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## TABLE OF CONTENTS

<b>THE EFFECTIVENESS OF GO GREEN IMPLEMENTATION AMONG SOCIETY IN KOTA BHARU, KELANTAN .....</b>	<b>10</b>
CHE RUSULI M.S., NAQIAH M. ....	10
FITRIANI Q, SYAHIDA N. ....	10
HAKIM M. ....	10
<b>MODERN FORMS OF BANK SERVICE IN ALBANIA .....</b>	<b>15</b>
JEHONA GJERMIZI, PHD CAND. ....	15
DR. BLERIM KOLA .....	15
<b>INNOVATIONS AND ONLINE MARKETING SERVICES TRENDS IN ALBANIAN TOURISM SECTOR .</b>	<b>22</b>
ELTON NOTI, PHD .....	22
BRUNELA TREBICKA, PHD.....	22
<b>THE DIVERSIFICATION OF E- SERVICES IN TOURISM MARKETING – CASE OF ALBANIA .....</b>	<b>27</b>
ELTON NOTI, PHD .....	27
BRUNELA TREBICKA, PHD.....	27
<b>EFFECTS OF SOCIO-CULTURAL DEVELOPMENTS OF GJAKOVAR SOCIETY .....</b>	<b>32</b>
BEKIM AVDIAJ .....	32
LUMNIJE AVDIAJ .....	32
<b>AVIATION ENTREPRENEUR MODEL (AEM) IN MALAYSIA: A REVIEW.....</b>	<b>42</b>
SUHAILA ABDUL KADIR .....	42
MUHAMAD SAUFI CHE RUSULI .....	42
<b>AN ALBANIAN CASE STUDY ON MEASURING THE SERVICE QUALITY IN AN ACADEMIC LIBRARY</b>	<b>52</b>
BLERIM KOLA, PHD.....	52
<b>APPLICATION CASES OF MAIN TOURIST DESTINATION COMPETITIVENESS MODELS IN DIFFERENT COUNTRIES OF THE WORLD, ESPECIALLY IN BALKAN REGION DESTINATIONS. ....</b>	<b>58</b>
SONILA BERDO .....	58
<b>CIVIL SOCIETY FROM HISTORICAL TO CONTEMPORARY PERSPECTIVES.....</b>	<b>64</b>
ARDIAN KASTRATI .....	64
<b>DISPUTES AND THEIR RESOLUTION IN THE ELECTRONIC COMMUNICATIONS MARKET .....</b>	<b>69</b>
JONIDA GJIKA.....	69

---

<b>HUMAN BEINGS TRAFFICKING. THE ALBANIAN LEGISLATION .....</b>	<b>75</b>
NIKOLIN HASANI, PH.D.....	75
<b>ISLAMIC SOCIAL ETHICS: AN ANALYSIS OF MISKAWAYH’S THOUGHT .....</b>	<b>81</b>
PROFESSOR DR. MOHD NASIR OMAR, .....	81
<b>JOB SATISFACTION OF SOCIAL SERVICE WORKERS IN PENITENTIARY INSTITUTIONS IN ALBANIA .....</b>	<b>88</b>
ENIDA KUME.....	88
<b>MODERNISM, GOD, AND CHURCH IN THE THINKING OF J. MACBRIDE STERRRETT.....</b>	<b>95</b>
SIMUŢ CIPRIAN.....	95
<b>PHYSICAL EVIDENCE.....</b>	<b>103</b>
MR.SC. BESIM ARIFI, PHD CAND. ....	103
<b>THE GENOGRAM IN HELPING RELATIONSHIP .....</b>	<b>108</b>
LEJDA ABAZI, PHD CAND.....	108
<b>PROVISION OF HEALTH AND SOCIAL SERVICES FOR DRUG ADDICTS IN THE REPUBLIC OF MACEDONIA.....</b>	<b>112</b>
SUNCICA DIMITRIJOSKA.....	112
SVETLANA TRBOJEVIK .....	112
NATASHA BOGOEVSKA.....	112
VLADIMIR ILIEVSKI.....	112
<b>REGULATION OF ELECTRONIC COMMUNICATIONS MARKET .....</b>	<b>122</b>
JONIDA GJIKA.....	122
<b>CASES WHERE SOFT POWER IS BEING IGNORED .....</b>	<b>126</b>
ELIRA LULI, PHD CAND.....	126
<b>ENGAGEMENT CEREMONY IN THE SOTHERN COASTAL AREA OF ALBANIA, AN ETHNO-FOLKLORIC VIEW.....</b>	<b>132</b>
MSC. BLEGINA BEZO (HASKO).....	132
<b>COMPONENTS THAT ENHANCE CLASS MOTIVATION IN A CLASS SITUATION .....</b>	<b>138</b>
HYSEN KASUMI, PHD CAND.....	138
DR. QATIP ARIFI .....	138

---

<b>DIRECT PARTICIPATION OF CITIZEN IN DEMOCRATIC DECISION MAKING AT THE LOCAL LEVEL</b>	<b>143</b>
PHD (C) RAMIZ FAZLIU .....	143
<b>PERSONAL DATA PROTECTION AND THE EMPOWERMENT OF CIVIL LIBERTY, JUSTICE AND SECURITY: UNIVERSAL VALUE OF GLOBALIZATION.....</b>	<b>148</b>
MR.SC. RUZHDI JASHARI, PHD CAND. ....	148
<b>TOURISM POLICY AND ENABLING CONDITIONS; A COMPARATIVE ANALYSIS RELATED TO MEDITERRANEAN DESTINATIONS.....</b>	<b>157</b>
RAMAZAN GORAL .....	157
<b>ROADS AND RAILWAY LINES IN SERBIA AFTER THE BALKAN WARS .....</b>	<b>175</b>
MILOŠ JAGODIĆ.....	175
<b>COMPARATIVE PERCEPTION AMONG MINORITY COMMUNITIES ON THE KNOWLEDGE OF UN CONVENTION OF THE RIGHTS OF CHILD, INSTITUTIONAL RESPONSIBILITIES AND CHILD PARTICIPATION IN DECISION MAKING PROCESSES .....</b>	<b>185</b>
NEHARE ZEQRIRAJ .....	185
<b>CLASSROOM MANAGEMENT.....</b>	<b>201</b>
ELIDA KURTI, PHD CAND.....	201
<b>OVEREDUCATION AND MISMATCHES AT THE LABOUR MARKET - ALBANIA CASE .....</b>	<b>211</b>
MIGEN ELMAZAJ, PHD CAND.....	211
ALMA KONDI .....	211
<b>THE ROLE OF WOMEN IN MEDICAL SERVICES IN THE EARLY ISLAMIC PERIOD.....</b>	<b>226</b>
PROF. DR. LEVENT OZTURK .....	226
<b>STRUCTURE, STRATEGY AND ORGANIZATIONAL DESIGN IN ALBANIAN CONTEXT .....</b>	<b>233</b>
MA. LUDMILLA SHKURTI PHD CAND.....	233
<b>WOMEN AND ENTREPRENEURSHIP – ALBANIAN CASE.....</b>	<b>249</b>
DR. ANNA XHEKA .....	249
<b>CUSTOMER-BANK RELATIONSHIP IN COMMERCIAL BANKS OPERATING IN ALBANIA.....</b>	<b>254</b>
JASMINA LUMANAJ, PHD (C) .....	254
VIRTYT LESHA.....	254

