substantive law (in private law as the *lex contractus* mainly). It is, in other words, a transfer of values and behaviors which shape, based on law, mentalities and legal "habits". The clash of traditions of Roman-Germanic and Anglo-American cultures performs certainly cognitive, law-making, interpretation and unification[6] functions. And although in science the notion of culture encompasses a plethora of concepts[7] (as noted by K. Pałecki: "legal culture has so many meanings, as many authors mention it"[8]), in general, in the context of anthropological approach, the term "culture" refers to a set of human behaviors which follow certain patters (rules, norms); the world of culture is therefore a world which blooms from actual human creations, from material and spiritual human activity[9]. It is the actions of individuals that create or promote certain patterns (norm, rule). As noted by K. Pałecki, these behaviors are transmitted "synchronously (i. e. within one generation) as well as diachronically (i. e. from generation to generation); they are relatively stable and relatively common. "[10] Following this assumption, law is a part of culture[11],

Instytucjonalny i kulturowy wymiar integracji prawnej, [In:] *Zmiany społeczne a zmiany w prawie. Aksjologia, konstytucja, integracja europejska*, red. L. Leszczyński, Lublin 1999, p. 36. [transl. This same *Institutional and Cultural dimension of Legal Integration*, [In: *Social Changes and Changes in the Law. Axiology, Constitution, European Integration*, ed. L. Leszczynski, Lublin 1999, p. 36.]

[1] A. Gryniuk, *Próba rozstrzygnięcia sporu o status kultury prawnej,* [in:] *Ze sztandarem przez świat,* ed. R. Tokarczyk, K. Motyka, Kraków 2002, p. 83.

[2] Ibid.

[3] See more in I. Gołowska, „A mixed system of Law" [in: *Legal System and Legal Order*, ed. O. Bogucki, S. Czepita, Szczecin 2008, p.80]; A. Gryniuk, „An attempt to resolve the dispute over status" p. 86. [trans. I. Gołowska, *Mieszany system prawa*, [w:] *System prawny a porządek prawny*, red. O. Bogucki, S. Czepita, Szczecin 2008, s. 80; A. Gryniuk, *Próba rozstrzygnięcia sporu o status...*, s. 86.]

[4] Compare L.S. Stadniczenko „The legal Culture" [in: *Juridical dictionary of difficult words*, Ed. by J. Boć, Wrocław 2015, pp. 199-200] [transl. L.S. Stadniczeńko, *Kultura prawna*, [in:] *Prawniczy Słownik Wyrazów Trudnych*, red. J. Boć, Wrocław 2005, s. 199-200.]

[5] More about the essence of the Anglo-Saxon law model and Continental law see M. Stępień, *Systemowość prawa europejskiego*, Poznań 2008, p. 45-58; R. Tokarczyk, *Współczesne kultury prawne,* Kraków 2001.

[6] I. Gołowska, *Mieszany system prawa...* , p. 83.

[7] Compare J. Pruszyński „The legal Culture - Cultural Heritage" [in: *The Law of the XXI Century. The Memorial Book of The Institute of Law of PAN,* Ed. By W. Czapliński, Warszawa 2006, p.670]. [transl. J. Pruszyński, *Kultura-kultura prawna – dziedzictwo kultury,* [w:] *Prawo w XXI wieku. Księga pamiątkowa Instytutu Nauk Prawnych PAN,* red. W. Czapliński, Warszawa 2006, s. 670].

[8] K. Pałecki, *O użyteczności pojęcia kultura prawna*, „Państwo i Prawo" 1984, b.2, p. 65.

[9] Comp. A. Gryniuk, *Próba rozstrzygnięcia sporu..*.[transl. „An Attempt to Resolve the Dispute ."], p. 82; A. Kłoskowska, *Kultura*, [Culture] [In:] *Encyklopedia socjologii*, [transl. The Encyclopedia of Sociology], Warszawa 1999, p.105; J. Szczepański, *Elementarne pojęcia socjologii*, Warszawa 1970, p.78; M. Zirk-Sadowski, *Prawo a kultura*, „Zeszyty Naukowe Uniwersytetu Łódzkiego. Nauki Humanistyczno - Społeczne", 1977, b.19, p. 36.

[10] K. Pałecki, *O użyteczności pojęcia kultura prawna….*, p. 68.

[11] More about the concept of culture and cultural concepts see M. Zirk-Sadowski, *Prawo a kultura*, „Zeszyty Naukowe Uniwersytetu Łódzkiego. Nauki Humanistyczno - Społeczne", 1977, b.19; also: V. Gessner, *Europäische Rechtskultur*, [In:] *Prawo w zmieniającym się społeczeństwie*, Kraków 1992, p. 289-295; A. Bator, *Wspólnota kulturowa jako element integracji prawa*, [In:] *Z zagadnień teorii i filozofii prawa. W poszukiwaniu podstaw prawa*, ed. A. Sulikowski, Wrocław 2006, W. Gromski, *Uwagi o podstawach europejskiej kultury prawnej*, [In:] *Z zagadnień teorii i filozofii prawa. W poszukiwaniu….,* p.240-242; M. von Hoecke, *European Legal Cultures in a context of Globalisation,* [In:] *Law and Legal Cultures in the 21 st Century. Diversity and Unity,* ed. T. Gizbert-Studnicki, J. Stelmach, Warszawa 2007, p. 81; . R. Sobański, *Kultura prawna Europy,* „Studia Europejskie" 1998, no 3.

because the standards contained therein belong to the general patterns which define the behaviors that make up a given culture. These are conveyed the same way as the other patterns of behavior (morals, customs, religion). The law has all the features typical to culture perceived as a category of "specifically social"[1] phenomena, but also the *differentia specifica* relating to the patterns of creation and application of the law, largely identical in the countries of a given cultural area, to the meanings attributed to the basic legal concepts, and to the ways of realization of the decisions which are made in the process of law application[2]. Legal culture is, thus, a rooted in tradition, common and inherited way a given society or its part understands the law with its role and function, it is how its norms and rules are shaped and how the law is applied and complied with[3]. In the anthropological approach, the concept of culture refers to a group of behavioral patterns and attitudes of individuals, and to the results of these behaviors and attitudes that express acceptance of social values[4]. Different views on legal culture are presented by K. Pałecki. In his definition of legal culture, it is not "a subset of symbolic practices which make up a culture," it is "the entirety of symbolic legal actions"[5]. Presentation of legal culture as "the entirety of actions" (instead of "the collection of patters"), according to K. Pałecki, allows to accept the "actual connections between these actions and culture and law"[6]. What must be remembered, however, is that legal culture is a fixed quality of certain, local environment. This is symbolic legal actions of a given collectivity in a certain time that realize patters of symbolic actions[7] contained in law. This is the reason why the term legal culture refers to the condition of applicable law, the development of legal thought, practice of law enforcement, evaluation and attitudes towards the law[8]. Legal culture is closely linked to widespread systems of values that determine the evolution of the legal system and social attitudes[9]. Both the Anglo-Saxon culture and the culture of *civil law* are a relatively structured systems of values of the primates and law-related ideas, which define the role and meaning of law in society, and which clarify the system of relations between citizens and the state[10].

Therefore, as indicated by M. Borucka-Arctowa, the cultural factor can be treated as a "variable, which allows one to capture a certain dependence and to explain the course of specific processes (. . .) and to respond to the traditions and associations with the past, and more specifically, to norms and institutions originating from the past."[11]

The consequences of the idea of convergence of legal cultures understood as bridging cultural differences, approximation of the law, and the concentration of unifying trends, can be observed in legal perspective which pertains to specific legal systems and to types, which in the case of European legal integration relate to the Anglo-Saxon and Roman-Germanic cultures. The idea of cultural convergence implies the dynamics of the convergence of legal cultures, their openness to change, interaction and interpenetration of cultural patterns, the removal of cultural and mental barriers. At the same time, the cultural convergence process should respect the cultural identity and the cultural core of societies. As K. Frieske stresses, the law and its variability, should be recognized in "the context of broader social processes, and more specifically, the processes of cultural change"[12], and such is certainly the integration processes between different cultures and legal cultures. Nowadays, however, societies are exposed to seemingly contradictory trends, such as locality (related to national cultural distinctiveness and problems emerging at regional level) and globalization (and macro-economic and political problematics, as well as decisions which are taken at the international level) which will have a major influence on the complexity of the cultures. Cultural anthropologists, however, agree that in order for a culture to develop, it must increase the role of borrowings from other cultures. This should involve a constant state of tension (dynamics) between locality, tradition and integration processes, and openness of legal cultures to co-exist and use the achievements of other societies. Moreover, together with the evolution of cultural patterns, there is a change in normative beliefs relating to legal actions

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[1] A. Gryniuk, *Próba rozstrzygnięcia sporu…*, p. 84.

[2] K. Zeidler, *Kultury prawne*, [In:] *Leksykon współczesnej teorii i filozofii prawa. 100 podstawowych pojęć*, ed. J. Zajadło, Warszawa 2007, p.162. [transl. *The Lexicon of Modern Theory and Philosophy of Law. 100 basic Concepts*]

[3] See more S. Russocki, *Around the concepts of "political culture" and "legal culture"*, „*The State and The Law*"1981, b.3, p.44 [transl. S. Russocki, *Wokół pojęć „kultura polityczna" i „kultura prawna"*, „Państwo i Prawo" 1981, z.3, s. 44].

[4] K. Pałecki, *O pojęciu kultury prawnej*, „Studia Socjologiczne", 1972, no 2, p. 215 and next.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Compare. A. Gryniuk, *Próba rozstrzygnięcia sporu…*, p. 84.

[9] K. Pałecki, *O użyteczności pojęcia…*, p. 66-67.

[10] K. Zeidler, *Kultury prawne,* [In:] *Leksykon współczesnejteorii …*,p.162.

[11] M. Borucka-Arctowa, *Problemy granic prawa,* [In:] *Problemy teorii i filozofii prawa,* Lublin 1985, pp. 54-55.

[12] K. Frieske, *Socjologia prawa,* Warszawa –Poznań 2001, p. 20.

associated with the area of law-making (for example, one can specify introducing typically continental legal principles to the Anglo-Saxon legal culture: the primacy of the law, the increase of legislation and the increase of its role in the financial and administrative law, strengthening the role of parliament in the traditional areas of common law, derogations of precedent by legal act), with models of law application (in the continental law, there is a visible increase in the importance of judges activism and non-binding precedents as the "topos" of law affecting the interpretation of the law, introduction of the extrajudicial methods of settling disputes - ADR - *Alternative Dispute Resolution* to the continental legal systems, increase of the transparency of decision-making, and the clarity of rules and rule-making procedures), with lexical layer (introduction of the traditional continental terminology to local culture: e. g. "*legal dogmatics*" next to "legal doctrine," "*travaux préparatoires*" more than "*legislative materiale*"; inclusion of the new types of legal relationships, such as "leasing", "factoring" "franchises" to continental contract law, keeping English terminology, the mutual introduction of the Anglo-Saxon terminology to the language of statute law - jurisprudence, adjudicate and non-adjudicate mode of law enforcement and others).

Thus, the assertion that "the balance between the legislator, judge and *the legal doctrine* has become quite similar on both sides of the Channel"[1] is appropriate for contemporary transformations. Adopting symbolic legal patterns of the Anglo-Saxon culture area may therefore influence the increase in numbers of behavior patterns within the continental culture, and vice versa. The convergence of ideas should result in the ability of using the heritage of other cultures, using achievements raised on existing patterns of local legal culture, but on top of it, using the exemplar belonging to a different legal culture.

Integration is an expression of an ideology upon which the European law is based. The law of Member States is the most important factor in the creation of the code of legal culture[2] which "transmigrates"[3] legal concepts of freedom, equality, humanitarianism and justice, and praxeological values such as efficiency, into the philosophy of integration. In a European perspective, it is noted that because of the human being standing in the center of interest and because of individual's dignity considered to be the leading value, "the law is no longer derived either from God or from the country, or even from a given community, it is derived directly from an individual. "[4] What attests to this view is the idea of a European personalism which indicates "the primacy of the a person as a subject, purpose and intellectual point of reference in the idea of law,"[5] as well as the system of human rights which is based upon the dignity of individuals, and which provides humans with advantage over the interests of the State.

European legal integration, which is based on the cultural core of the Member States[6] - Greek philosophy of law, Roman law, common law and the Judeo-Christian ethics, all designed and well-established in the national legal cultures, on one hand, aims at creating its own cultural code, its own EU "legal tradition" [7], on the other, is a measurable balance of homeostasis of national cultures, in a sense which meets the idea of convergence. Cultural changes, therefore, cause the transition from formalism, dogma and positivism towards materially-oriented and pragmatic approaches. [8] Therefore, in the culture of European law, the following may be observed: 1) strengthening of the argumentative model of law application in difficult cases of law, 2) horizontal arrangement of the sources of law, 3) horizontal, contractual- network system of legal

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[1] Ibid, p. 92.

[2] Por. A. Kojder, *Kultura prawna: problem demokracji i użyteczności pojęcia,* [In:] *Kultura prawna i dysfunkcjonalność prawa,* [transl. „Legal culture: The problem with democracy and the usefulness of the concept", [in: *Legal Culture and the Dysfunctionality of Law*], Warszawa 1988, p. 191.

[3] I. Gołowska, *Mieszany system prawa…*, p. 86.

[4] T. Kozłowski, *Spór o obecne pojęcie…,* p. 16; M. Sadowski, *Godność człowieka i dobro wspólne jako fundament wartości europejskich. Propozycje katolickiej nauki społecznej,* [In:] *Aksjologiczne i praktyczne aspekty integracji europejskiej,* ed. E. Kozerska i T. Scheffler, Wrocław 2007, p. 107. The idea of personalism normative grounds in the Treaty of Lisbon from 13.12.2007 amending the Treaty on European Union and the Treaty establishing the European Community (OJ. EU 2007 / C 306/01), the full text in http://WWW.eur.lex.europa.eu

[5] S. Pilipiec, *Autorytet prawa obowiązującego,* [In:] *System prawny a porządek prawny…,* p. 271.

[6] See R. Sobański, *Kultura prawna Europy,* „Studia Europejskie" 1998, no 3, p. 119; R. Tokarczyk, *Kultura prawa europejskiego,* „Studia Europejskie" 2000, no 1, p. 12.

[7] See M. von Hoecke, *European Legal Cultures in a Context …,* p. 81-100.

[8] Comp. M.W. Hesselink, *The New European Private Law: Essays on the Future of Private Law in Europe,* Kluwer Law International 2002.

relations, as well as the law treated as a cultural and communication (discursive) [1] object characterized by the impact of the activity of legal entities under legal regulation on a system of normative expectations included in the applicable law, 4) blurring of boundaries between the classical disciplines of law (thus, becoming a culture of interdisciplinary law)[2], 5) the activity of European courts closer to the tradition of *common law*, 6) the development of substantive law in the spirit of the continental tradition (harmonization of terminology), 7) the development of *soft law*.

European law is a reflection of the culture of many societies, which is why the European Union expresses, both in the Preamble and in Article 2 of the Treaty of Lisbon of 2007, the respect for Europe's cultural heritage, cultural diversity of the Member States and ensures constant development of Europe's cultural heritage[3]. These principles, being universal to the system of European law, base their axiological reasoning on the cultural core, assessments and values recognized in the Member States. These principles are a factor which limits the content of legal system standards, and respecting them is prescribed under the laws of the highest rank. [4] Cultural core of the EU countries may therefore indicate some general directives on the orientation of EU law-making and may influence, in an indirect manner (without being formal validation rules), the content and form of the systemic character of the EU[5]: its structural and institutional rules, types law sources, the basis of application and exemption, the mode of law application, the relationship of the Member States with international and national law, for the creation of transnational norms binding regardless of nationality. It may also influence the creation of transnational norms which are binding regardless of nationality[6]. Ensuring the homogeneity of the very system in many respects, such as the uniformity of understanding, application and interpretation of European law, and universal compliance with it, is possible thanks to the principles which have emerged from the case law of the European Court of Justice and which are a part of the *acquis communautaire,* and with which each Member must comply: the primacy of Community law over national law, direct application of the direct effect of Community law in the national law of the Member States, subsidiarity and proportionality[7].

III.