---

<b>THE RIGHT TO BE HEARD IN THE EUROPEAN UNION – CASE LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION .....</b>	<b>264</b>
PRANVERA BEQIRAJ (MIHANI).....	264
<b>THE IMPACT OF TOURISM ON THE NATIONAL COMPETITIVENESS: CASE OF EU28 AND WB COUNTRIES .....</b>	<b>270</b>
MATEA ZLATKOVIĆ.....	270
<b>TOURISM DESTINATION BENCHMARKING ANALYSIS .....</b>	<b>283</b>
MATEA ZLATKOVIĆ.....	283
<b>THEORIES OF MONEY SUPPLY: THE RELATIONSHIP OF MONEY SUPPLY IN A PERIOD OF TIME T<sub>-1</sub> AND INFLATION IN PERIOD T- EMPIRICAL EVIDENCE FROM ALBANIA.....</b>	<b>294</b>
PHD CAND. SORINA KOTI.....	294
TOMI BIXHO .....	294
<b>ORGANIZATIONAL CHANGE: EMPLOYEES REACTION TOWARDS IT .....</b>	<b>303</b>
PHD.CAND. GENTISA FURXHI.....	303
PROF.AS.DR.SONELA STILLO.....	303
DOC. MARINELA TENEQEXHI.....	303
<b>MASS MEDIA AND THEIR RELATIONSHIP WITH CRIMINAL LAW IN ALBANIA.....</b>	<b>309</b>
ROVENA KASTRATI, PHD CAND .....	309
<b>AGGREGATE IMPACT OF THE COUNTRY IN CONCRETE DURABILITY, THAT WORKS IN NORMAL ENVIRONMENTAL CONDITIONS.....</b>	<b>315</b>
DR. ING. ALMA GOLGOTA .....	315
MRS. ARK. BORIANA VRUSHO.....	315
<b>URBAN LAND MARKETS IN DURRES.....</b>	<b>326</b>
DR. ING. ALMA GOLGOTA .....	326
PHD CAND. ARK. BORIANA VRUSHO.....	326
<b>ROAD INVESTMENT AND REGIONAL DEVELOPMENT SOME EVIDENCIES FROM ALBANIA .....</b>	<b>333</b>
DR. ING. ALMA GOLGOTA .....	333
PHD CAND. ING. DIANA BARDHI .....	333
<b>ASSESSMENT OF THE CAPITAL STRUCTURE AND COST OF CAPITAL USING FINANCIAL INDICATORS, THE CASE OF LARGE BUSINESSES IN ALBANIA .....</b>	<b>341</b>
PROF. ASSOC. DR EDLIRA LUÇI .....	341



PHD CAND. LLESH LLESHAJ .....	341
<b>FACTORS AFFECTING THE PROFITABILITY OF INSURANCE COMPANIES IN ALBANIA.....</b>	<b>352</b>
ASSOC. PROF. DR. DORINA KRIPA.....	352
MSC. DORINA AJASLLARI.....	352
<b>STRATEGIES FOR PREVENTION: MENTAL HEALTH NURSE BURNOUT AND STRESS.....</b>	<b>361</b>
VIOLETA SADIKU(ALTERZIU).....	361
<b>COMPARABILITY OF LIMITATION, DEPRIVATION AND TERMINATION OF PARENTAL RESPONSIBILITY IN KOSOVO AND IN SOME BALKANS STATES .....</b>	<b>366</b>
BURIM TAHIRI, PHD .....	366

## The Effectiveness of Go Green Implementation among Society in Kota Bharu, Kelantan

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### Abstract

*Nowadays, Go Green has becoming an initiative in protecting the natural resources for the next generation and protects human health through environmental management and implementation of green ways of life. This study seeks to identify the effectiveness of the implementation of Go Green by Majlis Perbandaran Kota Bharu (MPKB) Kelantan. The population of this study includes society in Kelantan and 200 respondents will be involved which is lives in Pengkalan Chepa, Kubang Kerian, Pasir Tumboh, Wakaf Bharu and Kijang. The results from this study hoped will contribute to the body of knowledge which has a positive significant relationship with education, technologies and legal actions.*

**Keywords:** Environmental management, Green, Education, Technologies, Legal actions.

### Introduction

The awareness towards having healthy life is increasing day by day. Go green campaigns are widely used to expose the environmental issues to the public and at the same time to inculcate the awareness of green behavior on the environment. Go Green campaigns becoming very important to keep our environment clean and healthy from any disease as well as free pollutions. Latest news reported that the severe haze with a high API that caused by an open burning claimed many lives of the society and this situation should be taken into action in order to overcome it. Many parties (e.g. government, state, local authority, etc.) have to take this matter seriously and each person in this world has to know the important of Go Green implementation so that they able to protect our planet from destroyed. For example, pollution can happen from various types such as air, water, soil, noise, radioactive, thermal, light and visual. Other than that, it could lead to killing diseases for instance long period of time disclosure to polluted air can give effects to loss of lung capacity, decreased the lung function and could shortened life span. On the other hand, water pollution may possibly cause diarrhea, malaria, hepatitis A, lead poisoning and many more which can be conclude that different type of pollution are able to lead to different type of diseases that possibly will take someone life especially the lives of your loves ones. All these can happen when there is no action have been taken to implement Go Green in people daily lives. Although, there are global campaign have taken place such as Earth Hour, Earth Day, World Environment Day and so on, but it still not effective if no one is practicing and implementing Go Green approach in their daily lives. Moreover, people or society need to change their habit (e.g. throwing rubbish in public, use recycle items and reduce the usage of plastics bag) in order to reduce global warming.

A large number of customers show increased environmental awareness and a preference for green concept (e.g.: firms, products, etc.), revealing their willingness to purchase and pay more (Han et al., 2011). Consumers or individual who are well aware and concerned about the environmental issues are known as green consumers (Soonthonsmai, 2007). At present, people have aware that their consumption activities will lead to the environmental problems (Tsen et al., 2006). Carrus et al. (2015) state that social interaction in natural environments may represent a source of distraction from the relationship with restorative natural environments. It is found by Murray (2012) that if rebound effects are ignored when evaluating 'green' consumption, environmental benefits will be overstated by around 20% for reduced vehicle use, and 7%

for reduced electricity use. Commonly, in business world or manufacturing industry have done many effort on producing the products in green standards. People also need to aware how important green product in their live, even they not perfectly implementing go green in their daily life. The term "green" usually connecting on keep the environment clean and it refers to the action that reduce the impact on the environment and keep it clean or free from any pollution such as reuse the certain item, recycling or purchasing green product (Wolfe & Shanklin, 2001).

According to Coleman (2011), Go Green consumption can have different meanings for different people and different purposes. Thus, this study defined "Go Green" is the initiative in protecting the natural resources for our next generation and protects human health through environmental management and implementing green ways of life. Higher education must play important roles to educate the next generation, not only to promote social and economic development, but they should ensure these developments will be sustainable (Xiong et al., 2013). Until now, only several countries has implement Green concept in their daily life and it was not successful educate. Building "green curricula" is the most crucial part to increase students' environmental awareness in school and university (Boks & Diehl, 2006). Nejati and Nejati (2013) urged that universities worldwide are changing their mission, vision, and educational practices to better cope with growing concerns about social and environmental issues. Still many of university especially leaders and academicians are unaware or ignorant of sustainability principles in the university setting. Many of the activities related to green in the university has remained unsustainable (Lim et al., 2015; Geng et al., 2013; Xiong et al., 2013; Lozano, 2006).

Knowledge is recognized in consumer research as a characteristic that influences all phases in the decision process (Laroche et al., 2001). Knowledge and information about Go Green had been publicly spread. However, there are slow effort to develop the culture on practicing in daily life such as campaign, talk, program and etc. Geng et al. (2013) noted that pamphlets and outdoor bulletin boards that contain best practices of green need to be daily promote to the society. Hosseinpour et al. (2015) revealed a previous studies done by Han et al. (2009) and Laroche et al. (2001) observed that women have strongly different in terms of having environmentally friendly behavior rather than men. These studies concluded that not only women are more environmentally concerned but they also willing to pay for green products. Nejati and Nejati (2013) found that this Go Green issues remains under researched and needs to be further explored.

Nevertheless, those efforts (Coleman et al., 2011; Tsen et al., 2006; Wolfe & Shanklin, 2001) still inadequate and not give much impact or affect towards society. Furthermore, this study seeks to know how effective the implementation of Go Green among society in Kota Bharu, Kelantan especially Majlis Perbadanan Kota Bharu (MPKB) management. The objectives of this study are as follows:

RO1. To identify the level of education that influences the implementation of Go Green in MPKB.

RO2. To determine the level of awareness, education and knowledge attitudes towards Go Green implementation in MPKB.

RO3. To recommend solution to MPKB towards implementation of GO GREEN activities.

The present study attempts to answer the following four principal research questions are formulated:

RQ1. Is it the level of education influence GO GREEN implementation?

RQ2. Is there any significant relationship between level of awareness, education and knowledge attitude towards Go Green implementation?

RQ3. Is there any recommendation or solution towards Go Green implementation activities to MPKB?

## THEORETICAL FRAMEWORK

The underpinned framework for this study was derived from the in-depth factors and theoretical statements from preceding works. The following model in Figure 1 illustrates the relationship between awareness attitudes, level of education and knowledge.

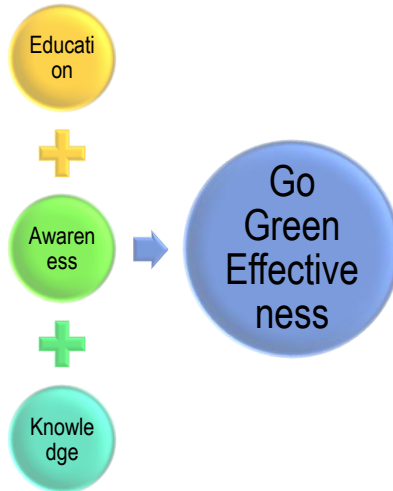


Figure 1. A Proposed of Go Green Theoretical Framework

## Methods

Research methodology is refer to effective method to get the useful information with the minimum cost in achieve a research (Babbie, 2011; Bhattacharjee, 2012; Creswell, 2003; Fowler, 2009). To give the focus, this study will determine the suitable research methodology for applied to achieve the original purpose of the research. The population of this study is society that lives in Kelantan. The sample of the study is 300 respondents which live area of Pengkalan Chepa, Kubang Kerian, Pasir Tumboh, Wakaf Bharu and Kijang. Questionnaire will be use to be answered by respondent and return it within a certain period of time. The data was analyzed by using SPSS system. Descriptive statistics were used to analyze, organize, summarize and describe the collected data. This software can predict with confidence what will happen next so it can make smarter decisions, solve problems and improve outcomes.

## Expected Outcome

Expected outcome is a prediction what the researcher expects after the study has conducted. These studies have three outcomes which are educations, technologies and legal actions. The first expected outcome is to provide more green education and awareness towards Go Green since primary school or kindergarten. It's explained details about effect, cost and benefit that they will get if all the society implementing Go Green activities. If they succeed, they will protect the environment all the time.

## Practical Implications

The second expected outcomes is to create a machine so called "Recycle Go Green Vending Machine" that can accept recycle tin can and the others waste will be disposed. For the recycle waste such as bottle, paper, plastic and aluminums

canned will be enter to the machines, and there will be exchange into coins. Furthermore, if this vending machine started to use in UMK, the machine could generate income back to university.

### **Society Implications**

Lastly, the implementation of recycle law for environmental care needs to be tightened. At present, the society is not concerned to the environmental care that can be seen around Kota Bharu. Other countries around the world apply this recycle policy. For example, university or schools are the focus of sustainability efforts because they are both extremely important sites of learning and significant consumers of natural resources. Through the existing case study could help people to illustrate on how conservation efforts (directed at energy and resource use) can directly address environmental sustainability and support environmental education (Schelly et al., 2012.)

### **Conclusion**

Of course, this research is limited by its very nature as a case study. While individual cases can offer rich descriptions, rich answer how and why questions, and provide propositions for new theory. The study also tends to propose more complex theories than can be validated by examination of a wider variety of cases. However, the limitation of the study has come across, but, our expected outcome is focuses on the development practicing Go Green in people daily life from the beginning of age. Future research should examine a wider such as variety of cases, degrees of conservation and types of sustainability efforts in order to develop theories and practices in the school level efforts that contribute to the Go Green practices.

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## Modern Forms of Bank Service in Albania

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### Abstract

*Albanian banks are currently implementing e-banking. Banks that offer service via this channel claim that it reduces costs and makes them more competitive. However, many corporate consumers are not highly enthusiastic about Internet banking. An understanding of why corporate customers do not accept Internet banking can assist banks to implement this self-service technology more efficiently. In-depth qualitative interviews with Albanian firms suggest that security of the internet is a major factor inhibiting wider adoption. Those already using Internet banking seem to have more confidence that the system is reliable, whereas non-users are much more service conscious, and do not trust financial transactions made via Internet channels. Non-internet banking users tend to have more negative management attitudes toward adoption and are more likely to claim lack of resources. Legal support is also a major barrier to Internet banking adoption for corporate customers.*

**Keywords:** Bank, Albania, Modern, Service

### Introduction

In recent years, the banking sector has been an interesting case for service innovation as it moves toward using the Web for commercial purposes through Internet banking. Internet banking allows customers to have direct access to their financial information and to undertake financial transactions with no need to go to the bank. From the banks' viewpoint, use of Internet banking is expected to lead to cost reductions and improved competitiveness. This service delivery channel is seen as powerful because it can retain current Web-based customers who continue using banking services from any location. Moreover, Internet banking provides opportunities for the bank to develop its market by attracting a new customer base from existing Internet users. Things have not moved as quickly as some anticipated in turning this into reality in the banking sector. Some research shows that most consumer banking customers rank Internet banking as less important than other technology-based delivery channels, such as ATMs and telebanking. Among corporate customers, the situation seems to be similar, though somewhat less researched. Corporate customer interactions are considered to have become more intensive and complex because they involve relationships between firms and banks. These important big volume customers have not adopted Internet banking to any great extent. The potential value to be gained by customer adoption of Web-based service delivery seems to depend on overcoming some important barriers to usage.