Integration processes, similarly to the processes of globalization, determine a process of enhancing the economic and political ties, influence the development of cross-border economic strategies, define and analyze current social and legal problems (decline in the social importance of family, increased gender equality, new definitions of marriage, migrations, computer crime problems), which are common to the Member States. Integration is the effect of the often mentioned exchange and transmittance of values and cultural elements. What is important in the integration process is for the idea of convergence to cover with its meaning both: the normative level of *"ius"* and *"lex,"* and social "modernization" of existing practices, local "habits" of decision-making. However, integration, in parallel with the processes of approximation of law, brings tensions between national law orders and EU law, which is the result of a "strong (Kelsenowski) content relationships" [8] of systems. Hence the view in the literature, that European law introduced into national legislation "remains an island

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[1] "The law is not presented as a ready object which is only recognizable by a lawyer, but as common meanings and symbols located in the discourse " - M. Zirk - Sadowski, „Legal positivism and philosophical opposition of the subject and object of knowledge", [In: *Studies in the Philosophy of law,* ed. J. Stelmach, Kraków 2001, p.95.
[transl. „Prawo nie jest przedstawiane jako obiekt gotowy i jedynie rozpoznawalny przez prawnika, ale jako sytuowane w dyskursie wspólne sensy i symbole" - M. Zirk-Sadowski, *Pozytywizm prawniczy a filozoficzna opozycja podmiotu i przedmiotu poznania,* [w:] *Studia z filozofii prawa,* red. J. Stelmach, Kraków 2001, s. 95.]
[2] See M.W. Hesselink, *The New European Private Law: Essays on the Future of Private Law in Europe,* Kluwer Law International 2002.
[3] See full text of the Treaty of Lisbon from 13.12.2007r. amending the Treaty on European Union and the Treaty establishing the European Community (OJ. EU 2007 / C 306/01), in: http://WWW.eur.lex.europa.eu
[4] Z. Ziembiński, *O stanowieniu i obowiązywaniu prawa. Zagadnienia podstawowe,* Warszawa 1995, p. 90-91.
[5] See more M. Stępień, *Systemowość prawa europejskiego,* Poznań 2008.
[6] M. von Hoecke, *European Legal Cultures in a Context …,* pp. 81-100.
[7] Zob. D. Kornobis - Romanowska, *Sąd krajowy w prawie wspólnotowym* [transl. „Domestic court in the Community law"], Kraków 2007, p. 17- 40; M. Masternak – Kubiak, *Stosowanie prawa wspólnotowego (Unii Europejskiej) przez sądy polskie,* [In:] *Standardy konstytucyjne a problemy władzy sądowniczej i samorządu terytorialnego, Konferencja naukowa. Szczecin, 1 October 2007.,* [transl. *Constitutional Standards and problems of the judiciary and local government, Scientific Conference*] ed. O. Bogucki, J. Ciapała, P. Mijal, Szczecin 2008, pp. 62- 84 and judicature appointed in both publications.
[8] A. Wróbel, *As far as possibile – granice aktywizmu sędziowskiego czy alibi dla pasywizmu sędziowskiego, czyli o niektórych problemach wykładni prawa krajowego zgodnie z dyrektywami,* [transl. „As far as possibile- limits of judicial activism or the alibi for the judicial passive

among the traditional industries of national law that become inconsistent and non-uniform due to divergent rules which underlie the principles of national and European rules"[1]. The tensions, which come to light, relate to the reception of concepts, principles and legal institutions developed in the integration process, and unclear methods of interpretation of new regulations. In the area of administration, the excessive amount of administration system regulations increases may be observed, together with the increase of complex procedures, formal requirements and modes of decision making[2]. In some continental models, the "habit of instrumental treatment of the law", excessive formalization, informal influences and political pressure within the processes law application are still present. The effects of integration processes, which are difficult to assess unambiguously, also include the following: the progressive phenomenon of decentralization of state power, the growth of importance of regions and smooth cooperation between regions due to the removal of borders, the emergence of multiple centers of power, the comprehensive nature of local issues, and the difficulty with their management at the central level, and especially the decline of the authority of the nation state. Meanwhile, the new concepts and principles developed in the integration processes ought to be "translated into the local legal language" in the spirit of a pluralistic legal culture, so that they can be compatible, as much as possible, with legal culture of European societies, with attitudes, behaviors and values expressed in it.

European culture is a creation of " unification values imposed from above conflicting with local values cherished from bottom-up. The face of this culture determines the variety of attitudes, behaviors, socio-political and economic activities"[3]. Therefore, what types of foundations hatch to underlie legal culture is crucial to many processes taking place in law: its creation, interpretation and its application. In the era of permanent conflicts and ontological insecurity, we should especially remember about it.

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attitude, that is about some problems with the interpretation of the domestic law according to directives"], [In:] *Dyskrecjonalność w prawie*, [transl. *Discretionary in Law*] ed. W. Staśkiewicz, T. Stawecki, Warszawa 2010, p. 106.

[1] M. von Hoecke notes that the period of the Middle Ages coped well with coexisting: canon law, local customary law and judges law due to the fact that they were interpreted and made more consistent, in the spirit of Roman law, see M. von Hoecke, *European Legal Cultures in a Context …*, p. 96. It therefore seems that the modern and uniform rules, directives and methods of interpretation of law are the best remedy for issues with law-making, not only by the state, but by international bodies or organizations, compare i.a. A. Wróbel, *As far as possible - "granice aktywizmu sędziowskiego …*, p. 108 and next.

[2] Interesting insights into the area of administrative actions related to the distribution of structural funds G. Skąpska, *Członkowstwo w Unii Europejskiej a kultura prawna. Refleksje oparte na wynikach badań nad rozdziałem funduszy strukturalnych,* [transl. „Membership in the European Union and a legal culture. Reflections based on the results of studies on the distribution of structural funds] [In:] *Dyskrecjonalność w prawie…,* p.173-186.

[3] A. Breczko, *Wpływ wartości chrześcijańskich na polską kulturę prawna i system prawa*, [transl. „The influence of Christian values on the Polish legal culture and legal system"] [In:] *Polska kultura prawna a proces integracji europejskiej,* [transl. Polish legal culture and process of European integration] ed. S. Wronkowska, Kraków 2005, p. 269.

Reflections on Movement Patriotic in Elbasan in the Years 1909-1910

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Abstract

The development of education in the Albanian territories under Ottoman Empire witnessed a rapid evolution after the announcement of Hyrjetit (the Turkish Constitution of 1908). Thus, in the years 1909-1910 patriotic movement in the Albanian territories will mark a new phase of her, revealed at the opening of schools and courses in Albanian language in the new conditions of constitutional freedoms. In this period, through the organization of the Congress of Monastir displayed in 1908, was unveiled final resolution of the case and the use of a common alphabet writing Albanian language. But despite such a situation, Albanians will not enjoyed for a long period of so-called constitutional freedom. The Young Turks (Young Turks) newly consolidated their political positions in the Ottoman Empire, tried with any form to prevent the spread of great little bit he received learning Albanian. In the years 1909 - 1910, the Albanian National Movement difficulties faced even greater. Through this work we aim to highlight not only the achievements of the patriotic movement in the region of Elbasan Albanian education center, but most are focused on coverage of issues; obstacles and difficulties faced by the patriotic movement in this region in the years 1909-1910. The Young Turks use of all forms and, using all opportunities to curb educational movement in the region of Elbasan, using new tactics more sophisticated you put sticks under the Elbasan Patriots wheels. But it must be said that at the same time, taking advantage of the weaknesses of the Albanian patriotic movement, contradictions and differences that existed between the Albanian political elite of the time. Meanwhile, in moments when new tactics did not give the expected result, they turned to old methods of violence and terror.

Keywords: Hyrriet, Young Turks, Congress Monastir, Club poor.

- **Introduction**

In the years 1909- 1910, the educational movement on Albanian territories had a significant evolution; through the creation of a vast network of clubs and patriotic societies, through the opening of some schools and night courses in Albanian and moreover, culminated with the opening and operation of the first Normal School[1]. Such progress of educational movement in this period, did not happen in a pacific way but was accompanied by several obstacles and difficulties; The first reason was that The Monastery Congress in 1908 did not resolved the issue of the Albanian language alphabet. In the years 1909-1910 the involvement of the Young Turks on the solution of this problem, as a supporter of the Arabic letters on the Albanian lettering , will become a subject on the irritation of the relations between Albanians (who were supporters of the alphabet with Latin letters) and Young Turks, taking the size of an already open conflict. Secondly, it must be admitted that there were divergences of different natures between the Albanian patriots. Moreover, some of them resulting networks members of the Turkish clubs. Meanwhile, the rest of the Albanian political elite forecast the future of Albania with the support of one or another European power if not the Balkans. Thirdly, if in 1908 the Young Turks allowed Albanian's opening the Albanian schools, clubs, patriotic and cultural societies, during 1909, the inability to close them, the Young Turks will change tactics. Thus, to the creation of a network of Albanian clubs, Young Turks will resist by supporting the creation of clubs that represent and protect their interests. Meanwhile, as the French researcher Clyer says: *" The Young Turks tried to take control of the Albanianism activities, or tried different ways to weaken it. "*[2]

Such a situation will be present at the same time in the region of Elbasan, where in the years 1908-1909 were created and exercise their educational , patriotic and cultural activities several important clubs and societies in this region, working

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[1] Normal was the first Albanian school under the Ottoman Empire repressor

[2] Nathalie Clayer, *At the beginning of Albanian nationalism, birth of a majority Muslim nation in Europe*, Tiranë, "Përpjekja" 2009, f. 556

closely with patriotic clubs and societies in Albania and abroad. Such were the "Bashkimi" club, "Vllazeria", "Aferdita" society, "the sun", society etc. [1]

- **"Club of the poor"**

Referring to domestic resources of that time, in Elbasan in 1909 witnessed the creation of a new club known as "Club of the poor". Interestingly, this club is not figures on the network of patriotic clubs operating in Elbasan in that period. Also, scholars who have written before '90 and have treated and reflected concerns of networks of clubs and societies created in Elbasan during that period, do not inform us about the creation of this club and moreover to its functions and activities.

Referring to the approach the relevant documentation, this club turns out to be created on 17 June 1909[2]. More complete information for the physiognomy of this club is found in the pages of the "Union of the Nation" newspaper dated October 1, 1909 and published in Bitola under the title "CALL TO ALL ELBASANIAN OUTSIDE ALBANIA". In this publication, "Club of the poor" appear to us as a club with a special physiognomy, resulting as a charitable or human nature club as found in his revealed call, stating: *"To be helped all those poor in difficulties without looking on their religion The club will help the sick people, innocent prisoners, the ones who can't pay the king's tax, the ones who can't feed themselves or their family and the mosques and churches that can't afford the expense "[3]*. For this purpose, "Club of the poor" through his call would require financial support to all Albanians at home and abroad. Also, referring to the Statute of the club determined not to accept as members representatives from other social levels, but only who were considered poor, regardless of their financial contribution[4]. Meanwhile, in terms of the character of the "Club of the poor" French researcher Clayer, suggests that this club was specially created by the Young Turks, as a means of pressure on the Albanian clubs and societies that were created in Elbasan at that time. For this problem Nathalie Clayer, wrote: *"The Club of the Poor was created by the Young Turks in order to fight Elbasan patriotic clubs and also deal with acts of philanthropy"[5]*.

In this case, we think that the patriotic club referred by researcher turns out to be the club "*Vllaznia*"[6], which according to Clayer, was very active under the direction of Lef Nosi, while the president of the club described as a "less patriotic"[7] mister. And as to the purpose of *The Club of the Poor*, Clayer stated that: *"Finally, the Young Turks, to oppose this latest initiative created " The Club of the Poor ", whose shade was too Islamic"[8]*. Thus, time sources confirm the fact that "" The Club of the Poor ", created two months after the creation of the club "*Vllaznia*", as an attempt to establish the Young Turks against rival Albanian patriotic clubs, including to poor sections of the population.

Having consulted the relevant archival documents, which reflects the all inclusive activities of patriotic clubs and societies in this period in Elbasan, it turns out that in any case does not appear any moment and relationship or cooperation between them and "*The Club of the Poor*". Moreover, does not result any information regarding this club directors, whose names, we think, were kept secret. In this context, our opinion regarding The Club of the Poor's physiognomy, resonates with the Clayer researcher's opinion. When we make such a claim, despite the above arguments, we highlight the fact that the club had good relations of cooperation with the Young Turks club "*Ihhitad*" in Elbasan.

- **The conflict over the alphabet issue**

However, it must be said that the rivalries between the Albanian patriots and the Young Turks in the years 1909-1910, in many cases will become open clash between them. In 1910, the Albanian patriots faced a very important and delicate problem, which had to do specifically with the protection of Albanian writing with the Latin alphabet. In this context, the tensions between the Albanians and the Young Turks regarding the problem of the alphabet which already existed, reach their peak. It must be said that in this conflict between Albanians and them, Young Turks also had the support of some Albanian deputies among them those from Elbasan. Expression of these frustrations will be organized rallies to promote

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[1] A.Q.SH. Funds (Patriotic clubs and societies) 102, Doss.75.

[2] AME, Dossier 14. f. 7. Political and Social opinion of the Albanian Renaissance 1908 – 1910, Zihini Haskaj, II Edition, Tirana 1976, 463, is known as ''The club of the Poor''

[3] Political and Social opinion of the Albanian Renaissance 1908 – 1910, Zihini Haskaj, II Edition, Tiranë 1976, 463

[4] Ibid.

[5] Nathalie Clayer, 136

[6] "Vllaznia" club (meaning Brotherhood) was created in April 1909 in Elbasan.

[7] On the referred source the president of ''Vllaznia'' club was Dervish Ibrahimi (mr. Biçaku).

[8] Nathalie Clayer, 611.

the Young Turks in several cities against the use of the alphabet with Latin letters. In this propaganda, against the use of the Latin alphabet they tried to use especially the Muslim fanatic element, linking the use of the Arabic alphabet on the writing Albanian language on religious issue and considering infidels who would write the letters of the Infidels (Latin). Such a statement was made present at this time in the reports of the Austro-Hungarian consuls in Albania, who said that *". . . Their[Young Turks] undeclared goal is sparking religious fanaticism of Muslims to exercise a paralyzing effect on Albanian cultural progress "[1]*.

In this context, since the beginning of 1910, with the support of some Albanian MPs among them, Mahmut Bedri from Peja, Haxhi Ali Elbasani, Fuat Pasha from Pristina, Sait Efendi (Idris) from Skopje, Riza Efendi from Shkodra, Young Turks will require at the Turkish parliament the writting of Albanian with Arabic letters. [2] Regarding to this problem in the "*Surl*' newspaper was said: *"Haxhi Ali [Elbasan] with 13 other fanatic deputies, officially asked the government to write Albanian with Arabic letters, because otherwise religion would be damaged"[3]*. Thus, after the law passed in parliament, the Young Turks, through the club "Union and Progress" which had branches in many Albanian cities and representatives supporting Muslim clergy, did not delay to implement the use of the alphabet in the Albanian language.

Through the resources of that time is concluded that, in Elbasan supporter Arabic alphabet letters, was noted the Muslim cleric Haxhi Hafiz Sulejman Kungulli. He, enjoying full support of the Elbasan deputy Haxhu Ali, will be described as the organizer of a rally against the latin alphabet - based characters. Such an attitude of Hafez Kungulli is reflected in the "Sun" newspaper in an article titled: *"Betrayer Hafës Kungulli and Elbasan fanaticsrally "[4]*. Also, the austro-hungarian consul in Durres about this organized rally would be expressed: *"Elbasan one of the pealing of national efforts, wherein the tolerant religious elementis less balanced with fanatical element, will always form the object of the anti Albanian attacks of Young Turks "[5]*. Thus, on February 3, 1910, in Elbasan would be organized a rally supporting of the Arabic alphabet lettering. According to information Austrian Vice Consul in Durres in this rally had not more than 200 people, while in terms of the composition of the participants result that most of them were peasants from Çermenika[6]. In a speech from Hafiz Kungulli in the rally was said that *"there should not be left Haxhi Ali, our father alone, what he does, we should hear him. Today is asking us to seal these two letters, (of which one o the was sent to Haki Pasha and the other to Haxhi Ali), these two laws in order to write the Albanian language according to their rules "[7]*. Elbasan deputy Haxhi Ali's attitude will be reflected in an article published in the "Union of the Nation" newspaper stating: *". . . Yes, Mr. Haxhi[8], the diplomat from Elbasan went further, asked artificial testimony by çermenikas, here in a chapel, got together and put their stamps over some card, which himself had sent in order to be sent as a telegram to the government. "[9]*As found in this document, incentive to oppose the usage of latin letters in writing Albanian language, became especially the appeal of Elbasan Senator and deputy, Haxhi Ali, directed imams of the fanatic muslims.