Relatively little research has addressed the issue of barriers to Internet banking adoption. Prior studies frequently focus on positive aspects of Internet banking. In addition, Internet banking research has tended to focus on the perspective of personal account customers. There is little published work on perceptions of corporate customers about barriers to Internet banking, particularly in the context of developing countries. This research, therefore, aims to identify how corporate customers perceive barriers to usage of the Internet banking provided by Albanian banks.

### Internet banking and cultural context in Albania

Albania had 3 local and 14 foreign banks offering commercial banking services at the time of this study, although exact categorization is somewhat obscured because some local banks have foreign equity and management participation. The sector is still not completely deregulated, and foreign banks are not yet allowed to open too many branches. Attempting to

become more efficient and competitive, especially after the economic crisis, most Albanian banks have invested heavily in information technology to provide better services to their customers. They hope to reduce operating costs and generate higher long-term profits, similar to expectations by banks in many other countries. Currently, five local banks are the leaders in providing Internet banking. These banks provide fairly similar, standard services via the Internet, such as checking account balances, requesting bank statements and reports, money transfers, loan and bill payments, currency exchange, and opening letters of credit. According to bank managers interviewed in preparation for this research, banks believe this system offers improvement over traditional bill processing, helping customers cut costs and improve payment efficiency.

### Literature review

The frequently cited benefits from Internet banking do not seem to materialize in every case, as the value of Web technology cannot be realized if barriers are too high. Barriers to electronic commerce in general have been classified various ways. Many elements in these discussions are related to the organization's ability to use Internet technology fully, which is one issue we examine here. A second issue is about trust in the Internet banking system and the banks that implement it. The few studies of Internet banking that examine barriers mention drawbacks such as security, privacy, and trust of Web system.

A third factor is that legal support cannot be implemented efficiently to assist customer trust in Internet banking

### Organizational barriers

Organizational ability to utilize Web technology capabilities is one barrier to electronic commerce and may include management attitudes, resource constraints, and knowledge issues. A few studies have cited negative attitudes among some managers as a major hindrance. Negative attitudes cause resistance to change and lack of management commitment, reducing the company's resource allocation and motivation to use the technology. Implementing Web technology as a business channel requires some additional investment and resources, such as hardware and software.

#### Trust of the system

Opportunities from implementing Web technology could be restricted if there is a lack of customer trust in the Web system. Trust has been defined as:

... a willingness to rely on an exchange partner in whom one has confidence...

They viewed trust as an expectation of ability to perform, reliability, and intentionality of a partner, and proposed that trust has to be viewed as a behavioral intention or behavior that reflects dependence on the other partner. In addition, Morgan and Hunt (1994, p. 23) defined trust as:

... the perception of confidence in the exchange partner's reliability and integrity.

Both definitions underline the importance of confidence and reliability in the conception of trust. Customers frequently do not trust Internet technology for three reasons: security of the system, distrust of service providers, and worries about the reliability of Internet services. Strong concern about security is one common factor related to unwillingness to use Internet channels for commerce. Most customers are not satisfied with the infrastructure of Web security systems. In Internet banking, security is one of the most important future challenges, because customers fear higher risk in using the Web for financial transactions. Reputation is important, as distrust of the service provider is a related factor. Reputation can be defined as the extent to which customers believe a supplier or service provider is honest and concerned about its customers. Companies must have experience in business functions, policy, and support personnel to build reputations as competent technology-based service providers to their customers. For banks, reputation is one of the major factors that affect customer adoption of new technology-based service delivery. Reputation depends on policy promises to customers, including privacy policy, as most customers do not like their personal information revealed in an inappropriate manner or misused by others over the Internet. Customers who adopt electronic financial services are more likely to perceive problems related to loss of privacy, as the Internet seemingly allows other people to access their information easily. Customers do not always believe privacy policies will keep customer information confident.

Perceived risk can also cause customers to reject new technology-based service delivery. Perceived risk is related to reliability and system failure. Customers are also worried that technology-based service delivery systems will not work as



expected, and lack confidence that problems can be solved quickly . Frequently, slow response time after the Internet interaction leads to a delay of service delivery and causes customers to be unsure that the transaction was completed .

### **Research methodology**

Although research on barriers to electronic commerce adoption is not very extensive compared to discussion of the benefits, most of the concepts in this study have been occasionally examined before, but mostly in Western context. Using a qualitative approach provides richer detail for exploring viewpoints in early stages of research, allowing the researcher to gain a better initial understanding of the problem and to identify phenomena, attitudes and influences .

The respondents were managers in the customer firms who have responsibility for financial functions of their companies. They include financial/accounting officers and managers/directors. Two groups of respondents were targeted, the first of which consists of five corporate customers who currently operate many of their financial transactions via Internet banking. The second group consists of ten non-Internet banking customers. They were all selected by judgment sampling to cover a range of industries, e.g. finance, leasing, insurance, airline, manufacturing, and dot-com companies (Table I).

The qualitative research consisted of face-to-face in-depth interviews with corporate customers of banks that offer Internet banking. The interviews were conducted in a semi-structured format that allows respondents to express their own viewpoints .A set of interview topics guided the interviews, with a list of probing questions to draw out respondent opinions. Topics were discussed as respondents brought them up, occasionally supplemented by new issues that arose in the interviews. The interview included customer perceptions of both benefits and barriers, although this paper is only about barriers. There was no bias from forcing respondents to focus only on positive or negative issues. They could, and did, bring up both.

All in-depth interviews were conducted in Albanian language. (Quotes in the discussion were translated into English by the first author.) Extensive notes were taken during the interview. We highlighted key issues mentioned from each interview and combined the most common issues mentioned by the interviewees. To identify the major barriers to Internet banking, a qualitative content analysis is used for paraphrasing the range of significant issues. Passages and rewordings with the same or similar interpretations were summarized and categorized according to the barriers schema discussed above, although these categories were internal, not revealed to respondents. Then adopters and non- adopters were contrasted to determine possible differences.

### **Findings: Trust is a major barrier**

<b>Industry</b>	<b>No of respondents</b>	<b>Position</b>
Large manufacturing companies	2	Accounting/finance managers
Finance and securities	2	Managing director/vice-president of finance
Hotel reservation dot-com company	1	Managing director
Non-Internet banking users: (Non-user1-10)	2	Finance managers
Insurance		
Leasing	2	Financial controller and officer
Hospitality	3	Finance director
Airline	3	Accounting/finance managers

The content analysis determined nine critical barriers to Internet banking, which fall roughly into the three broad categories dis

cussed above. Three barriers relate to trust issues: security, reliability of transactions, and trust in the service provider, including about privacy. Security is one of the major barriers. The interviews among Albanian corporate customers indicate that most Internet banking customers have adopted Internet banking as an alternative channel for their customers to make payment to them, but they do not use Internet banking for their own money transfers to other parties. This is because of concerns about security of the communication network. The following statements highlight this issue:

Although we use Internet banking, our company is concerned about security of Internet banking at some level. We believe that banks must also be concerned about security and invest intensively in security infrastructure. The reason is that most hackers normally prefer to hack directly through the bank financial systems. If any financial loss occurs to bank customers (because of this), banks have to [be] responsible for that loss (User1).

We adopt Internet banking as an additional channel for customers to make any payment to us. For internal financial transaction, such as employee salary, payment to suppliers, we use other service delivery channels, e.g. traditional money transfer or cheque payment (User3).

Non-Internet banking customers prefer to receive services directly from the banks, and have not even set up channels for their customers to use. These customers are not necessarily technology averse, e.g. some of them use non-Internet proprietary online banking software which enables banks to transfer funds or pay bills directly to bank customer accounts. However, non-Internet banking customers stay with services which are either less technologically advanced or are more closed systems, because they believe that the Internet is an open technology with easy accessibility, and thus, is not secure. Representative of these views are two quotes from respondents:

I have to remember my user name and password. I am afraid that if unauthorized personnel of my company know the password by chance or even deliberately, there will be financial risk to our company (Non-user2).

I prefer to use traditional systems, changing to Internet banking is not secure enough for financial functions that need elaborate procedures (Non-user3).

The two groups of customers also perceive reliability at different levels. Internet banking customers believe that Internet banking has some level of reliability, even though in absolute terms, it is not considered highly reliable. Non-Internet banking customers are not confident at all about doing financial transactions via the Web, and perceive Internet banking as highly untrustworthy. The following statement illustrated this point:

Business transactions normally have a great amount of money and one click may create any fraud to the firm's financial system. I don't want to absorb the financial risk and responsibility, our financial processes require originals and many copies of documents for internal control and signatures (Non-user4).

Another important issue which Internet banking users brought up is that when problems occur while making transactions via the Internet, the problem cannot be immediately resolved. Internet banking users have to go to the bank to solve such problems, which is time-consuming.

In addition, some Internet banking users are dissatisfied with the low speed of Internet banking response, which results from deficiencies in infrastructure for the Internet communication network. This causes slow feedback and slow transaction response. Their perception of convenience seems to shift once they are experienced on the Internet, and they view slow Web sites as inconvenient. Slow physical response to transactions is perceived as even more inconvenient. For example, the Managing Director of one finance company highlighted the importance of system response:

Response time is dreadful, it's very slow and keeps me waiting for ten minutes to confirm the transaction (User5).

Finally, Internet banking customers seem to choose banks which they believe have more experience in using technology-based service delivery, which is one major factor that contributes to customer trust and helps them decide whether to adopt the new service from that bank. Internet-banking customers stated that they would have less confidence using technology-based services from banks inexperienced in the technology.

Customers are also concerned about privacy in Internet banking systems, but not as much as security. Most respondents believe that they have already lost control of their personal information because Web information systems facilitate the increasingly effective dissemination of information about customers. One respondent said that he believes banks use

customer information without customer consent whatever service delivery channel is used. It might be somewhat easier to misuse customer information if it is on the Internet, but privacy is not very safe anyway, on- or off-line. Some customers were not as cynical, but many believe that bank privacy policies are essentially the same, regardless of which service-delivery channel is used .

Barriers	Internet banking users	Non-Internet banking users
<b>Trust of the system</b>		
Security	Lower level of concern	Greater level of concern
Reliability of transaction	Lower level of concern	Greater level of concern
Trust of the bank	Lower level of concern, but prefer to use internet banking provided by Albania banks	Do not trust the internet-based service channels
<b>Legal support</b>		
Fair liability	Lower level of concern	Greater level of concern
Court capability to solve online cases efficiently		Greater level of concern
Privacy protection	Lower level of concern	
	Equal level of concern	Equal level of concern
<b>Organizational barriers</b>		
Management attitude		
Lack resource	Positive attitudes toward adoption	Negative attitudes toward adoption
Lack knowledge	Have sufficient iT resources Have more technical knowledge	Lack iT resources Have less technical knowledge

### **Conclusions and implications**

These in-depth interviews demonstrate that there are still some serious barriers to adoption of Internet banking by Albanian corporate customers. The barriers are stronger for the non-users, but even users are not entirely comfortable with Internet banking, and have not switched most of their transactions to the Internet yet. Table II summarizes the three main types of barrier to Internet-based service delivery discussed here. Trust is one of the most critical issues, including worries about security of the system, low reliability of transactions, and distrust of the service provider. Security is a frequently cited obstacle . In our research, all customers have this concern, but non-Internet banking customers have greater levels of worry, do not have confidence to make any financial transactions via the Web, and have no intention of changing to Internet banking.

Reliability of transactions via the Internet banking system is another major concern among all customers, but again, stronger among non-users. Users do worry about reliability of this new service, but are more confident that the bank can solve problems that arise. However, they prefer to deal with banks that have many branches, so that it is easy to go to the bank when the problems do occur. This has important implications for staff training in the branches. Even though the branches are not responsible for implementing the Internet banking, there must be someone in each branch trained to handle common Internet problems, and who knows where to go for help within the bank for more complex problems.

Finally, trust is related to experience with the bank and bank policy, which contributes to customer trust in bank business practices. The bank's overall reputation combines with reputation in technology-based service provision to make banks more or less attractive. All of these trust issues would make it difficult for new entrants, especially purely virtual banks, to make much rapid progress in developing markets among Albania corporate customers. With no prior relationships to customers, no strong reputation, and no visible prior experience with the technology, customers are unlikely to trust Internet banking services.

Albania is currently in the early stages of developing e-commerce law, and customers believe the country still lacks ability to protect bank customers sufficiently in cases of financial loss via Internet banking, and to trace online evidence and to resolve cases fairly. Further, customers are not happy with the legal support for privacy protection in Internet banking. They do not worry about this issue as much because they generally do not believe that Albania has very strong privacy protection in any service delivery channel. Banks do not have to wait for Albania law to catch up here, they can take the lead in devising policies and enforceable Internet banking contracts, which customers think are more fair than much of current practice.

Some of the trust and legal issues are partly perceptual, thus managerial attitudes are one key organizational barrier. Support or lack of desire from top management for beginning to use Internet banking seems to be critical in adoption. Non-users have quite negative attitudes toward adopting Internet banking to replace traditional financial procedures. In addition, non-Internet banking customers do not want to invest much in information technology or training to support Internet banking adoption. Internet banking customers are not really concerned about this problem much because they already have more capability. However, even Internet banking customers do not use this channel very extensively yet. Albanian corporate customers still prefer face-to-face interaction with the banks. With trust such a strong issue, it is unlikely that this desire for close relationships will disappear. This suggests that banks will mainly develop their Internet banking from their current customer base. It seems unlikely to be an effective way to attract many new customers in the early stages of development.

To begin overcoming customer distrust of the system, banks need to visibly demonstrate concern for security, reliability, and liability with concrete solutions to reduce or eliminate costs to customers in case transactions fail or are processed inaccurately. Often, these are not purely technical issues, but rather, are related to process design, or, sometimes, partly to customer psychology and beliefs, which may or may not be consistent with the actual technology and system. All customers, even users, believe that problems will occur, so it is about what customers believe the bank will do when the problems do arise. The Internet channel must be well integrated into other channels so that customers can easily interact with people who are trained to handle problems efficiently, and banks must adopt strong customer orientations. Aside from the usage barriers, our research indicates that current users feel Internet banking is the good channel for some interactions with the bank. If it is well integrated into the overall business, the Internet can enable banks to provide more customized service, and stronger personalized relationships. Thus, customers do not seem to see the Internet as a channel to replace traditional relationships, but rather as a way to supplement and enhance the relationships. This is consistent with the cultural environment.