A month after this event in Elbasan, the Elbasan deputy Haxhi Ali Elbasani will lead society named "*Mahfeli*" created in Istanbul in March 1910, with the intention of writing Albanian language in Arabic letters[10]. Meanwhile in the newspaper "Sun" his election as deputy regarded as a mistake of Elbasan citizens. [11]

But the organized rally for the protection of the alphabet with Arabic letters couldn't avoid the reaction of the people of Elbasan and its provinces patriots from Gramshi, Shpati, Çermenika etc. It must be said how fast this reaction as "*two days*

[1] Ibid. Letter sent to the Ministry of Foreign Affairs in Vienna, Durrës, 11 March 1910.

[2] AME, Taken from the Study –Some aspects of the Albanian alphabet issue war in Istanbul,of Hasan Kaleshi, ''Shqiptari'' Newspaper, Thursday 18 February 1910.

[3] ''Sun' Newspaper , Boston, 25 March 1910.

[4] Ibid.

[5] HHSTA/PA. Austro-Hungarian consul . raport, Durrës 11 March 1910. Albanian language alphabet and Bitola Congress. Work cited, 394.

[6] HHSTA/PA Vienna's Archive, Durrës Vice-consul's information, 11 April 1909.

[7] ''Korça'',Korçë nr. 34, 12 February 1910. Author: Krasta.

[8] Haxhi Ali Elbasan was the deputy of Elbasan in the Turkish Parliament. He was the president of. Mahfeli society, which was organized in the beginning of 1910 in Istambul, which became the center of Arabic alphabet propaganda. According to Sejfi Vllamasit this club (society) was created in Aksaray in Istanbul.

[9] "Bashkimi i Kombit",.Bitola nr.27 March 1910..Political and Social opinion of the Albanian Renaissance, article summary , Tiranë, 8 November 1976, 550.

[10] ''The History of Albanian People'' work cited , 421.

[11] "Sun" Newspaper, Boston, 25 March 1910.

later, - says vice council of Durres – *Important people of Elbasan and patriots gathered around thence clubs and organized a public rally with a large attendance which ended with the delivery of telegrams to Albanian Prime Minister and deputies "[1].* He estimates the participation in this rally about 2000 manifest.

Thus, the people of Elbasan, massively supported by the population of the province of Gramsh and other regions, will protect the writing of the Albanian language with the Latin alphabet. Among the organizers of the rally are mentioned the names of Lef Nosi, Beqir Plangarica, Muç Shqiptari Ali Ciftja, Ali Celirama, Nexhip Haxhiademi etc. As the leading role of the elders of the rally result Dervish Biçakçiu, Galip Bey, Mahmoud sheh Guma, Beqir Mezja, Emin Haxhiademi etc[2]. An event of such dimension is reflected in an article titled "patriotic rally in Elbasan" published in the newspaper "Sun", where among other things, assess the role and the contribution in this meeting of the important people of Elbasan claiming " . . . *joined the quickly also the hones important people of Elbasan, who almost was the soul and the heart of the national movement of these days "[3].* Even in the newspaper "Freedom" of Thessaloniki reflected the organized rally in Elbasan against the use of the Arabic alphabet for writing the Albanian language : "*The script that comes from the government says: After this Albanian language will be taught with Arabic letters only to them who like to learn Albanian . . . if they don't want, is better.* " According to this information the rally for the protection of the alphabet with Latin letters was held on 4 February 1910[4]. Also, on the issue of Albanian alphabet, Jacques Edwin (Edwin E. Jacques) on his monograph "Albanians" wrote: "*At that time no one could have imagined that in 1928 (so 18 years later - St. Our) Mustafa Kemal would require Turkey to write his own language with Latin letters thus following the example of its former vassal ".* [5]

It must be said that through the relevant documentation about the rally in question, different sources give different opinions in tors of the date of holding the rally in support of Latin letters and the number of participants in it. Some of these resources write that the date of the organization of the rally is 4 February 1910, while other sources write the date February 5, 1910[6]. Also in terms of the number of participants in this rally, there is the same problem that is reflected in data inconsistencies. Thus, in Durres's vice-consul information on the number of participants in this rally, is given a number nearly 2,000 participants, while newspapers *"Shqiptari"* gives a number about 10,000 people,[7] while in other sources as well as the newspaper "Sun" of Boston was given a number of participants about 7,000 people. Also, the letter sent by the club "*Bashkimi*" and published in the newspaper "*Tanin*" in Istanbul on February 20, it was claimed that: *"On February 5, all chiefs, sheikhs, merchants and guilds, as well as the population of the villages held a rally in which vowed to preserve the Albanian alphabet used for 40 years . . . .* [8]

But despite such a problem, it must be said that this rally to the extent that he had received and echoes inside and outside the country, can be considered as largest ever organized rally in Elbasan, which were made for the protection of the Latin alphabet on writing Albanian language. Regarding the echo that this rally had, in and out region of Elbasan and in the diaspora, on February 11th, 1910 the newspaper of Istanbul "Shqiptari" , assessing the activity of Elbasan people would write: *"The behaver of people of Elbasan honors us . . . . that holly place is the light of Albania and the heart of all its desires ".* [9]

Also, the Austro-Hungarian consul Pallavicinion his information sent to Vienna on February 1910, stated that: *". . . The Young Turk's"Tannin"saw himself compelled to express the opinion that the right to use Latin letters to write the Albanian seems justifiable for language technical issues. If it formally presents the Young Turk Committee official's view, the article of the newspaper "Tanin" will temporarily resolve the conflict of the alphabet in favor of Latin letters ".* [10]Also, in the

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[1] HHSTA/PA, Vienna's Archive, Durrës Vice-consul's information, 11 April 1909.
[2] Elbasan- Encyclopedia, work cited, 117.
[3] "Sun", Newspaper, Boston, 25 March 1910.
[4] " Lirija", Thessaloniki, nr.75, February 1910. Author: B.R
[5] Edwin E. Jacques, *Albanians*, II Edition, Abraham Lincoln Fondation, Tiranë, 1995, 449.
[6] ''Lirija'' Newspaper in Thessaloniki as the date of its organization, gives 4 February 1910, while the newspaper. "Tanin" in Istanbul gives the date 5 February 1910.
[7] At 11 February 1910 the patriot Dervish Hima wrote on the newspaper of Istanbul ''Shqiptari'' : From Elbasan they inform us with a telegram that had been a rally to protect the Albanian letters. More than 10 000 people participated and lots of words was said… ''
[8] AME, Hasan Kaleshi, "*Some aspects of the Albanian alphabet issue war in Istanbul*".
[9] The newspaper ''Shqiptari'' in Istanbul, 11 February 1910, Elbasan's Library.
[10]HHSTA/PA Pallavicini consul's rapport, Istambul February 1910. ''Albanian language alphabet and the Congress of Bitola'', work cited, 391.

newspaper "Dielli" was estimated the participation in the rally of school Idadije students in Elbasan mentioning the names of the "fifth row" students, more specifically the names of Emin Haxhiademi, Kamber Dardha and Kostandin S. Cipos. [1] It must be said that on the response that Gramsh patriots gave to turkman council on their request to support the Arabic letters was stated*: "With great pleasure we submit that there is no people to attend as required, so we return this proposal".* [2] Also, in the press of the time were reflected the protests sent by Albanian representatives abroad, members of the Ottoman parliament against their attempts to impose the Arabic alphabet. Such a protest sent on behalf of Constance Albanian society is reflected in the newspaper "Albanian" published in Istanbul and in the newspaper "Bashkimi i Popullit" published in Bitola. [3]

The summer Young Turk expedition of 1910 not only didn't allow their implementation, but also arbitrarily closed the Normal school in September 1910, with the motive that its activity was "dangerous to religion and the constitution"[4]. Through such an action, only using force and violence Young Turks would temporarily inhibit the educational movement in Albania, while such a situation will serve as a catalyst accelerator towards the organization of the Albanian uprisings. In this context, in September of 1910 in Elbasan was declared a state of emergency and kept the city surrounded by the regiment. 7 The First Army Corps[5]. Sources inform us about the priest of Elbasan, who was moved to the Greth of Kavaja, was brought in Elbasan as wanted, but was acquitted versus a commercial guarantee. [6] As a result of such a situation, most of the Elbasan patriots and Normal school's teachers, to escape repression expedition of Turgut Pasha, fled abroad. Such were Luigi Gurakuqi, Alexander Xhuvani, Dervish Biçaku, Aqif Pashe Elbasani etc. Those who remained were physically abused or were deported to Anatolia. Lef Nosi, director of the "Tomori" newspaper was exiled to Bruce, while Simon Shuteriqi was physically mistreated. Moreover other patriots of Elbasan suffered the same fate. [7]

Conclusions

Passing from the end of the IX century to XX century, national movement in the region of Elbasan marks the transition from of a spontaneous character movement phase but with a specific purpose and objective, consistent with the Albanian national movement, toward an organizational character movement, which shaped and appear in spatial boundaries within and outside this country. The contribution of this region is present in almost all the important events of the Albanian National Movement that takes part on the period treated in this thesis often being put on top of them.

The movement for the alphabet, Albanian language and writing, would be considered already at the beginning of the XX century not only as a real language issue, but will take the size of a political nature movement, by interfering directly in solving common problems. This is because of the most known fact, that under Ottoman Empire repression, Albanians were denied from their language and Albanian schools. To Albanians was denied the Albanian language, because it was a clear expression of national identity and Albanian schools were denied because they are the institutions within which this identity would get full affirmation in the function of a significant political process.

Movement for the Albanian alphabet and writing in Albanian territories as the most important problem of the Renaissance, has its prehistory associated with solving the issues that along the XIX century would go beyond individual initiatives.

After the announcement of Hyrjetit (Turkish Constitution on July 23, 1908), in the framework of constitutional freedoms which would turn temporary, Albanian National Movement will be reorganized to show some features that consist of the following ways:

Firstly, from an illegal movement, after 1908 Albanian patriots would develop their activities in terms of constitutional freedoms undergoing a significant evolution in organizational terms

[1] "Dielli", Boston, 25 March 1910.
[2] "Lirija", Thessaloniki, 10 May 1910.
[3] Acts of Albanian Renaissance, work cited, 207- 208.
[4]"Bashkimi i Kombit" Newspaper, nr. 26, Bitola, 4 March 1910, 2.
[5] HHST/PA nr.39, austro - hungarian consul's rapport, Durrës, 25 September 1910.
[6] Ibid.
[7]AQSH, F.3, Doss.45 p.9.

Secondly, if before 1908 the Albanian patriots carrying out their activities in exile after 1908 their activity would be recorded significantly in the Albanian territories by creating patriotic clubs and societies. But it must be said that such a process would be found also in the center of the Ottoman Empire

Thirdly, through the intensification of the Albanian patriots activity would be created a dense network of organized Albanianism activities which included patriotic-cultural organizations that would significantly contribute to the strengthening of national identity among Albanians.

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[10] ''The Sun'' Newspaper, 1 October 1909

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[12] ''Korça'' Newspaper, Korçë 1909

The Necessity / Need of Strengthening the Applicative Character in the Scientific Research in Geography

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Abstract

The revolution of research, precisely, the revolution of knowledge has been transforming the role of modern universities in Europe and farther. Nowadays, it is emphasized the need to revise the whole process of research – technology – production. The enhancement of human knowledge is a consequence of the changes and transformations being done in all aspects of the practical life of the society. A quick development has accompanied the direct or indirect geographical group sciences. Among the widespread fields of study introduced nowadays, it is hard to find another field of study, which is more interdisciplinary than the one being discussed. Albania is trespassing another stage of social and economical transformations, and this is due to political changes undergone in the years 1990-1991. This stage is followed by other new changes which require further scientific studies based on specific topics. An important step has been done in the regional tackling of problems, where it was estimated the interdependence between the geographic environment and the demographic and economic development of specific regions. Such studies have been done in the field of tourism, a field much explored in the aspects of natural and cultural inheritance. The scientific research in Geography needs to be developed through detailed analysis, which is based on primary and secondary data. These data should be well interpreted from a contemporary point of view, characterized also from physical and geographical transformations, as well as social and economical ones. Although the curricula of Geography in Albanian universities has undergone several changes, (a lot of subjects have been added to the curricula), their effect on the scientific research has not been so much reflected. The field of the applicative scientific research in Geography is broad, because the object of Geography is broad. The applicative scientific research of Geography in Albania will give importance to the role of the geographer, especially in different levels of decisions. The paper will show concrete arguments for the necessity of strengthening the applicative character in the scientific research of Geography in our country.

Introduction

Universities nowadays are facing big challenges. The research revolution, or the revolution of knowledge, is transforming the role of the modern universities in Europe and worldwide. Naturally it has come the need to revise the whole process involving research– technology – production.

The development and the progress of the human knowledge is a result of the development in all aspects of life. A quick development has characterized geography as well, which involves in itself physical, natural and human aspects by making geography a science with a typical interdisciplinary character.

Albania is passing through another phase of social & economic transformations, as a consequence of the political changes happened in 1990 – 1991. The transformation is followed by a series of positive changes, nevertheless that a lot of problems are faced as well in the political, social & economic life of the country.

This phase of transformations needs to be carried out scientific studies and researches to reflect the development happening so far and at the same time to provide solutions for different subjects, practices and fields of life.

Aspects of the applicative Geography

The Albanian Universities and High Education in general in Albania, possess very few elements of scientific research. In our universities prevails the classic element of preparing specialists in different fields, while in relation to text-books and publications prevail the descriptive ones and not the scientific solutions. This can be clearly seen in the doctoral thesis presented lately, where the conclusions and the recommendations are generic ones with very few practical ways for solution and with little utilitarian values.

The same situation prevails in geographic studies as well, in relation to the applicative aspects. Such aspects are noticed to be few.

An indicator of such a perception is the measure taken by the Government to close down the Center of Geographic Studies by melting such a center with the University Departments of Geography, aiming at an integration of lecturing with the scientific research. As a matter of fact the expectations were not achieved.

Profiting from the world best experiences and achievements in the field of regional problems treatment, especially concerning the focus on the inter-relation features existing between the geographic, demographic and economic development of some specific regions. Such studies and scientific researches are conducted in the field of tourism, which is a potential field for our country as well based on the characteristics of Albania in different aspects of natural and cultural heritage.

There are not conducted yet basic studies from a regional perspective. For example: In the subject of 'Geography of Albania" the Physical Geography part is treated separately from the "Human Geography of Economic Aspects". As a result the Physical Geography divides Albania in four physical-geographic counties, while the "Human Geography of Economic Aspects" divides Albania into five economic regions. Some studies should be undertaken for small areas as well taking into consideration the sustainable development and its alternatives based upon the profile or the peculiarities of the zone.

Object of the geographic scientific research in Albania should be the aspects related to the high speed of urbanization of certain areas of the county, which is happening quite more fast as compared to the general rates of the growth of the population. There is not conducted any applicative research in the field of geography to explain typical examples like the growth of the urban population of Albania from 30% at the beginning of 90', into 52% in our days, or to treat the factors that explain why 1/3 of the population of Albania lives in Tirana.

Another object of scientific research is the unusual intervention of the society in the environment by bringing as consequences the phenomena of pollution, degrading of certain areas and deforestation in relatively large zones.

Management of joint waters (rivers, lakes) is very important to be part of applicative scientific research. This is related to cross-border cooperation as an alternative of development and integration in EU. Such a cooperation is in need of applicative studies related to concrete examples like the case of Radika river in Macedonia. Radika river is part of Drinit i Zi river basin, and a branch of this river as well. The deviation of Radika river will have an impact in the hydrologic regime of Drini river. The same can be said in relation to the plans for the deviation of the upper part of Vjosa river within the Greek territory as well. If the deviation happens, it will have an impact on Vjosa river hydrologic regime given the fact that the biggest part of this river belongs to Albania.

Despite of the reactions of the social society, it is a duty of the scientific institutions and of the central decision-makers to create the proper conditions for the development of a qualitative scientific research.

In such situations it is a necessity that the scientific research should be in the guide and speak loudly despite the pragmatic and subjective attitude of the political class that is more based upon the pragmatic decisions.

Providing solution, or recommendations through suggesting alternatives should be the approach of the applicative researches. Such researches should never be focused only upon the identification of the issue, or upon giving some vague and generic recommendations.

Why applicative Geography?

There is not a final definition for Geography in general and for the applicative Geography specifically. The applicative geography is not part only of one branch of geography. Elements of the applicative geography can be found in every field of the geographical research, including physical & human geography. Since 1970, A. Kuhn among other things said that: "Applicative geography is always a child of its time".

Space Planning – is the main field of the application of Geography. The concept of the applicative geography includes making use of geography in resolving the space issues of the society (H. Gotz – G. Von Rohr). This is the primary field of the applicative Geography. Space Planning is not only related to the physical and natural features, or just related to geographical distribution, but it includes financial planning, human resources planning, etc. . The administrative & territorial division of a country based upon the geographic position, on the physical and natural features, on the economic tradition and on ethnic and cultural characteristics is an example that explains the need for applicative geographic researches in Space Planning. Geography should lay down problems for solution, by offering suggestions and alternatives through applicative researches. Steps including the envisage, the evolution and the planning in relation to a certain issue/problem may be defined as applicative Geography. So the applicative Geography should be understood as an instrument that specifies the future development.

Market economy needs the use of the applicative Geography. The main conflicts in relation to space/areas are: "Economy towards ecology", "the current tendency of overpopulating some specific areas/zones", "the protection and an efficient management of the natural reserved areas", "The village going towards the city", "the mountainous and remote areas are not taken into consideration from the point of view of development, but are abandoned massively". This phenomenon is noticed in a lot of countries under development.

Examples of the need to use the applicative Geography researches can also be found a lot in the regional level. Shkodra low land region is in need of comprehensive applicative geographical researches. Such a zone suffers from frequent floods. It's a zone where the waters of Drin & Buna rivers meet. This region "suffers" from the problems existing even in the sectors of the upper flows of these rivers. This region is characterized by some tectonic fractures, longitudinal and transverse ones, which generate earthquakes. So undertaking applicative geographic researches on the issues and problems mentioned above would be a great help for the strategic approach how to reduce or eliminate the consequences.

A quick dynamics is happening at the Adriatic seashore. The sea in some areas has progressed a lot, and in some others has gone back. Applicative geographical studies are needed to define not only the annual speed or the decade speed of the sea erosion and its direction, but it is very important to deal as well with the alternatives how to manage the situation. The geographer (specialized in geomorphology) has to play a primary role. The reasons are of a global, regional and of a local nature. Applicative researches are needed in relation to different phenomena (for example related to excavation of the riverbeds to profit construction material from them).

Applicative geographical researches are necessary to offer practical solutions in the social & economic field as well. Such studies are more than welcomed for the mountainous zones especially related to the movements of the population and the measures for the future. In Northeastern part of Albania applicative researches with a regional character can help the state institutions to play the proper role and to undertake the necessary measures to address such a situation. Another field of applicative researches with a regional character where geography is a necessity is the construction of HEC-s (Hydro Electrical Centrals) for the production of the electric current. There were planned to build about 200 of such kind of small HEC-s in Albania. A lot of problems coming as a consequence of the construction of such a big number of them are possible to be solved through the geographical researches, because we, the geographers, are convinced that very few of such HEC-s have taken into consideration their impact on the environment.

In Albania, in the working groups for Census 2011 and for the new administration & territorial division, were not involved geographers at all. Geographers tried to write some articles in the media and to express their views in relation to the criteria used and to the decisions adopted. But there was not taken into account any geographical applicative research.

How can be treated an object of a geographic interest? A "possibility" is a "perspective". Out of this "perspective" it is defined the research methodology (Borsdorf A.). The geographic substance has a lot of specific elements that should be described and studied according to the form and the content.

Another field where the applicative Geography can give its contribution is the tourism in Albania and the protection of the environment. Such researches can help on practical terms how to apply the tourism offers, based upon the natural, economic and social conditions of the country. Geographers can introduce EU best practices as well in such a direction.

The scientific research in Geography is in need of becoming more applicative, by offering specific analysis, based on primary and secondary data interpreted in compliance with contemporary standards/requests, especially on issues related to the environment protection, to the social & economic transformations causing consistent changes in the Albanian geographical areas.

The curricula of geography in the Albanian Universities has undergone a lot of changes through introducing new subjects by aiming to regulate the percentage between theory and practice, but these changes have very little included the impact of the scientific search. The research work starts since in the high school while in the University it should be applicative as well. In the German-speaking countries of Europe, about 50% of the students who study Geography in their thesis and in their Diplomas are oriented towards the so-called "Diplom Arbeit in angewandte Geographie". A lot of universities in these countries prepare new specialized geographers, especially related to space planning issues.

In Albania as well, there are some positive signs because more and more new scholars are being involved in applicative geographical research, especially by applying the new methods such as GIS, ICT, etc. This can be easily noticed from the presentations of these scholars in different national and international seminars, workshops conferences, or from their participation in different regional applicative projects.

Employment of geographers

In Albania the employment of geographers is mainly in the education sector, while their employment in the national or regional institutions is rare at a time that their applicative contribution is a necessity in the institutions responsible for:

- Planning of the territory;

- Assessment of natural and human resources;

- Development of tourism;

- Management and protection of environment and of the natural heritage;

- Data and statistics elaboration (INSTAT)

- Preparation of maps through GIS technology.

But geographical studies in general, in Albania, are far from being exhaustive (Laçi. S), while in some aspects such studies are still in their first steps. [1]

In the world there is a variety of opportunities in the Labour Market where the geographer can be employed

Geographers can apply their knowledge in practice and can give their applicative contribution in a lot of important alternatives including a lot of fields and activities such as:

Planning of the territory

- Planning of the territory and protection of the environment;

- Planning of construction and sheltering;

- Complementary activities in relation to space organizing.

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[1] "Geography and the University Geographic Education in Albania during the period 1990 – 2012"

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Applicative researches

- Research on road trafficking, telecommunication, etc;

- Tourism, management of tourism, sampling;

- Property Market analysis and house building needs.

Environment and the territory

- Geology, geodetics, echo–systems, echo-management, environmental economy;

- Earth science, climatology, hydrology, measures for protection from floods, protection from avalanches ;

- Research on risk assessment , calculation of damage costs ;

- Management of protected zones.

Interdisciplinary cooperation

- Cooperation on development issues, on project management, etc. ;

- Cooperation with NGO-s

Management

- Management of research programs (national and international ones);

- Management of natural disasters consequences.

Counseling

- Counseling activities

- Project drafting/designing

- Facilitation of activities

- Public relation counseling

Information and documentation

- Contribution in written and electronic Media

- Lecturers, text-books writers

- Coaching practical activities

- Contribution in libraries, archives offices, State Information Service, etc

Exploring

- GIS and IT

- Cartography

Teaching & research in education Institutions

- Universities, High schools, Researching Centers

- Technology implementation, cooperation between the economic activities and applicative geography researches

- Scientific research process in the Universities

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- Data collection and project-based initiatives with public & private professional high schools

- Publication activities.

(The idea is taken from **Axel Borsdorf** and is further elaborated)

Conclusions and recommendations

- Scientific research scope in Geography, with emphasis on the applicative forms, is very wide, as it is the objective of study of Geography as a science.

- The applied Geography can serve as a bridge linking the natural sciences with the human ones in general.

- The applied geography will introduce in Albania as well the role of the geographer in decision-making process on a lot of issues.

- Nevertheless, the applied geography in Albania is in different modest levels, so it is a necessity to develop the forms of the applicative geographical research in a lot of fields of life and scopes of activities.

- It should be aimed at the integration of the applied geographical researches into the complex and comprehensive regional and national studies through cooperation with other specialists involved in similar fields of study such as through cooperation with biologists, sociologists, climatologists, geologists, hydro-technicians, historians, economists, etc. . In general the current tradition tends more towards mono-studies, then towards cooperation and integration of studies, so comprehensive approach should be considered as the key method by geographers in order to be able to integrate their applicative studies with other projects and stakeholders

- Training and qualification activities abroad aiming at best EU practices on application of knowledge in Geography.

- Financial support is a problem that needs to be solved for the development of science in general and for the development of the applicative Geography in particular, aiming at research in the terrain, monitoring activities, integrated activities, use of modern technology, for both the Physical Geography and for the Human Geography as well.

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Young Communities and the Impact of Wars and Conflicts on the Healthy Growth of Young People: Middle East as a Model Study

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Abstract

Wars and armed conflicts throughout history is the most serious and the biggest factor on demographic changes of human societies, especially those that live in a state of constant conflict over different time periods or continuously. The world has witnessed many wars and conflicts that led to the deaths of millions of people, mostly children and youth. Despite the presence of many local and international agreements to protect the civilians in times of conflict and war, however it loses its effectiveness since the first day of the war. The society called Middle East, is one of societies that deserve special study. A society worthy of studying the impact of wars on it because from the beginning it has been a young society witnessing wars and conflicts continuously for decades. Despite the impact of the war on all segments of society, however, the young people deserve a special study since it is run by the conflict and are consequentially affected directly and indirectly in its sustainability. The young people are most likely to be killed, disabled, imprisoned or engaged in terrorist organizations, and militias. All of this in an atmosphere of instability and the absence of physical, psychological and social rehabilitation and the consequent chronic problems lead to improperly growth of the largest class in the society .This paper will address the impact of war and conflict on young people in the Middle East, including discussing topics of youth unemployment and participation in wars and conflicts and its impact on the healthy growth of the younger generation in the Middle East in general. In light of this study, there will be thrown many proposals that could contribute to the healthy growth of the younger generation within the Middle East region in the long term.

Keywords: wars and conflicts, the Middle East, young, young communities, psychological and social rehabilitation.

Demographic Indicators in the Middle East Countries

The Middle East countries is a region centered on Western Asia and Egypt. (table 1) show that Egypt is the most populated country around 88. 5 millions with 21. 585% of all total , while Cyprus come in the end of this list as a less populated country 0. 876 million with 0. 21% of all total . Egypt , Iran and Turkey are the majority of population in the region 21. 58% , 19. 21% and 19. 07% , respectively, representing combined more than 60% of all the over , while Iraq , Saudi Arabia, Yemen and Syria representing 8. 92% , 7. 69% , 6,52 and 5. 67% , respectively. While the rest of the countries range between 2% and less than 1% of all over .

Table 1: list of Middle Eastern countries and territories on the basis of population.

Country	population	% of pop.	Annual growth %	Absolute of annual growth	Estimated doubling time	Date
Total	410,153,000	100	2,09	8,411,000	33	

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Egypt	88,523,000	21,58	2,29	1,981,000	31	2015
Iran	78,778,000	19,21	1,29	1,001,000	54	2015
Turkey	78,214,000	19,07	1,34	1,035,000	52	2014
Iraq	36,575,000	8,92	2,9	1,030,000	24	2015
Saudi Arabia	31,521,000	7,69	2,44	751	29	2015
Yemen	26,745,000	6,52	2,95	766	24	2013
Syria	23,270,000	5,67	2,45	557	29	2011
UEA	8,933,000	2,18	1,57	138	45	2010
Israel	8,374,000	2,04	1,89	155	37	2015
Jordan	6,837,000	1,67	2,75	183	26	2015
Palestine[5]	4,683,000	1,14	2,92	133	24	2014
Lebanon	4,288,000	1,05	1,78	75	39	2007
Oman	4,208,000	1,03	5,2	208	14	2015
Kuwait	4,161,000	1,01	3	121	23	2014
Qatar	2,386,000	0,58	6,76	151	11	2015
Bahrain	1,781,000	0,43	7,35	122	10	2010
Cyprus	876	0,21	0,46	4	151	2012

Source : http: //en. wikipedia. org/wiki/List_of_Middle_East_countries_by_population

On the other hand, the annual growth % range between 7. 35% for Bahrain to 1. 57% for UEA if we excluded Cyprus with 0. 46% , it is easy to notice the High rate of growth, especially, in the Gulf states ; Bahrain, Qatar , Oman and Saudi Arabia as 7. 35% , 6. 76% , 5. 2 and 2. 44 ,respectively , according to high growth rate the estimated doubling time running on the same mode , for example ; bahrain just need 10 years for doubling population , to be more than 3 millions by 2020. From the above (table 1) , it is obviously that the Middle East region with that high population growth rate will be reached one

billion after a little decades, the Middle East is experiencing an unprecedented "youth bulge.", for sure youth play an important role, for that the study will focus on youth.

Demographic Indicators for Youth Ages 15 To 24 In Mena Countries

The Middle East region one of the most accelerated growth population in the world, Where youth constitute the largest proportions "youth bulge." With 20 percent of its population between the ages of 15 and 25 representing about 45 million youth, this is the highest proportion of youth to adults in the region's history.

TABLE 2. SELECTED DEMOGRAPHIC INDICATORS FOR YOUTH AGES 15 TO 24 IN MENA COUNTRIES

Country	Youth Population (In 1000s)			youth as Percent of total Population			youth as % of working age Population
	1980	2010	2040	1980	2010	2040	2010
Bahrain	79	188	200	22	15	11	19
Egypt	8,889	16,009	17,624	20	20	15	31
Iran	7,648	16,253	9,559	20	22	11	31
Iraq	2,495	6,205	12,817	18	20	19	37
Jordan	448	1,332	1,463	20	22	16	37
Kuwait	246	423	552	18	16	12	22
Lebanon	569	759	580	20	18	12	26
Libya	558	1,124	1,171	18	18	14	27
Oman	208	611	448	18	22	12	31
Palestinian Terr.	289	858	1,544	19	21	19	39
Qatar	45	256	264	20	15	11	17
Saudia Arabia	1,743	4,947	6,032	18	18	14	27
Syria	1,748	4,166	4,747	20	20	15	35
Turkey	8,919	12,883	11,559	20	18	13	26
UEA	185	1,211	1,052	18	16	9	20
Yemen	1,524	5,327	9,955	19	22	19	42
Toatal MENA	35,593	75,552	79,567	19. 3	18. 9	13. 9	29. 19

Source: United Nations Population Division, World Population Prospects, the 2010 Revision.

(Table2) shows that many countries in the region have reached the highest percentage of their youth bulge, . Youth (aged 15-25) as a proportion of the total population ranges from 15 % in Bahrai and Qatar , to 22% in Iran , Oman and Yemen, and the most populated country in the region Egypt are 20% and Syria share the same percent, Turkey , Saudi Arabia, libya and Libanon share same percent 18% . by 2040 most youth proportion of the population of Middle East countries will decline . UEA will be at the least order between the countries in the region with 9% , while Iraq , Yemen and Palestine will be 19% , and the most populated countries in the region Egypt , Iran , and Turkey will drop ; 20% to 15% , 22% to 11% , and 18% to 13% , respectively .

(Figure 1) shows that the Gulf states will be greatly reduced, leading to the decline of the phenomenon of "youth bulge. ", as Oman will drop 22% in 2010 to 12% by 2040 , also UEA will drop 16% in 2010 to 9% by 2040 . Average of MENA will drop from 18. 9% 2010 to 13. 9% by 2040, which means that the decline of the phenomenon of "youth bulge. " in the middle east countries .

Figure 1: Youth As Percent Of Total Population, AGES 15 TO 24 IN MENA COUNTRIES
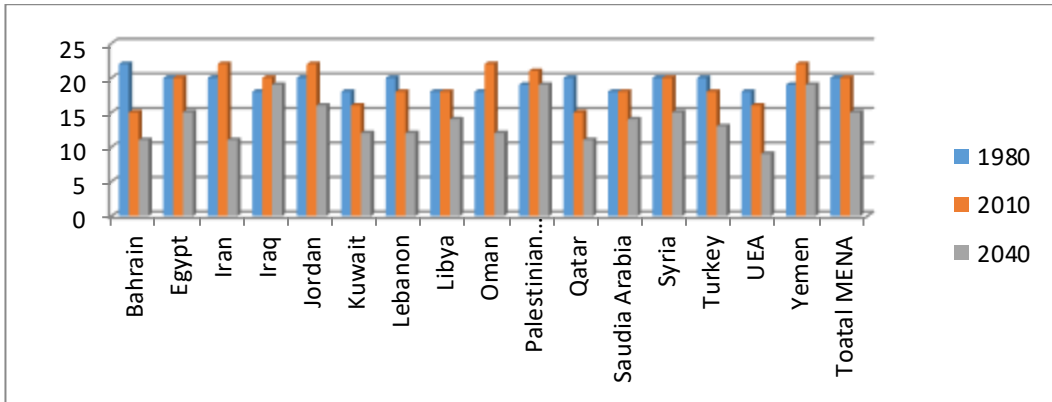
Source: United Nations Population Division, World Population Prospects, the 2010 Revision.