Banks frequently view Internet banking as essentially a cost reduction mechanism, both for themselves and for customers, but customers see quite a lot of potential new costs, partly because the new channel is perceived as much more risky. Relationships are a mechanism for reducing risk in more traditional business, and probably must also be part of the Internet banking system if it is to be widely accepted in Albania. Customers clearly say that the Internet service channel offers potential, but even users feel that it does not deliver much value yet compared to the problems of operating on the Internet. Thus, improving patronage at this stage of development seems to be mainly a matter of lowering barriers not improving benefits, and much of the work on lowering barriers seems to be about learning how to integrate the Internet into interpersonal relationships with customers.

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## Innovations and Online Marketing Services Trends in Albanian Tourism Sector

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### Abstract

*Albania is a rich country with a lot of nature and cultural tourism resources situated in the in the Balkans region where there are much opportunities for developing different types of tourism. After a long period of transition, since the fall of the communist regime in 1990, the tourism industry began to be considered as one of the economic sectors with potential for development in the future. But, tourism enterprises had to be faced with a high competition from other countries in the region and a lack of experience in the field of tourism services. This study aims to identify the attitudes of senior management of tourism enterprises (Accommodation units, Travel Agencies and Restaurants) on the adoption of new services on the Internet, the use of ICT to sell the services offered and how much they were aware of the benefits that online marketing brought using their websites etc. To realize the aim, are raised the research questions and hypotheses. The research instrument used was a questionnaire. The sample consisted of N = 208 participants, representatives of tourism enterprises at five districts of Albania, respectively: Tirana, Durres, Shkodra, Vlore and Saranda .The results show that the entrepreneurs/managers make a very good job for the creation of new services via the Internet, also they support significantly the use of ICT-s to sell their services, they were aware of the benefits that brought a website to the marketing of tourism services and there was a great interest to learn more about the internet.*

**Keywords:** marketing, ICT-s, innovations, tourism services, Albania

### 1. Introduction

Tourism is an industry where competition is very high and some of the competitive dimensions in this area are the innovations in the field of online marketing. Albania is a country still in transition, where after 50 years into an isolated political and economical system, the private tourism enterprises that provide tourism services have to be faced with a number of challenges related to quality and innovation in information technology and marketing .

For a short time, the online marketing became a worldwide phenomenon, by shifting the interest of new tourism developments towards it. One of the main reasons for the increased attention to marketing is that it represents the trend of the time. On the other hand, seeing the advances in technology, it's activities have supported the tourism industry too much. This is shown nowadays through the increasing level of internet use by different age groups motivated by the tourism products or services search.

The online marketing, as well as other profiles of electronic services are become a model applicable in many countries of Europe and beyond, which provide further benefits through online presence. Given the fact that there are the resources needed (do not need much capital available) and the tendency of today's tourism enterprises to online marketing and electronic services, would be necessary to be undertaken a study regarding the argumentation why it is necessary to use online marketing and what is the most appropriate profile of electronic services to be provided on a website.

The revolution in information and communication technology (ICT ) has changed not only lives, but also the way people do business. Tourism is characterized by the need to ensure quick and accurate information for the consumer. The first step to achieve this objective, a so-called "one -stop" is through the Global Distribution Systems (GDS), a form of the Inter-Organizational Systems (IOS). GDS-s have evolved from computerized systems reservation (CRS) and have facilitated the collection of information from airlines, which enables travel agents (as a mediator of information) as well as tourists to make reservations and other services in a single market (Joo , 2002) .

Regarding the internet access in Albania according to AKEP (2015), the number of subscribers with broadband access from fixed networks by the end of 2014 was about 207,000, compared to 183,000 in 2013, representing an annual increase of 13.3 %. All the main operators of fixed internet in Albanian market have increased the number of subscribers for the year 2014. The number of mobile subscribers who have broadband access by using wireless networks (3G USB cards/modems and handsets) in 2014 was 1.4 million or 16 % more than in 2013. The use of 3G broadband access networks has been increased with 59 % for the access via USB/modem, and 12 % through via mobile devices. The rate of penetration (number of subscribers per 100 inhabitants) of fixed network broadband access by the end of 2014 was 31.7 % compared with 6.40 % in 2013.

### *1.1 The aim and research questions*

This study aims to identify the attitudes of senior management of tourism enterprises (Accommodation units, Travel Agencies and Restaurants) on the adoption of new services on the Internet, the use of ICT to sell the services offered and how much they were aware of the benefits that online marketing brought using their websites

- 1- Are managers aware of the benefits of a website in the marketing of tourism services?
- 2- Are managers / entrepreneurs likely to introduce innovative online services?
- 3- Is there interest in learning more about online services?

## **2. Literature review**

The tourism industry consists of many business activities such as: the accommodation sector, travel agencies, restaurants, bars, various activities related with transportation services, product manufacturing activities, crafts , cultural activities, sports, different parks (archaeological, natural, national, etc.), museums etc.

But this study is focused on the accommodation sector, travel agencies and restaurants as main sectors in Albania, which use extensively the information and communication technologies for business purposes.

The use with creativity of corporate websites and their connection with the search engines and other appropriate sites are considered an important part of achieving customer awareness and motivation. The influence of advertising, has reached to penetrate visibly to customers, who are looking for services/products that are advertised, after their demands match exactly with that product/service and the provider who trades them and not with others who can be offered.

The trade developments through Internet during recent years, have used the network as an excellent instrument with relatively low cost for creating customer awareness, using multimedia methods, which can be supported as well through the provision of printed information to potential buyers who have shown interest in advance. At the same time, they can at least partially replace expensive brochures, having the same information or other online resources such as the website's options "download".

Improvements in reservation systems that have occurred during last year's, have made it easier for the sector to develop and combine tourist itineraries , in a very simple and fast manner to customers.

Likewise, sophisticated postal databases systems, based on computers have become facilitator instruments, contributing to realize marketing processes more easily and accurately.

Developments in the field of communication technology and entertainment, are forcing businesses, which provide services to business travelers, to modify their products and services including :

- Mobile phones on aircraft seats, computer games and even to the mini - casino
- Equipment with special effects at conference rooms
- Access to the Internet and mini - offices in hotel rooms ( Swarbrooke and Horner , 2001).

**New forms of using online applications and their application in tourism industry.**

Currently, Web 2.0 and "user-generated information " are the biggest online developments, which are reshaping the traditional marketing methods in tourism businesses (Reactive , 2007). Traditional marketing methods like the "word of mouth " is changing significantly. Introduction of web 2.0 technology played a major role in how consumers of a service or product evaluate that experience. Within the context of the tourism industry, this can be achieved by exchanging pictures, travel blogs, video sharing, etc . Before entering the Web 2.0 customers were only able to be engaged in research information and in some cases even be included in any purchase. Now, consumers are able to identify, edit, comment and buy products/ services. Web 2.0 has put tourists between functionality and product distribution.

There are many blogs in the tourism industry such as: tripadvisor.com, hotelchatter.com, booking.com etc. Every person can create a blog in web using the free applications, such as google search engine, which can be used to publish links of other blogs, texts, images, video and audio etc. (Sigal, 2007).

The online services trends mentioned above have a something in common that are focused on the customer. Social media and "user-generated information" are technologies dictated by the customer. One implication of these trends online, means that customers now have more control over the decision to travel, thus making tourism. But often, traders have less control in the fact that the message was perceived as relevant to the audience they are addressing. But this loss of control does not mean necessarily to have negative effects as web-sites generated by users can create a kind of loyalty and can establish a close link between the customer and the service provider (Cox et al., 2007) .