The mean of youth as percentage of working age population is around 30 percent, and it is noticeable that the highest youth as percentage of working age Population are the same countries which has seen wars and loss of security at the moment (table1) as ; Egypt , Syria, Iraq, Palestine, and Yemen are 31% , 35% , 37% , 39% ,and 42% , respectively . The economies of MENA countries would be booming if a high percentage of youth both males and females had the opportunity to move into gainful employment. But a significant portion of young people face high rates of unemployment and low wages (Roudi, 2011).

Conflicts in the Middle East and the participation of young people

The youth bulge in the Middle East plays a major role in the conflicts and instability through direct and indirect participation of youth. Unemployment and loss of employment due to wars and conflicts as well as the lack of youth-oriented services shape fertile ground for young people within the Middle East to participate in the ongoing conflicts.

There is a strong correlation between countries prone to civil conflicts and those with burgeoning youth populations. Some analyses have demonstrated that countries with a youth bulge (proportion of the adult population ages 15 to 29) of 41 percent or greater are at high risk of civil conflict. The vast majority of new civil conflicts in recent decades have occurred in countries in which at least 60 percent of the entire population is comprised of youth (ages 0 to 29) (Madsen et al, 2007). In one study based on interviews with young soldiers show that poverty, lack of schooling and low alternative income opportunities are risk factors and important reasons for participating in conflict with militant groups (Brett & Specht, 2004). In short, we can say that the participation of young people in the Middle East conflicts have firmly rooted in the lack of social policies for the protecting young people throughout the period prior to revolutions.

Youth problems in war and conflict area

Since the youth is the most effective part in the conflict environment, they are the most vulnerable to psychological, social, physical and economic problems and exploitation by the militant fighters. Participation in the war means death, disability, prison, psychological and social problems, unemployment and dropping out of education and delay in marriage and family configure. These are the main problems faced by young people in armed conflicts and wars environment. As follows, we will discuss these problems individually to enable us to identify clearly the problems of young people in the communities of the conflict.

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Death or Murder :

In view of the roots of this problem, we find that history extends to the advent of colonialism to the Middle East for control of resources, sparking the diet of young people to defend their country, they were the first fighter rows which make them susceptible to direct injury and killing in large numbers, for example, current happenings in Palestine and Iraq. In addition Gates at el (2010) young men in particular are more likely to demonstrate against repressive governments .

In addition, the increase of inflation in the number of young people led to the aggravation of the conflict, which has affected the increase in the number of deaths of young people. The community of the Middle East, young and fertile floor of the conflict. Madsen et al (2007) that 80 percent of civil conflicts (defined as causing at least 25 deaths) occurred in countries in which 60 percent or more of the population is under age 30, it is another thing altogether to prove statistically that the youthfulness of the population is a cause of civil conflict.

In short, we can say that the youth bulge in the Middle East led to the increase in the number of deaths among young people after the Arab spring and the outbreak of the civil wars in many countries through active participation in the rebellion against the ruling power and involvement in the ranks of the militant fighters.

Detention:

Detentions among young people and the accompanying prison for many years and death sentences in some countries due to the participation of youth in disputes acts had breached in governance systems in many Middle East countries, being one of the most important problems generated by the war and conflict .As well as the high prison sentences for many years and arbitrary judgments of thousands of young Palestinians as a result of their resistance to the Israeli occupation over the years extended its roots to 1948, is a clear example of the psychological, physical and social violence faced by young people as a result of their participation in the ongoing conflicts .It should be noted that the prison has an impact on young people from psychological, social and physical terms. Where the solitary confinement, torture, sexual harassment is considered risks faced by children and young people in prison in the war and conflict environment in the absence of human rights and monitoring. To view the harassment where the children and young people suffering in prisons; the following table contains a study of 100 Palestinian children in Israeli jails. This study presented the most important harassment of children and young people in prison.

Table 3. Analysis of 100 interviews of Palestinian children detained in Israeli prisons concerning torture (Quzmar: 2012, 2-4):

Type of torture	Number (out of 100 cases)	Percentage
Binding of the hands	97	% 97
Blindfolding of the eyes	92	% 92
Beating	69	% 69
Detention after midnight	65	% 65
Verbal abuse	50	% 50
Threat	49	% 49
Signing of a confession in the Hebrew language	32	% 32
keeping detainees in stress positions for prolonged periods	26	% 26
Solitary confinement	14	% 14

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Threat of sexual abuse	12	% 12
Sexual abuse	4	% 4

As the counsellors explained, as a consequence of the traumatic experience of detention, child ex-detainees have developed a syndrome that is defined as Post Traumatic Stress Disorder [hereinafter PTSD] . Hence, on the emotional level, child ex-detainees reported being haunted by the frightening moments they experienced while in detention, especially having nightmares which lead many to wetting their beds. Other manifest symptoms reported include increased levels of fear, agitation, frustration, sadness, lethargic, and depression, low self esteem, anger, accompanied by hostile and aggressive behaviour towards others or themselves. Due to being imprisoned, child ex detainees feel insecure, communicate less, and resort to isolation due to a lack of sufficient coping mechanisms to overcome the high level of psycho-social difficulties they have experienced (SCS: 2008, 11).

In general it can be said that children's exposure to prison in conflict environment affects the psychological, social and physical development in the absence of rehabilitation and the continuation of violent events and live in a violent environment. Thus, the participation of young people in conflict within the Middle East can be traced easily to traumatic experiences in detention, whether in childhood or in young adulthood .

Disability

War led to the increase in the ratio of disability in community conflict inside the Middle East in general and among young people in particular. Disabilities resulting from the war are the most dangerous of the suffering of youth in the Middle East because of poverty, lack of physical and mental health and rehabilitative services. The continuation of the armed conflict has led to a crisis treatment on the local hospitals, and medicines interruption has also led to the aggravation of many injuries that led to permanent paralysis or temporary disability.

Education

There is no doubt that most of the Middle East countries suffer from enrollment in higher education problem where the youth bulge and lack of educational institutions and the low quality of educational material led to the creation of a gap in this area and a negative impact on the healthy growth of young people .In addition, the ongoing wars and conflicts have exacerbated the problem and the destruction of educational institutions targeted by artillery fire in many countries this led to depriving millions of children and young people of their right to education. As a result of the prison and disability, asylum and unemployment and poverty exacerbated by conflicts within the Middle East, many young people have not the ability to pursue higher education.

Unemployment

Despite young people's a product of social, economic and cultural structure where they live, in the same time the most conflict with this structure. Young people have always been pioneers of change progress (Karataş, 2001). Poor economic performance may be far more likely to lead to conflict when significant numbers of youth, particularly unemployed young men, are present (WDR, 2011).

Unemployment, poverty and inequality are considered the main features of the economic situation of many Middle Eastern countries especially among the young and accumulated this phenomenon with internal conflicts. As unemployment among young people has grown since the beginning of the war, it also was one of the most prominent reasons why young people are involved in conflicts and terrorist organizations and militias within the Middle East. ILO statistics in Table 4 for 2015 has shown that there is a marked increase in unemployment among young people in the Middle East. Clear to us through these statistics that the synchronized increase with the onset of the civil war in many countries.

Table 4: Youth unemployment rate in Middle East

	2009	2012	2013	2014	2015	2016	2017	2018	2019
Youth unemployment rate	24. 0	28. 7	29. 1	29. 5	29. 8	29. 9	29. 9	29. 9	29. 9

Source: World employment and social outlook: Trends 2015 / International Labour Office. – Geneva: ILO, 2015

Middle East Youth Involvement in Rebel Movements, Terrorist Organizations, Militias and Revolutions

There is statistical evidence of a link between high relative youth populations and an increased risk of armed conflict. Structural models which forecast these risks combined with early-warning systems that monitor known trigger factors (such as youth unemployment and educational reversals) can therefore help identify countries with higher and lower risks of violence. A key factor driving youth involvement in violence is the structural exclusion and lack of opportunities faced by young people, which block or prolong their transition to adulthood and can lead to frustration, disillusionment and, in some cases, their participation violence. The principle "structural" factors that underlie youth exclusion are: (a) un- and underemployment and lack of livelihood opportunities; (b) insufficient, unequal and inappropriate education and skills; (c) poor governance and weak political participation; (d) gender inequalities and socialization; (e) a legacy of past violence. One quarter of young people in the Middle East are unemployed and unlikely to be able to afford housing, access credit, get married or start a family. The root cause of this youth exclusion lies in the rigid institutions and social norms that mediate transitions from school to work and family formation interconnected markets such as education, labour, housing and marriage. This stalled transition to adulthood has become known as waithood and fosters widespread frustration and discontent among young people (Hilker & Fraser 2009). In short, the economic crises and widespread unemployment, lack of education and government neglect of the role of young people in the Middle East countries over the long years are the important factors that prompted the youth to participate in revolutions. Consequently, young people join organizations and militias which run the conflict and making them susceptible to the killing and torture, disability and unemployment.

Social services and the healthy growth of young people

In order for a healthy growth of young people and to avoid instability and violence in particular, focus should be on monitoring economic opportunities for young people, and particularly on providing employment or educational opportunities for youth in periods of economic decline. While expanding opportunities for education generally pacify youth cohorts, some evidence suggest that as opportunities for higher education is expanded, lack of employment opportunities for highly educated youth may contribute to instability (Urdal, 2011).

The majority of the Middle East countries lack for proper social policy for the protection of youth and their growth, and it shows in the lack of planning for the Youth social Services, educational, and economic. Despite the lack of such services, but the NGOs have played an important role for years in providing social services for youth through youth centers and provision of anti-unemployment, awareness and organization programs. Therefore, it is necessary to draw a social policy designed to protect youth by offering social services, organized in cooperation between civil domestic and international institutions operating within the Middle East, in the absence of the role of the state or government institutions that marginalized the youth and their role over the past decades.

For the healthy growth of the youth, we have to find the cultural institutions that will prepare a fertile ground for the growth of the intellectual and cultural youth through social and cultural services. Youth centers and sports events consider as services that will contribute to spend leisure among youth, thus contributing in the proper Growth. In short, it can be said that social services should be provided for youth for proper upbringing and protection that they might not be victims of conflicts and wars, simply, can be summarized that health and education services, social security, employment and the provision of financial resources will contribute in the assessment of leisure and integration in the cultural and social life, these measures will keep youth away from violence and conflicts.

Discussion and suggestions

Middle East is experiencing a great growth (youth bulge),in general, for decades the youth were marginalized by most Middle East countries, and did not find them a place in the fragile social policy . This marginalization of (youth bulge) is no longer beneficial to a lot of countries and shows resentment of their economic and life conditions through the revolutions that took place in many countries, it was a time bomb so to speak. Where the participation of youth in the Arab Spring was as a result of a fledgling stressful environment that wiped out the ambition of youth by their drawbacks of the economic crisis and the subsequent of poverty, unemployment and fragile education system and the lack of youth participation policies. In addition, the occupation and its wars sparked in the region , where a harmful aspects for the youth, including

the resulting of destructive aspects of life in general, and youth was a direct target . The result was a large number of deaths , injuries , disabilities, imprisonment ,increasing unemployment and participation in the military actions and militants.

That any initiative to create a youth-conscious generation, in the shadow of war and conflict are considered useless, because peace is the environment that creates fertile ground for a proper generation. Since the non-governmental local and international institutions play a significant role in working with youth during times of crisis, we must have programs to raise awareness and move towards a democratic culture that has respect for human rights , freedoms, equality , the idea of justice, participation and consultation. Youth in most Middle East countries were deprived of these rights.

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Injustice: Revealing Human Rights Issues in Ali Akbar Navis's Short Fiction

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Abstract

Ali Akbar Navis was among satirical writers in Indonesian literature. He was concerned about what his nation had struggled with its democratization process. Navis's works are generally his responses to what was directly going on around him. They mostly represent his concerns about sociopolitical problems, which were significant at the time, he wrote them. They serve for Navis as a tool to protest against injustice and a way of communicating his disagreement with any elements that violate such rights, including the government. This study elucidates what sociopolitical events he disagrees and how he delivers his disagreement.

Keywords: Injustice, Human Rights, Ali Akbar Navis, Short Fiction

1. Introduction

This article examines how injustice is represented in the works of Ali Akbar Navis (1924-2003), an Indonesian satirist. His short stories reveal Indonesian human rights injustices initially committed during the *PRRI, Pemerintahan Revolusioner Republik Indonesia* (Revolutionary Government of the Republic of Indonesia) revolts of the late 1950s. This paper argues that "human rights" media narratives by Navis not only represent issues of injustice but also contribute to the overall exposure of cultural protest against these issues in Indonesia's New Order and in the regimes before and after it. Critical readings of such narratives attest to a further contestation of sociopolitical events in all the regimes.

To analyze which issues of injustice are represented in Navis's works and how these issues became his cultural tools to protest against the Indonesian government, the analysis is structured into two main sections: Navis's social and political concerns and cultural transformations in his short fiction. The first section will explain why Navis was concerned about these issues and the second will show how his fiction functions as his vehicle to deliver his cultural dissent against the Old Order and the New Order regimes.

2. Navis and Indonesian politics

Navis's works are generally his responses to what was directly going on around him. They mostly represent his concerns about social and political problems that were significant at the time he wrote them. This section briefly discusses Navis's social and political backgrounds, which then became the foundation for his works.

Navis's connection with politics has a long history which spans four periods: the Dutch colonial era, the Japanese Occupation, the Old Order era and the New Order era. In the first two periods, Navis was not active in politics. However, he experienced hard times as the effect of political traumas caused by the wars against the Dutch and the Japanese. During the Old Order era, Navis continued to experience difficult times because of the civil war in his home region of West Sumatra.

Navis became formally involved in politics in the 1950s, when the *PRRI* war broke out. A number of regions in Indonesia started to rebel because they felt discriminated against by the central government in Jakarta. Although Navis preferred to live as a civilian when the war broke out, he could not completely free himself from what was happening around him. In *Otobiografi A. A. Navis: Satiris & Suara Kritis dari Daerah* (Yusra, 1994), Navis described his life. After Navis was fired from his position in the office of the Middle Sumatera Arts Affairs, he lived with his family and spent his writing career for years

in Maninjau. [1] When he joined his own wife there, who worked as a midwife, without his presence or prior consent, he was elected vice chairman of a youth group and this compelled him to directly experience the war. In this place, he who never wanted to get involved in the war was appointed Vice Head of Coordinators of Youth for the Agam region. He then witnessed what happened to the victims of the war and got involved in it indirectly (Yusra, 1994). Despite his reluctance to join the group, he had no power to negate the membership's vote because, as he said, refusing the invitation would have meant opposing the invitees. So his involvement provided him with information about what happened during the war, who was involved and what terrible effects civilians and warriors experienced. All of these inspired him to write a number of stories, including "Maria" and "Penumpang Kelas Tiga" (analyzed below). The two stories depict the effects of the war on civilians and on combatants.

Although Navis did not interfere in his wife's duties as a midwife and sometimes as nurse,[2] he personally saw the condition of her patients and was always ready to listen to them and give his personal opinion about their condition. His wife's career caused him to realize how horrible the civil war was and what profound traumatic effects it caused. As he stated:

> Civil war was evil not only because people killed each other but it also caused fear and made victims of the public. What broke my heart and made me anxious was the fact that people's fear intensified and gripped them harder because of the excessive behavior of military personnel. (Translated from Yusra, 1994, p. 99)

Navis really knew the dark sides of the war: the behavior of some military personnel, the suffering of the civilians and the political tricks both belligerent groups played. Such experiences later gave him the energy to republish stories depicting such traumatic experiences in his recent anthology *Kabut Negeri Si Dali* (*Fog Over Dali's Country*, 2001). [3] These stories help confirm what Adilla (2003) and Fanany (2005) claim: that the short story is Navis's most important field of writing.

3. Cultural Transformation in Navis's Short Fiction

My reading of the three selected stories by Navis aims to show how his traumatic and social experiences contribute to an understanding of human rights issues in Indonesia. Broadly speaking, they embrace two main themes: state violence and women's marginalization.

Navis's fiction has penetrated the domain of trauma to depict political violence and its human impact: death, anguish, exile, revenge and separation. Political violence and its effects have energized the mind of this writer, helping to produce an artistic expression of his concern. Three works by Navis under examination in this paper explore the issue of political violence. "Penumpang Kelas Tiga" ("The Third Class Passengers", 1995)[4] depicts violence in the Old Order in light of the *PRRI* revolt, "Penangkapan" ("Arrests", 1996)[5] examines violence in the New Order in light of the regime's efforts to silence political subversions and the third story "Maria" (1996)[6] represents women's marginalization, the patriarchal oppression of women and of the victims of the *PRRI* revolts. The three stories support the proposition that trauma writing is personally and culturally critical to recognizing the abusive acts to which the stories refer to. The stories elucidate victims' physical and psychological pains and those who witness the pains and their effects. They resonate with what Vickroy (2002, p. 2) calls "the public's relationship to the traumatized". Through the relationship, the trauma writers "help readers discover their

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[1] Maninjau is a district in West Sumatra.

[2] Aksari Jasin was a midwife. However, in Maninjau during the civil war, there was only one *mantri* (male nurse) whose job was often taken over by her because he was so scared of the war and often refused to care for those who needed his treatment, especially at night. Instead, the care seekers turned to Aksari, who was more available to care for both *APRI* (The War Force of the Republic of Indonesia) and *PRRI* personnel as well as civilians (Yusra, 1994).

[3] The anthology includes stories which were previously published in a number of media. Among the stories are "Si Bangkak" ("The Swollen Man", 1966), "Laporan" ("Report", 1988), "Sang Guru Juki" ("Juki, the Teacher", 1990), "Si Montok" ("The Voluptuous Woman", 1990), "Perempuan Itu Bernama Lara" ("The Woman Named Lara", 1996), "Gundar Sepatu" ("A Shoe Brush", 1997), "Rekayasa Sejarah si Patai" ("The Created History of Patai", 1997) and "Marah yang Marasai" ("Marah Who Suffered", 1998).

[4] "Penumpang Kelas Tiga" was first published in *Kompas* in 1995 and republished in the anthology *Pistol Perdamaian: Cerpen Pilihan Kompas 1996* on which the analysis is based.

[5] "Penangkapan" was first published in *Kompas* in 1996 and republished in *Anjing Anjing Menyerbu Kuburan: Cerpen Pilihan* Kompas 1997(a) on which the following analysis is based.

[6] "Maria" was written in 1956 and was published in *Kompas* in 1995 and in *Anjing Anjing Menyerbu Kuburan: Cerpen Pilihan* Kompas 1997(b) on which the analysis is based, and in *Jodoh* 1999 (Fanany, 2005).

own sympathetic imaginings of humanity" (p. 2), especially to the victims where such relationship has been made by "the public's resistance" (p. 2) towards the victims' painful experiences. Navis was concerned with social matters in a particular way. The kind-hearted writer[1] was a social observer and was well known as a satirist who criticized incorrect practices performed and suffered by his society. His primary concern was with the lives of the commoners.

3. 1. Political violence: "Penumpang Kelas Tiga"

In addressing the issue of politics, Navis's "Penumpang Kelas Tiga" qualifies as creative dissent or literary resistance. In this realist story, which is set against the background of the political events in the Minangkabau region, Navis concentrates on the events surrounding the *PRRI* civil war during the Old Order and the *PKI, Partai Komunis Indonesia (*Indonesian Communist Party) in the early New Order, he responds to the political violence as the effect of the war between the state and secessionists, and the rebellion at the very beginning of the Suharto regime.

"Penumpang Kelas Tiga" tells of two brothers who join different armies with different ideologies after they begin to struggle to win the heart of a woman they both love. After the woman decides to marry one of them, the rejected brother comes to fight his brother's army. The story is built on binary pairs through which Navis delivers his protest. The main binary polarities are the state and the rebels.

First, Navis presents the opposition between the *TNI, Tentara Nasional Indonesia (*Indonesian military force) and the regional separatist force (*PRRI*). The *TNI* was assigned to crush the *PRRI* rebels. Navis deplored the Old Order's decision to use military force to solve the regional revolt. He represents tens of thousands of Indonesians who could not shed tears anymore because they had become victims of the war. The war had deprived them of their rights, morality and brotherhood. This is what Navis shows in the story: as a result of the war, the brothers in each army have different ways of living to achieve their objectives as they attempt to gain the attention of the one woman.

Second, Navis also represents a nationalist force (*TNI*) and a different rebelling group the *PKI*. The *TNI* annihilated the *PKI* revolt in late 1965 and caused the *PKI* personnel to be "*ditangkap lalu dipenjarakan*" (arrested and jailed) (p. 84). Navis presents the change of the course of history. The *PKI*, which used to support the government, committed a coup d'état against it. Navis represents these polarities to depict the relationship between those who gain victory and those who fall victim to the national tragedy. This opposition is represented as foundational to the background of the victims. It illustrates the terrible effect of state violence on the victims.

Navis's state is never directly mentioned in the story. His story suggests that the state is so high that it does not need to be discussed. Historically, his not mentioning the state can be understood as his way of avoiding direct criticism of the government. Instead he provides clues which can explain the role of the state throughout history. The first, for example, is related to the state's policy in dealing with military forces during the Revolution where the government implemented rationalization policies) (p. 82). In the story, Navis introduces a number of military regiments such as the *TKR, Tentara Keamanan Rakyat (*People's Security Army)[2] (p. 82), *Pasukan Hisbullah (*The Army of Hisbullah)[3] (p. 82), and *Tentara Merah Indonesia (*Indonesian Red Army)[4] (p. 82). These regiments were then united into the *TNI* (p. 82). Navis showed the disadvantageous effects of this arbitrary decision for non-*TNI* military personnel who were demoted by history (p. 84). Historically, he then takes his readers to what Indonesia had done to a great number of military personnel in the 1960s.

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[1] Navis's wife Aksari Jasin, in an interview in Padang on 9 April 2011, mentioned that Navis was someone who could not bear to see people suffering. When he served as the people's representative for West Sumatra Province, he was one of those who voiced the rights of the marginal groups, including the poor.

[2] *TKR* was the first Indonesian army, established on 5 October 1945. On 7 January 1946, *TKR* changed its name to *Tentara Keselamatan Rakyat* (People's Safety Army and to *TRI, Tentara Republik Indonesia* (The Army of the Republic of Indonesia) on 24 January 1946. Due to the existence of other military forces besides the *TRI*, through President Sukarno's decree of 5 May 1947, all of these forces were united under the *TNI, Tentara Nasional Indonesia* (Indonesian National Armed Forces) on 3 June 1947.

[3] *Pasukan Hisbullah* was a militia under *DI, Darul Islam*, who supported Kartosuwiryo to establish *Negara Islam Indonesia* (Indonesian Islamic State) on 7 August 1947. *Pasukan Hisbullah* together with *Pasukan Fisabilillah* allied with *TII, Tentara Islam Indonesia* (Indonesian Islamic Army).

[4] *Tentara Merah Indonesia* was a military force associated with the *PKI*.

They were punished for their involvement in the *PRRI*. Thirdly, Navis mentioned the further issues of being arrested and jailed (p. 84) during the rebellion by the *PKI* in 1965 (p. 84).

Navis portrayed the state as an untouchable institution whose policy (p. 82) was to annihilate (p. 83) rebellions and which must always win the war. It was the state's political vehicle, the *TNI,* which was assigned to perform this task. Navis did not narrate how the *TNI* oppressed the rebels. Instead he narrated what the effect of the *TNI* actions was on its personnel and civilians. Navis attempted to show the social effects of a military presence in society, the meaning of its existence among the people and the political roles the winning military groups play in Indonesia. On the other hand, the rebels are depicted as groups who have betrayed the state and whose members' lives are full of revenge against others.

Through his binaries, Navis depicts not only a representation of human rights violations but also an expression of traumatic experience – feud (p. 82). Navis poses some important problems in relation to the representations of traumas and memories associated with the wars and their impact on the life of the protagonists. This story can be categorized as a "trauma narrative" in which Navis deals with particular traumatic events – military conflict (p. 83) and rebellion (p. 84) – involving various socio-psychological incidents. In this story, Navis attempts to locate traumatic fiction within a specific cultural and historical context. He is particularly interested in exposing certain traumatic events which played a role in shaping the protagonists' identities during and after the *PRRI* civil war. At the same time he also defines them in the place where they come from. By so doing he builds the narratives within the context of the cultural history of political violence.

3. 2. State arrests: "Penangkapan"

Navis's "Penangkapan" is a hybrid narrative of the effects of state oppression on the miserable lives of artists in West Sumatra, Indonesia and is probably set some time in the early New Order. The story elucidates his dissatisfaction with the type of politics that the authoritarian Suharto regime exercised against its own civilians. In this story, Navis depicts the lives of artists in the framework of a state political regime suspicious of the artists' ability to provoke the public to protest against it. The story, on closer analysis, portrays a potentially historical event: the arrest of some artists after they appeared in a public performance. The story voices Navis's protest against the state's act, which prevented artists from exercising their freedom of expression, and socially exposes the state's inappropriate policy in dealing with the existence of the arts. It may serve as an object of analysis for a mixture of biography and fiction where the testimony of the writer about his group's lives as artists is narrated around the state political agenda. Navis appears to have witnessed what happened to a number of artists in West Sumatra during the New Order. The story offers some possibilities to the readers to identify with the text or distance themselves from what the story evokes, particularly the event of arrest.

"Penangkapan" deals with a fictional biography which derives from Navis' personal record of political turmoil that he and his friends went through. It contains the issue of state violence against which he delivers his fictional resistance. It represents his dislike of the incident, where he depicts his own experiences as well as those of his friends. As a personal narrative told in the third person, the text explores the ways in which the artists' freedom of expression is denied as an effect of the state policy. It shows the systemic inequalities that perpetuate distress for the populations who experience them.

"Penangkapan" is a fictionalized account of the life of Dali and Alfonso, who are arrested arbitrarily by the police. They are among many people arrested, including a number of young artists, because of certain accusations of their involvement in the *PRRI*, the *PKI* and other supposedly subversive acts. The autobiographical account starts with the narrator's testimony on the issue of violence, especially arrests throughout state history. People were arrested because of their involvement in forbidden events and organizations. These acts had been going on for a number of years. Here Navis attacks the Old Order regime through the *PRRI* (p. 26) and the New Order through the *PKI* (p. 26) and "*Malari*"[1] (p. 26) in. Navis's narrator flatly tells readers that for many years I have been used to hearing about arrests (p. 26). He believes that arrest is not a new phenomenon, as he jokingly says that this was a regular occurrence. Through the narrator's knowledge, Navis takes readers to the scene of rights violations performed both by the Old Order and the New Order. His sentence which says that

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[1] *Malari* incidents, also known as "*Malapetaka Januari*" (Lasut, 2011), were riots staged during the official visit to Jakarta of Japanese Prime Minister Tanaka. Teeuw (1979) argues that there were a number of political events where literary figures in many places in Indonesia, including prominent figures such as Mochtar Lubis and Rendra, were involved.

anywhere we met, we were monitored by spies from various agencies (p. 26) implies that people including artists have always been subjected to state violence.

Navis's testimony begins with the arrest of two artists: Dali and Alfonso were arrested as they came out of a theatre (p. 27). Here the narrator begins to depict the political acts of the New Order behind the act. The narrator confesses that their arrest is suspected as suspects of their being against the government (p. 27). Navis avoids using a direct critique so as to discourage his readers from anger against the state. He takes the readers on a funny journey of two artists who find more enjoyment in their arrest than in daily life. This is Navis's way of further saying that the regime is both oppressive and ineffective. In the name of security, it arrests anyone suspected of disturbing its power. Despite the fact that some political prisoners were badly treated, as was depicted in Pramoedya's "*Nyanyi Sunyi Seorang Bisu I and II*" ("*The Mute's Soliloquy I and II* (*1995 and 1997)[1] Dali and Alfonso experience the opposite. They are well treated – given enough to eat (p. 29), allowed to play chess (p. 29), eat together with the guards, play dominos, joke and mock at each other (p. 29) – and they live their life quite normally. The difference, as they narrate, is that these idlers now slept (in jail) away from their wife's home (p. 29). The quote elucidates Navis's frontal challenge to the New Order and suggests that the regime would take immediate attempts to secure its political stability. The good treatment they receive and the comfortable place they are detained imply that they are not harmful to the government, although it is their effects on society that the government most fears.

Dali and Alfonso's stay in custody serves as an example of state detention which mockingly exposes what happens during the process and how the detainees live their lives. Navis satirized the New Order's lack of confidence in handling its people's freedom of expression in the name of political and economic stability (p. 28). Citizens have no opportunity to express themselves freely. Their freedom is circumscribed for the sake of state politics. We, the older (artists) were detained (p. 30) arbitrarily in order to prevent them from provoking the masses to resist the government. Their rights were doubly violated: first, they could not express their aspirations freely and, second, their right to life was endangered. Instead of using direct protest words against the government which is violating the rights of its citizens, Navis wants his readers to side with him while brushing aside the government's censoring eyes.

3. 3. Women's marginalization and war victims: "Maria"

Navis's "Maria" is set in the period of the Old Order. It exposes the life of women in the workplace and the issue of women's emancipation in early Indonesian nationhood. The story represents Navis's attempt to dismantle patriarchal ideas and attitudes which have caused women's oppression. In this section, I look at groups of characters who support the oppression and how Maria challenges social norms with reference to the construction of gender identities which label her as a feminist. The main concern of the four-part story "Maria" is the repression of women in a male-dominated society.

The story deals with a strong and independent village woman who does not want to be under men's control and resists male domination over women. It begins with an introduction to the many dead bodies, including that of Maria, found floating on the surface of the *Batang Antokan*[2] and ends with the account of Cok, Maria's husband, being gunned down into the river. The second part presents women's ideas of emancipation and the third consists of the journey of a woman who suffers from male domination after the revolution. Navis's effort to reveal the terrible impact of their experiences on doubly colonized group during the Old Order regime, including the era of civil war, is evident in at least two aspects: as the figures who are marginalized by the patriarchal culture and as the figures who suffer from the side effects of the war. He depicts women's marginalization through the emancipated woman Maria, the way she demands her rights and how her freedom of expression and her right to life are violated and denied. This depiction seems to be special because the discourse of women's emancipation is often unrecorded in Minangkabau texts.

This story can be read as Navis's voicing his resistance towards women's oppression and marginalization in an early era of Indonesian independence. There are two points where Navis has touched on the issue. First, he tells the readers that the marginalization of women also happened in early independence times. He represents women in the work force, a sector

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[1]*The Mute's Soliloquy* is an account of the life of Pramoedya Ananta Toer, an Indonesian most famous author, when he was imprisoned in Buru Island.

[2] Batang Antokan is a river in West Sumatra.

of life where women were not highly involved: "*Dia bekerja pada suatu instansi yang semenjak zaman dulu tidak punya pegawai perempuan. Oleh karena mau ikut mode, instansi itu menerima tiga orang gadis*" (She worked at an agency that, since olden times, never had women employees. But because it wanted to keep up with the fashion, it employed girls) (p. 22). Here, despite the change of eras, from colonial to postcolonial, Navis implies that the long history of women's marginalization, particularly in West Sumatra, which stems from the era of colonization, has not yet changed. Women's second-class position in Minangkabau life has echoes back in Indonesian history. "Maria" reflects Evelyn Blackwood's statement that: "The colonial and postcolonial era is in part a history of the privileging of men's authority and power in West Sumatra" (2001, p. 143). In the story, Maria represents women who are "shadowy figures in their own homes, while men appear to be the social glue that holds kin groups and communities together" (Blackwood, 2001, p. 131). The story does not speak explicitly of the colonizers but condemns the Old Order that failed to elevate women's status above what it was in the colonial period.