The tourism industry in general, is widely influenced by the technological revolution . Either tourist destination, or tourist enterprises, need to adopt innovative methods and boost their competitiveness in this business. For his part, the new customer is full of knowledge and seeking more and more information becomes more and more familiar with innovation, demanding flexible services, specialized, accessible , interactive and communications products with main entrepreneurs. Therefore, day by day are launched the best practices regarding new management tactics, taking advantage of the technological revolution and new processes in business operations and dynamics of the industry.

According to Buhalis (1998), can be pursued two strategic directions: tourism enterprises or may provide value differentiated from competitors by developing programs of high quality and personalized, for which consumers will be willing to pay a price high, or they can provide cost value, offering less expensive products than those of competitors, through standardization and consolidation and quantity. He also suggests a strategic framework, demonstrating how ICT-s can contribute to the development of the strategy of tourism business, and all possible interactions between tourism enterprises and their clients, but must be updated to technological progress, the adapt to new services that may be offered .

### 3. Methodology

In this paper is used the quantitative method approach through the use of surveys to collect data.

*Research Context.* The study was conducted in five areas of Albania, known as main tourism destinations from north to south such as: Tirana, Vlora, Durres, Shkodra and Saranda. Sampling is based on a list of registered tourism enterprises in Albanian Tourism Association (ATA) and is referred to three types of tourism services: accommodation units, travel agencies and restaurants. Once the respective districts have been selected, then, it is taken a percentage from each district.

*Sampling.* In this study, was included one of the most common models of non probability sampling called quota sampling. Data analysis was realized through the statistical software SPSS 16.

*Inclusion criteria.* To participate in the study, participants must be over the age of 18 and had the primary responsibility to manage a tourism enterprise. They could be self owners, key managers or when they were not found, could be old employees. In other cases, have participated ICT specialists employed in the relevant enterprises. *Research tool.* In order to realize the study as a research tool was used a questionnaire.

*Procedures of gathering data.* The method of data collection for this study was that of a face -to-face interview.



#### 4. Results

The three types of activities that have participated in this study, according to predetermined criteria, were: accommodation units at a rate of 56.2 %, travel agencies at 22.1 % and restaurants at 21.6 %. In the field of tourism usually these are the types of activities that are studied. As regards the period of starting the business, the enterprises had an average of 10 years that they were operating in the market.

In the table 1 is introduced the level of know - how and innovations offered by the Internet within the company. According to the table, the enterprises which participated in this study agree with the statement that they do a lot for creating new services via the Internet (78.9 %), the entrepreneurs or managers have supported the use of ICT-s for selling the services offered (82.2 %) they had invested in the development of ICT and website - it ( 85.1 % ) and were aware of the benefits that a website has in the marketing of tourism services (85.1 %). Also, they claimed that there is a great interest in learning about the internet and new information technology in the field of tourism (91.8 % )

	<u>Strongly disagree</u>	<u>Disagree</u>	<u>Neutral</u>	<u>Agree</u>	<u>Strongly agree</u>
We do a very good job for the creation of new services via the Internet	1.4%	4.8%	14.9%	51.0%	27.9%
Entrepreneurs or managers significantly supports the use of information technology and the Internet to sell the services	1.9%	3.4%	12.5%	51.0%	31.2%
Entrepreneur / manager has invested enough in developing information technology and website - it	1.0%	10.6%	19.2%	43.3%	26.0%
Senior management is aware of the benefits of a website in the marketing of tourist services	1.0%	4.3%	9.6%	49.0%	36.1%
Generally , there is a great interest in learning about the internet and new information technology in the field of	5%	1.4%	6.2%	27.9%	63.9%

#### The relation between know - how and skills to use the website

The level to which the enterprise recognizes and invests in ICT is very important for the future of it in relation with ICT . The employees themselves may be more adaptive or not to ICT-s . In this study the correlation between the know - how of entrepreneurship and complex skills or not to use the website, is moderately positive ( $r_s=.386, p<.001$ ), (Table 2).

**Table 2.** The relation between know - how and skills to use the website

			Know - how	Skills
Spearman's rho	Know - how	Correlation	1.000	.386**
		Coefficient		
		Sig. (2-tailed)	.	.000
		N	208	208

\*\* . The correlation is statistically significant at the level 0.01 (2-tailed).

## 5. Conclusions

The enterprises in this study reported the highest levels of information technology use in their daily work. This indicator is positive and also related to their positions, which were as well positive about information technology. ICT is often used as a marketing tool, aiming at a wider market. In this study, the entrepreneurs expressed positively to its use as a marketing tool, however the levels are not too high.

According to responses, the online marketing through a website is extensively widespread in Albania and enterprises themselves have monitored what other companies do in terms of website use and designs. A large part of them are active participants in social networks like facebook, twitter etc. Also, a relatively large part was listed in external web portals, which make possible online bookings and service sales and argued that promotional activities via the Internet are very effective way to reach new market segments.

## 6. Recommendations

- Quality improvement of websites, especially in the sector of accommodation units.
- Participation of staff in professional trainings on innovation in the field of ICT-s in tourism.
- Recruitment of staff specialized in designing and updating information on online services
- Raising awareness of entrepreneurs on further investment in innovation related to online services.
- Inclusion of the possibility of e-commerce through the websites for the three types of tourism enterprises.

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## The Diversification of E- Services in Tourism Marketing – Case of Albania

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### Abstract

*The hospitality industry provides twenty-four hour service all year long for the interested people, just like the Internet which is always online. This immediate information that the Internet presents to the potential customers and the opportunity to have a better viewpoint of the service they are going to buy, prepare them for the experience they are going to live. Ideas on website quality may differ, but there is also a great deal of common ground so there is a need for further research by the marketing experts. Therefore, it is very important for tourism businesses and other organizations, either from private, or from public sector, to understand the customer needs that are amenable to fulfillment in an online environment and strive to meet them. Some questions that can be raised are: What makes a destination website an effective marketing tool? How can success be measured? What is a successful website? How can quality and effectiveness be evaluated? The purpose of this paper is to address these questions using a literature review methodology, as well as a content analysis of some of the Albanian touristic websites. Seeing the growing role of websites as a customer contact point and virtual company office, tourism businesses are realizing the strategic importance of a website as a marketing tool for addressing consumers in electronic business environment.*

**Keywords:** Tourism, Marketing, Website, ICT.

### 1. Introduction.

Since the consumer access to the Internet was first available through Web browsers serving home PC-s, the speed of development has been remarkable. If it is still too soon to be certain to what extent the Internet will dominate tourism marketing, it is at least clear that its impact will be a major influence on nearly every aspect of services marketing.

A tourism web-site designed appropriately can facilitate a traveler helping to ensure they are making the right choice and have an enjoyable experience. This is the main goal of tourism costumers.

The internet network operates as a global marketplace accessible to the general public twenty-four hours a day, seven days a week. It is a marketplace based entirely on information provision and exchange transactions in which detailed information, for example on prices and availability, is changing every few seconds. The convergence and connectivity now available through ICT appears to signal one of the historic 'discontinuities' in the way business is conducted that provide massive growth opportunities for the proactive and overwhelm those too slow to adapt. Because of the fact that tourism is an information industry and customer decisions are highly price-sensitive, it has become one of the natural lead industries on the Internet (Middleton and Clarke, 2001).