In the third part of the story, Navis focuses very clearly on women's oppression. He represents how male bosses treat their female subordinates by depicting the bad sides of male bosses who show little respect for their secretaries. He shows empathy for women who are sexually, socially and psychologically abused by men. Through the eyes of the characters, Navis narrates two bosses who do not consider their female employees as an asset to the office but as figures with whom they can satisfy their passions. He artistically builds the intersection between gender and class relations to demonstrate various types of oppression over women. Navis, through his protagonist, represents women as figures who need to accompany their bosses (p. 22), and become sexual objects who by being obedient (p. 24) become mistresses (p. 24).

Navis thus clearly represents the issue of sexual abuse among women employees who are conditioned to be sexual objects because of their inability to protest. He shows that there was a great tendency for bosses to abuse their female subordinates sexually, as confessed by Maria: he gradually became a cad. He pawed when they were alone in the car (p. 22). As the figures who are doubly oppressed, as women and subordinates, women become vulnerable to domination: It's surely hard, facing up to a man who is your boss? (p. 22), by becoming the object of sexual harassment by their male superiors. Their presence is not regarded as meaningful in the work environment. They are employed partially to satisfy men. In the name of duty, they are forced to do what their superiors ask them to do, including having to accompany their bosses) (p. 22) go out of town.

Navis satirically elucidates how male bosses think of female subordinates and how those men expect women to behave towards them. Navis compares the bosses to "*ruting*", fish which eat their own babies (p. 22) to exemplify the men, especially bosses, who like to abuse their young female employees. Navis's anger with such social phenomenon is then channeled through his character Maria, who introduces the issues of women's emancipation in society, especially in her workplace. Although Maria's response to her boss signals an emancipatory and rare case: I clawed his face with my long nails. See how you liked it, I said when he was in pain but did not dare to complain (p. 22), her emancipative ideas denote that male domination of women seems to have been unquestioned for a long time.

Maria is a powerful character, who, unlike her female office mates, fights against patriarchal domination. Presented differently from other women characters, she does not accept any dominating male attitudes imposed upon women. She challenges the perpetrators, both verbally and physically.

In short, through "Maria", Navis asks readers to pity women's position and roles in Indonesia, most especially in the Minangkabau region, and condemns men's oppressive behavior. Navis suggests that Indonesian women of the era of Revolution, including those who lived in villages, wanted to be emancipated and that patriarchal power tore apart Indonesian women's rights. Navis's critique of women's status as second-class citizens in the era is still worthy of consideration in this present era.

4. Conclusion

Navis wrote his short stories as a response to incidents that took place in his society. Some were set in earlier historical period, especially 1959 and 1965. Consequently, his indirect attack on the previous regimes saved him from state censorship and its effects. Through his numerous works, including stories published in the media after the New Order regime collapsed, he remained focused on criticizing sociopolitical problems in Indonesia. While he criticized his nation, he

also created works which entertain and inform his readers, as well as awakening them to the sociopolitical problems the nation has been struggling through.

In the three stories analyzed in detail in this paper, Navis reveals events related to Indonesia's traumatic history. His representation of the effects of the *PRRI* war on its combatants and civilians in "Maria" and "Penumpang Kelas Tiga" helps to enrich the available literature on the civil war. The stories contribute not only to the war settings but also to an understanding of the psychological effects the war victims experienced. "Penangkapan" touches on social problem; it satirizes social practices and provides alternatives to the inappropriate behavior of the state apparatus in carrying out state duties as well as of civilians in practicing their rights. Although the traumatic events and social problems he presents are respectively neither a direct account of the *7RRI* civil war nor an immediate criticism of the social practices in the 1990s, they allow later readers to think about the effects of the war, the state's treatment of its own people, the behavior of state apparatuses and the individual execution of religious rights by the people. The stories represent sociopolitical problems faced by all Indonesians, and not just by the Minangkabau people. They function as Navis's weapon to expose the violation of human rights as practiced by the state, groups and individuals.

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Discussions about the Source and Universality of Moral Case

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Abstract

The relevant meaning of moral has been constantly discussed topic in terms its sources and its universality. We have seen as the source of morality the Metaphysics in ancient times, Theology in the Middle Ages, and the information theory in new era. In modern times, we have different perspectives for the source of the formation of morality determined by good or bad reasons as a result depending on the individuals. Statements related to the source of moral and what forms the moral can be said in two words: one of them is human itself, and the other is the thought of existing love. On the other hand, it has been a subject for discussion if the moral is always valid, over the ages, objective and universal or something subjective that changes depending on individuals and also because of different societies. Therefore, who accepts moral as objective and universal, it is a propensity that comes from birth, but who thinks that moral is a subjective definition that changes lives depending on the society and during the period of time particular people live. In this study, we referred to the related debates about the issues and serious changes of technology and science which have brought to our lives but along with misuse of these facilities, such as the reality of violence against women, terrorism, human rights violations, But how about the meaning of moral, and its possible sources. If there is still a universal meaning of moral in this world that looks like now like a small village.

Keywords: Moral, Moral's source, Universality of moral.

1. INTRODUCTION

Definition of Ethics:

The definitons of the word 'ethics' or 'morality'can be defined in different ways. Almost all related branches of science have focused on their own definiton of ethics. Philosophers, sociologists, theologians and all of them have suggested their own ideas on the issue of ethics.

Hançerlioğlu describes ethics (moral values) as "the whole individual or social valid codes of conduct in a certain society, in a certain period of time and its social conscious state"[1]

Aydın, drawing attention to the inner psychological aspect of ethics, refers to moral values as the entire behaviors that form and direct one's manners, arise their beliefs, attitudes, habits, feelings, faculties and their results, and can describe people as good or bad.Whereas from the sociological perspective, from the perspective of relationships between people, ethics is defined as the whole principles and beliefs that adopt human communities over time, rules that regulate individuals' relations with each other and other people.[2]

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[1]Hançerlioğlu, Orhan. *ToplumBilimleriSözlüğü*, Remzikitabevi, 1993, İstanbul: ss 11.

[2] Aydın, Mehmet Zeki. *AiledeAhlakEğitimi,* CumhuriyetÜniversitesiİlahiyatFakültesiDergisi, 2003, Sivas:ss.125-128

Binbaşıoğlu emphasizes the connection between ethics and tradition refering to ethics in general as the ability to comply to morals of the environment or the entire rules related to it. When people obey these rules they make happy themselves and others as well. These rules with the time become a part of individual's personality and then "conscience" occurs.[1]

Gökberk states that the ethics of the ancient Greek philosopher Sokrates, is superior and its superiority is related to its connection with knowledge, only accurate knowledge will bring right action. According to Socrates, the essence of being ethical (moral) is knowing the good. His conception of ethics is social ethics. According to him, not only a single person, but society's happiness is important. Aristotle, like all Greek moralists, says that the ultimate purpose of all our efforts is happiness. The essence of the human is mind. Human can be happy only with the activity of mind.[2]

In general terms, remarkable points in the definitions of morality can be summarized as right knowledge, happiness, the ability to adhere to human customs, attitudes, beliefs, habits, social state of consciousness. What makes the subject of ethics so sensitive is the wide meaning and content it expresses.

On the other hand, while the definition aims to include human relations is made, this wide range has been tried to get explained by making a sensitive connection from knowledge to happiness and from there up to social rules.

2. LITERATURE REVIEW

Discussions Related to the Source of Ethics

In connection with the definition of Ethics there has been a discussion relating the point of its source. Because of being a human characteristic it shouldn't be forgotten that ethics is a part of life since the first human. Religious based explanations, as well as mind refering thoughts represent their common point human. Thus, whatever the source, morality is one of the indispensable facts of human life.

Türkgülü, signifies the source of ethics to be metaphysics in ancient times, theology in the Middle Ages, whereas in the early modern age epistemology. According to the views based on knowledge ethics' source are as following:

a- According to empirical views, ethics is a result of the knowledge people gain through their sensory organs. It is a reality reached as a result of a kind of experience. Just as the way we get to the right information through our sense organs, the same way we reach the good, beautiful and true information given by objects.

b- According to relative view human element is essential. Because it is people who change the object. They want to protect and comply the rules.

c- According to the rational view, the concept of morality is categorically found in mind. Therefore, the mind is the source of everything. Mind is also the basis of experiments and observations we do through our sense organs.

d- According to intuitionist approach, the intuition power in humans is the factor which determines all their behaviour. Therefore, intuition in moral and ethical behavior form the result. oluşurlar.[3]

Öztürk states that there can be laid down three basic thesis as possible sources of ethics throughout the history of humanity. The first of this thesis is the thesis of religions which accept ethics as rules sent to prophets through revelation. Whereas the second thesis are theses of doctrines of philosophy that deal with ethics referring to mind and view it both a metaphysical as well as a practical human reality. While the third thesis are the anthropological and sociological theories developed over the social aspect of ethics.[4]

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[1] Binbaşıoğlu, Cavit. *Eğitim Pikolojisi*, Kadıoğlu matbaası, 8. basım, Ankara: 1992, ss. 186.
[2] Gökberk, Macit. *Felsefe Tarihi*, Remzi Kitabevi, İstanbul: 1996, ss. 50.
[3] Türkgülü, Mustafa. *Ahlâkın Kaynağı Tartışmaları ve Ortaya Çıkan Ahlâk Telakkileri*, F. Ü. İlahiyat Fak. Der., Elazığ: 1968, Sayı 3/291-311.
[4] Öztürk, Osman. *Ahlak Olgusunun Kaynağı Nedir?*, Köprü Dergisi, İstanbul: 2006, Sayı 95.

Türgülü has made a different classification associated with the source of morality dividing moral conception into non-religious and religious.

1. Non – religious moral conception is the secular thought that doesn't include the idea of God and the Hereafter and do not take the authority and orders from religion.

2. Religious moral conception accepts religion as the power that shaes human's will. Being ethical means to submit to God's wishes and his Messenger.

Ceylan indicates that Kant views individuals as the main source of morality. Morality found within human nature originates from its own essence. This source, regardless of race and culture difference is the same in all human beings, because they have minds. Therefore, it is possible to find people with virtuous behavior and virtues in every society.[1]

Öztürk, implies that according to sociologists the source of ethics is society. According to sociologists and anthropologists people as a community, in order to live together on a regular basis, to communicate with each other, to be healthy and happy without any conflict, have had to develop some moral principles. Durkheim and Comte's ideas are important in this regard. According to Durkheim's example, moral behavior is a product of society. Morality first rises in society, but occurs in the form of individual behavior. According to Durkheim human is a moral creature; a non – moral community cannot be considered. The more the human socializes, the more ethical it gets.[2]

Because of the natural resemblance to each other in many issues, as a source of ethics, the number of religious views, represent a significant ratio. The fact that the first created human is a prophet and his life teachings for the world were directly received from God, strengthens the views. In this regard both the teachings revealed by the Prophet of Islam Hz.Muhammad and the Prophet of Christians Hz.Isa, as well as their life models can also be given as examples. On the other hand, the goal of religions to create the model human within every aspect of religion coinciding with the aim to form moral people, have a nature which supports the idea that religion can be the source of ethics.

According to Öztürk, the same way that divine power added the moral sense to human beings, he has also sent books and reorganized them, has informed them by reminding the forgotten things and sending book. So ethics are commands revealed through books and added to human nature by Allah to arrange people's both individual and social lives; they are His demmands that show how people should behave.[3]

Whereas Aydin, expresses that he holds a different interpretation for Ficht's moral evidence of Kant and that God views acception of ethics as faith. Because accepting morality, doing the necessary things will glorify God and will make Him happy. The evidence of this is the voice we hear in our conscience.[4]

Discussions Related Universal Ethics

After Modernism the spread of individualism thought, together with Postmodernism, has created a world where everyone has their own correct things. The same culture, the same society, people living in the same apartment have never been so separate, so much people of different worlds until theses days. It can be said that this situation as well as some benefits, has also brought some troubles. For Example; in a world where individuality gains importance identifing some thoughts, movement and case, bringing them to a form acceptable to everyone is a problem that is already taking place.

We can count the word morality as one of these. Inside individualistic conception of life in the modern world, making a common definition of morality, filling it with common values has become quite difficult.

The reason of this changing of what we call "ethics" and things found in its nature according to people and institutions, by making a definiton of morality according to almost every person and institution is the drawing of its frame. At this point, making a study related to ethics, measuring the moral level of people is becoming quite difficult.

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[1]Ceylan, Yasin (2004), *Din veAhlak,* DoğuBatı, Sayı:4, ss. 79-86.
[2]Öztürk, Osman. *Ahlak Olgusunun Kaynağı Nedir?,* Köprü Dergisi, İstanbul: 2006, Sayı 95.
[3]A.g.e.
[4]Aydın, Mehmet. *Tanrı-Ahlak İlişkisi*, Türkiye Diyanet Vakfı, Ankara: 1991, ss.4.

On the other hand, despite of many facilities of the modern era, it is a fact that it has brought also many problems. Society is giving serious exams and governments are facing difficulties towards serious problems that shook the community structure such as terrorism, violence against women, corruption, bribery etc. Considering these serious problems of our age, it can be said that the need of all mankind for compromised universal values is being increasingly more intensely felt. In order to overcome these problems humanity first must reach a compromise on common basis and this compromise must be converted to institutions functioning with justice. It is obvious that this is an unavoidable necessity. Otherwise, in a world where everyone has its own right, except the "right of the strong" it will be impossible to find an applicable policy.[1]

According to Apel, postmodernism representatives for example Jean Francois Lyotard and Michael Foucault, indicate that they believe that it isn't worth asking for a universal ethic and they are afraid that under the name of universalism there may be harmed individual differences of lifestyles.[2]

Yücel and Tezekici state that for those who don't consider morality as universal, human behavior is directed toward pleasure, that's why pleasure is good and pain is bad. As a result morality has become a phenomenon varying from person to person. On the other hand there are two groups who accept the universal law of moral. While some of them (Mill, Bergson) say that the thing that determines the universal moral law is subjectivity, the other part (Plato, Spinoza) implies that these elements are objective.[3]

Reboul views universality of moral in terms of values and implies that in their culture (ancient Greek) beside the universal acceptance of values there are also found those who do not consider them as universal. According to Reboul Sophistler are their leaders. While explaining the universality Reboul tells the story in Voltaire's article tittled "Beautiful". "Ask a toad what the beauty is, it will tell you it's his female". Reboul, approaching the term universality from a different point draws attention to the relativity of universality:

"Indeed, if we say that our values are universal, we rightly are accused of ethnocentrism (see their culture superior to other cultures) and pressuring other cultures." Because by what right we will impose our own culture to other cultures? On the other hand, if we accept the relativity of our values, then our culture will not be able to take place among other cultures and will losse its legitimacy. "In this case do we have the right to teach our own children values which express nothing for others? In a sense isn't this a way to submit cultural arbitrariness?"[4]

3. CONCLUSIONS

As a result, whether the source is religion, world or anything else people give importance to, it is an unavoidable fact which must be accepted that values known as common by all living people on earth are moral understanding values. Perhaps the most fundamental point that will unite all mankind, a feeling, a thought related to what is good and what is bad is found somewhere in the depths of the human.

Building a beautiful world, leaving an immaculate world to generation, where people respect each other, a world where no injustice, evil, violations of human rights are found, are desires of the whole mankind as much as ours. People of science will surely continue discussing these issues on a scientific platform. On the other hand, in our world resembling a small village, the thing belonging to each individual is taking whatever is good and beautiful, what's important for the benefit of humanity and apply it to our lives, doing the things needed in order to provide our generation and doing them in the best way must be the most correct behavior.

[1]Arslan, Hulusi. *AhlâkınEvrenselliğiAçısındanİslâmveModernizm*, İ. Ü. İlahiyatFakültesiDergisi, Güz 2010/ 1(2) ss. 41-60.

[2]Apel, Karl-Otto. *Bugün Evrensel Bir Etiğe Gereksinim Duyuyor muyuz? Yoksa Bu [Etik] Yalnızca Avrupa Merkezli Bir Güç ideolojisi mi?*Çeviren: Taşkıner KETENCİ. Universitas, *A*n Interdisciplinary Journal for the Sciences and Humanites: 1993.

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[3] 3.Aydın, Mehmet. Tanrı-Ahlak İlişkisi, Türkiye Diyanet Vakfı, Ankara: 1991, ss.4.

[4] 4.Ceylan, Yasin (2004), Din ve Ahlak, Doğu Batı, Sayı:4, ss. 79-86.

[5] 5.Gökberk, Macit. FelsefeTarihi, RemziKitabevi, İstanbul: 1996, ss. 50.

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[8] 8.Türkgülü, Mustafa. Ahlâkın Kaynağı Tartışmaları ve Ortaya Çıkan Ahlâk Telakkileri, F. Ü. İlahiyat Fak. Der., Elazığ: 1968, Sayı 3/291-311.

[9] 9.Yücel, Fatih. Tezekici, Selman. İktisat Disiplini ve Ahlak Felsefesinin Etkileşimi: Birliktelik ve Karşıtlık, Selçuk Üniversitesi Sosyal Bilimler Dergisi, Konya: 2007. Cilt 10, Sayı 1-2.

Modernization of tax structure in Kosovo

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Abstract

An advantage in stabile economic balance in different countries is undoubtedly the form of fiscal system. Transformation towards modernization of the tax administration can undoubtedly bring favor the development of the economy with special emphasis on small business and middle. Fundamental changes that must occur in the tax structure redistribution of the tax burden and broaden the tax base. However leaders in this area requires special attention because this hypothesis is quite challenging because of the possible consequences. The main directions should have the right tax policy orientation; change in structure between direct and indirect taxes and tax structure right from the central or local level decentralization of tax power. Efficient functioning of the tax administration services and providing suitable conditions for fulfillment by taxpayers is the challenge of the tax system in Kosovo. One of the prerequisites of the efficiency of the tax system, in addition to organizational activities is the provision of modern information system, on which the tax administration of Kosovo should be on the cutting edge. This will simultaneously be the topic of discussion in my next paper for the Conference

Keywords: system, tax, change, economy, modernization.

Introduction

Public revenues and state departments with particular emphasis on budgets in different countries continuously face the difficulties of taxes collection, however in majority of the cases quite harsh methods have been applied for tax compliance towards taxpayers. This problem is acute in my country the Republic of Kosovo. Although in our practice so far have been used different types of taxes and methodologies as well as of the tax collection - public revenues, followed by difficulties, problems and none-willingness of taxpayers for tax payment.

Moreover, besides central, regional, municipal and local government authority, many institutions have their rules and regulations to pursue their objectives aiming their budget accomplishment whereby raising further obstacles for businesses and other tax payers, especially for newly established companies.

In the context of tax payment difficulties, the willingness to pay in one hand and the state budget accomplishment according to their needs, which are increasingly in different directions, the necessary conditions for taxpayers to enable settlement of tax obligations in line with the applicable laws, gives us the grounded element for a professional advancement study level of the tax system.

In the following of this scientific work we have tried to research and treat scientifically the problems of the tax system and policies, on the development and functioning in various countries with special emphasis on the Republic of Kosovo by comparison with countries in the region and global range. Development of the finance is a very important and irreplaceable factor that advances the economic processes, in which it also confirms the state economical and financial potential, citizens and business potential, as well as financing of the economic, social and state activities. Whereas management policies, techniques, terms and harmonization with financing needs and demands of citizens and the state, it determines their effect.

It is well-known that the last decade tax reforms in the countries under transition from former planned economies to market economies, it appears as a notable laboratory in the drafting of tax policy and tax practices. This is particularly evident for those countries (such as Hungary, the Czech Republic, Poland, Slovenia and the Baltic states) that moved rapidly at the beginning of the transition for presentation of the comprehensive tax reform, based on a common objective for their entry into the EU. At the beginning of transition, these countries had a challenge to establish the new fiscal institutions and the market oriented towards new tax systems. (Luigi Bernardi, Mark WSChandler and Luca Gandullia, Tax Systems and Tax Reforms in New EU Members, page 1).

Kosovo started later on this reform process as a result of status that use to have until after the war when it had started the transition associated with the support of the counties sustaining its new status. One of the most important changes it was the fiscal reform. (Angel Pere, Albana Hashorva, Tax System in Western Balkan Countries - Between Simplicity and Efficacy, page 81)

In all countries on the transition, now members of the EU, the tax reform process was significantly influenced by their histories. Instead of coping of the Western-style taxation systems, they followed an evolutionary approach that had associated them in drafting of the tax systems (Luigi Bernardi, Mark WSChandler and Luca Gandullia, Tax Systems and Tax Reforms in New EU Members, 3).

Kosovo since after the war it had an interim period under the United Nations Mission Administration known as UNMIK and due to that could not avoid the direct impact of preferences and practices of the countries from where the mission's representatives were coming from, whereby ignoring the fact that Kosovo it had a tax tradition and experience.

Problem and Objectives of the Study

There are no-real and certainly no-perfect conditions for taxpayers and businesses for an optimal level of the accomplishment on common interests between the two parties of the interest such as governments and taxpayers. There are no-unique rules for the treatment of taxpayers in the establishment of public revenue - taxes whereby not denied the recent efforts of the European Union to standardize the methods of Value Added Tax by the Sixth European Convention.

On the other hand, the new system requires new rules to play with the purpose for establishing of an equal environment for all governments that should provide the sufficient participants with equal criteria. Majority of countries still do not have sufficient rules to protect their fiscal environment or their countries or their financial interests against the illegal activities. In areas such as taxation, on the other hand, the legacy of the system it leads to the assignment of very high levels of taxes and contributions, and the possibility of complications as well as rules that are continually changing.

The purpose of my study is: Being persistently theoretical and pragmatic researcher of the field of taxation and in conformity with this permanently dealing with economic phenomenon of the taxation, compliance, collection, implications, it makes me along with the desire my intentions for future studies, and the research of a new tax and fiscal system, with new methodology of the action, which initially I would call it equivalent tax that implies replacing of the profit tax, which later with in depth-studies I will try to define to perfection. This new reformatting of the tax system that implies also application of new and modern methods in terms of meeting the maximal conditions for businesses and tax administrators, always aiming for practical application in my country and beyond, will be a challenge for me and next generations to come, with insistence to be a new methodology of gathering the interest of taxpayers and governments, for a satisfactory fulfillment of the mutual interests.

The influence of fiscal policy on state budgets and as well on economic development with special emphasis on business but also in other economic factors up to the level of GDP have always urged the researchers in the academic field as well as institutionally. Efforts have been made to understand what has been the impact of fiscal policy in terms of economic development whereby numerous analyses took place. To come to the accomplishment of the large budgetary revenue in one hand and economic growth on the other hand, Kosovo and the Balkan countries should have stimulating conditions for the economy as countries on the approach to EU at the same time should have the ability for satisfactory fulfillment of their budgets.

The needs for economic growth as well as higher public revenues, has challenged many researchers, has developed theories and raised many issues concerning perfection of fiscal policies, their management and expenditures.

Developments in Kosovo Tax System

The state has numerous duties, as well as powers and daily responsibilities, those duties and responsibilities are based in the Constitution, the legal system, rules and regulations, various administrative guidelines and other provisions in

accordance with defined and regulated legal and political system. *Public revenues can be defined as income in cash (monetary means) during one year, which are in the service of the state, the social communities for fulfillment (coverage) of the social needs (Komoni, Sabaudin, 1983, 468.)*

The Republic of Kosovo is relatively a small country and located in Southeastern Europe. Kosovo it has a population of about 1.8 million inhabitants with 50.55 percent male and 49.5 percent female, with 163.2 inhabitants per square kilometer and average of 5.9 family members.

Kosovo it continues to face the challenges in economic and social aspects with high unemployment around 40%, which it makes about 2/3 of the active population (15-64) or about 1.2 million people. Unemployment is higher among female 40%, while 28.1% male. Public and capital investments which in recent years 2010/2013 had a significant participation on the budget, there are indications to decline in favor of the welfare of citizens and raising the level of the economy and reduce unemployment

However, although since the beginning of the financial economic crisis in 2007, Kosovo's economy grew by an average 4.7% price increase over this period (on average) 3.8% has influenced the benefits of such growth economy not fully transmitted in real incomes of the population. Kosovo Budget has different growth trends:

The system of public financial management and tax system are not at the right level, so this system should be stable and in ensuring an adequate level of fiscal discipline. Recently results in fiscal discipline in the review as a result of the measures according to Stand-By Arrangement with the IMF.

However, budget management of risks and challenges still follow as:

• Failure to use sufficient information routinely under medium-term expenditure framework

• Deviation from planned levels of the expenditures

• Inadequate supervision of budget expenditures by public enterprises

European Union - EU 27 members, is a high tax area, with the overall average tax ratio of 38.4% of GDP (weighted average) in 2010. This is more than 50% higher than in the US (24.8% of GDP). During the period 2000-2010 the total tax ratio decreased by 2.0 points. (These figures are based on tax Trends report in the European Union, edition of 2012, published by Eurostat. Series Eurostat "statistics explained" gives slightly higher rate due to using a different methodology. The overall tax ratio is calculated by Eurostat on the basis of a denominator (GDP values) that includes calculation of production by the informal sector. This explains why low ratio of total tax may occur due to low tax rates but also due to high tax evasion)

Within the EU changes in global tax levels between Member States are too high. In Denmark (47.6%), Sweden (45.8%) and Belgium (43.9%) global tax burden is 60 to 75% higher than in Lithuania (27.1%), Romania (27.2%), Latvia (27.3%) and Bulgaria (27.4%). All new Member States of EU have a global tax ratio which is below the EU average. These major changes largely depend on social policy selections:

The needs of state of Kosovo and the level of tax administration also require numerous efforts towards the enhancement of performance in compliance with European standards and regulations.

As in all modern states, also in Kosovo, different types of taxes, fees, contributions and other fiscal instruments compose the tax system regulated by well system laws.

Tax instruments operate on the basis of tax rates that are in line with the rules, regulations and laws that have been approved.

The tax system began to operate from the beginning of 2000. The value added tax replaced the sales tax and a presumptive tax and the tax on hotel services. In September 2001, began to apply the property tax, while in 2002 the profit tax and income tax. Kosovo has made changes, respectively the reforms in the tax system which are enhanced. So far the biggest reforms to the system were made in 2005 while continued in 2008.

Tax systems are based on three pillars: according to the type also tax distinguish: - Direct taxation which includes personal income tax, corporate income tax and other income and capital taxes (inheritance tax and gift's taxes); - Indirect Tax , including VAT, excise taxes, taxes on consumption, taxes on products (goods) and production;

In the Republic of Kosovo currently are functioning these taxes: personal income tax, corporation tax and value added tax. In the Republic of Kosovo collection of budget funds have been realized from the two institutions which are authorized to administer the funds, Customs and Tax Administration of Kosovo (TAK), while local taxes have been collected by municipalities (throughout cities)

Tax system is organized and managed by the Tax Administration of Kosovo established in 2000 with the growth and development according to the needs of the Kosovo budget and adjusting and approximating towards the path to the European Union.

The trend of tax revenues has been very encouraging in the first decade showing stagnation in the last five years.

Type of tax	Revenues according to years		
	2011	2012	2013
Presumptive Tax	875,347	409,839	70,831
Profit tax	1,805,885	117,480	163,273
Value added tax	122,327,310	131,394,869	149,184,989
Wage tax withheld at source	56,075,975	60,752,691	61,962,028
Individual business tax	23,689,318	26,202,558	28,309,705
Interest, rents, property rights etc	1,385,580	1,648,728	1,650,280
Corporation tax	54,963,748	63,372,768	64,110,827
Total	261,123,163	283,898,932	305,451,932

Besides taxes, the tax administration is the collecting agent of pension scheme in Kosovo under intergovernmental agreements and legal act.. The trend is presented in the graphic below.
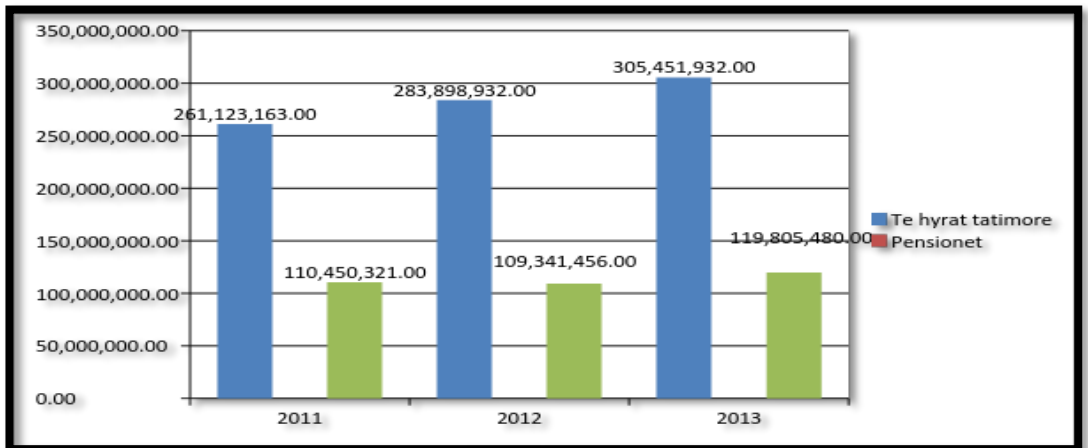
Taxpayer Information System is developed manually through workshops / seminars conducted across various cities with regional basis. Another option is provided through the distribution of tax brochures and leaflets and advertisement television campaigns on changes in legislation. The declaration of taxes from taxpayers is made through written forms of tax statements (declarations) in the front-offices across seven regions throughout Kosovo.

In recent years has entered into force also the module of electronic declaration for one type of the tax, tax withheld for personal income and a portion of VAT. This was a good action towards the beginning of the modernization of the tax system services towards offering better conditions for taxpayers. When it comes to the functioning of the tax administration itself it is well equipped with means of communication and data processing as well as with computers and respective servers. Also current administration possesses the Integrated Data Processing System under the license from Canada. A significant part of taxpayers have difficulties in declaring of their taxes because they are not equipped with respective computer means and tools, etc., to adapt themselves to the modern system of declarations.

Focalization system began in 2010 but it has faced the some difficulties in the selection of appropriate fiscal operators as well as the resistance of taxpayers to establish and place fiscal cash box devices, whereby businesses justified themselves on the grounds of the high cost for establishing these fiscal devices.

Conclusions

On the basis of the information gathered show that the tax administration in Kosovo has the duty to collect the revenues that enable the funding of public expenditure needs such as security, health education to social programs. This system of tax collection has made efforts in creating an environment in a way that you add the fulfillment of tax obligations by business and other tax groups. However, Kosovo is not creating a desirable tax system.

Among the priorities of this administration was to facilitate the process of fulfilling the administrative process easier, providing the guidelines etc. Tax administration has so far enabled to furnish taxpayers with brochures, leaflets and appropriate forms of taxes we physically last three years we electronically for some types of taxes.

The level of tax fulfillment compared with tax potential is still far from being realized, until when we compare ourselves with countries in the region and the EU, Kosovo, my country is far from optimal performance in the creation of the budget even though we have a good adaptation of legislation.

The level of technological adaptation has started but is being developed at low rates. Taxpayers are not yet equipped with fiscal and the same does not have sufficient conditions for computer and technology provide sufficient. The tax administration has already begun the application of the system on-line declarations.

Recommendations:

Government and subordinate tax system should be more committed to the creation of appropriate conditions for taxpayers to meet their tax obligations, not only to assess their real tax base, equal treatment of taxpayers, but also in providing techni- conditions technological moderate. This means providing on-line services for the declaration and payment of taxes from taxpayers office at any time within the legal limits specified. The tax system should provide information to ensure taxpayers for their statements, broaden the tax base and increase revenues from taxes

Basic recommendations for the development, establishment and modernization of the tax system in the Republic of Kosovo and elsewhere in the region would be:

- Increase communication with the public and the taxpayer

- Develop technical capacities with contemporary level of technology

- Provide basic data of taxpayers.

- Increasing state taxpayer reports the level of reciprocity of interest.

- Provision of services on-line declarations

- Removal of disclosure forms, modification and reporting of acquisitions

- Provide ongoing explanations for taxpayers, including public rulings, individual, different answers, through physical copies, or e-mail, through the media, etc. •

- Provision of services to taxpayers, through the Call Center;

- Provide direct line to warn the public about cases of tax evasion and other bad occurrences.

Tax Administration as an agency authorized to collect taxes in addition to the regular work, routine and special inspections should provide guidance, explanations and individual public through the regular line electronic, through the media. Provide training and other activities for taxpayers.

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