This paper intends to present the importance of tourism websites as marketing instruments which can communicate that what kind of products/services tourism enterprises offer and which are the benefits of these products. However, the information communicated must be accurate.

As Web-based marketing strategies have become more widely adopted and pressure on tourism businesses to account for investments in their Web sites has increased, interest in the evaluation of Web sites has grown.

Also, in this paper will be given some information and figures about the development of e- marketing of tourism enterprises in Albania.

## 2. Literature Review

All market research reports show that there has been rapid growth in both the number of Internet users who visit travel and tourism websites and the levels of travel-related spending online. While these numbers are being monitored by various organizations, the precise needs and preferences of Internet users world-wide are rarely taken into account (UNWTO, 2005).

To become more understandable the need for integrating new web technologies in the tourism services, firstly we should understand the profile of the modern consumer-traveler. Some of them are as follows (Ortiz et.al, 2001) :

1. Wants quality services.
2. Prefers more specific offers
3. Requests more information on both the product itself and generally about the destination and other additional services
4. It has been more critical and more aware
5. Performs more but shorter trips (mainly due to working obligations)
6. Decides slowly and usually last minute, which reduces the time between bookings etc. use online booking and therefore requires a quick response by the business to his wishes.
7. Constantly is moving, thus increasing the level of importance of using mobile technology to meet the needs of any time in any place.

There are different factors that influence the quality of a website. Ideas on website quality may differ, but there is also a great deal of common ground. Usability and trustworthiness, for instance, are recurring concepts and it is helpful to see which aspects are considered to make a website user-friendly and to inspire the user's confidence.

### 2.1 The AIDA Concept

The appearance and information structure in an attractive tourism site should correspond with the so –called AIDA concept often used in marketing:

#### • Attention

On the homepage the user expects an overview (navigation structure, site maps), attractive A photo, special offers, logos, etc., which emphasize the uniqueness of the region (unique selling points), and ways of communicating with the organization (colophon, contact button).

#### • Interest

Attractive descriptions of the region or city and practical tips are expected (weather, travel information, etc.). The more extensive the impression the potential guest gets of this destination, the better. It whets the user's appetite and increases the interest to visit the destination. The site should contain descriptions of nature and historical and cultural attractions. Photos and, possibly, sounds should be featured, as well as information on accommodation and travel within the region, with maps and route planners.

#### • Desire

The desire to travel to the region is stimulated through an attractive description of the things to do and see. Information on accommodations is also included in this section.

#### • Action

Stands for interaction and booking possibilities. Ideally, the desire to travel results in a reservation. Communication and the contact possibilities should be optimal. Possibilities to search by availability, online reservation possibilities, secure payment, etc., should be provided (UNWTO, 2005).

## 2.2 The Internet Search Engines

Hundreds of millions is actually the number of websites, whereas thousands of new pages are being added daily. For a casual user, without using a suitable auxiliary, software tool, to search for information on the Internet about a topic that interests them, the prospects of success of the effort is quite minimal: the user for hours wandering aimlessly in the Internet, and many related sites remain unexplored. On the other hand, his search would be easier by using a software tool, that will be effected the search throughout the Internet and would find all the search results, requiring by the user only to enter the subject that interests him with the greatest possible accuracy. Such tools are the Search Engines. In the tourism industry, such as the accommodation one, studies have shown that if the site of the hotel business is not located within the results of the first three pages of a search engine, they will likely not be in all these results. Additionally, users tend to look only sites whose links appear in these first pages of search results (Callahan, 2002). This is extremely important for a hotel company, considering that the entire advertising campaign to promote the business on the internet can be based solely on impressions of the website in search engine results.

Moreover, it is useful to be improved the HTML code page, and to be mentioned for example, more keywords in the headers. Also, most search engines still have difficulties in indexing dynamic pages and multimedia elements. For this reason, should be avoided from a website of business information such as:

- Text in graphics
- Pages that require registration (registration), cookies or passwords
- XML
- Java applets
- Adobe Acrobat (PDF) files- Google has no problem with the indexing of these
- Dynamic content (URLs with "?" in them)- Google, AltaVista, FAST and Inktomi have no problem with these indexing
- Multimedia files (Flash, Shockwave, streaming video etc)

Apart from the improvement in form and structure of the sites described above and aimed at attracting more users-clients, improving the position of a business website in the results list returned by a search engine for a particular issue, can be done with a number of other ways and methods. One of them is trying to increase the number of links found on other pages, but showing the website of the company.

In this way can be achieved a better position in the page of search engine listings, as the engine sees it as "valid" source for a particular issue and a number of related (or not) with the theme pages showing it.

## 2.3 How a website can be successful?

Usually there are three main parameters that make a website attractive or not.

The quality and type of content (richness)

The ease of access to content (reach)

The interaction and user satisfaction (affiliation)

The company must display the name of the product and the site and organize the content that is attractive and meets the purposes of its existence. Particularly in terms of content, it is important to design a site that meets the requirements of internet users. A web-site that intend to create interest and pass an advertisement may have just a good introductory (possibly made in flash) presentation and basic interaction. But it cannot bring a continuous searching. Instead, if the site meets a need that characterizes users and stakeholders of the product, if for those people actually gives useful information and services, then the company shows that it really cares about the public and consumers, and that does not sacrifice their time simply to advertise some services or products.

## **2.4. The online booking systems of accommodation units.**

It is a software that allows small or large hotels to make online booking through internet 24 hours/day, 7 days a week. In addition, enables to handle the reservations wherever the owners want such as: At home, office, reception or from all these points simultaneously.

### **2.4.1 How does the hotel booking functions?**

The customer declares the days of arrival - departure, the number of people who will stay overnight and if they want half board or full board or bed and breakfast, in case of them. With those elements in relation to the arrangements made for the various costs through the server, is calculated the cost of accommodation both with the meals that are mentioned. If the customer agrees to the charge and wants to go further, he/she complete a booking form with the respective data and sends it to the server. The server notifies by e-mail that there is a demand for reservation in the site and the operator check the availability of the rooms. If the operator accepts the booking complements in advance, he supplement the amount of the prepayment by the client who is notified by mail that the book was accepted and advise on how the advance payment should be made and the deadlines that are required for those payments.

In addition to this there are some options that can be configures according to the owners requirements, such as:

1. Room prices per item and per period
2. The operation period (high, medium, low, etc)
3. How many rooms are available per room type.
4. The highest booking period
5. The maximum number of days per booking
6. Charge or not for infants and children and their age
7. Separated charge or embed breakfast on room rates

## **2.5. Tourism websites in Albania.**

In Albania during the last five years the Internet use has spread dramatically, recording a higher increase in the number of home users, but particularly those for business purposes in the wider sector of the tourism services. Although the number of Internet users is growing continuously, and its cost, thanks to the high competition is decreasing, the quality of the websites of tourism enterprises is generally not at the right level in terms of options involved, especially the online bookings, online payments etc.

According to a survey conducted by GOPA Consultants, GIZ and ATA on the needs of IT utilization in the tourism sector in Albania", some of the results are:

1. From the 92 tourism enterprises which took part in the survey, 67% of them had Internet presence.
  - Presentation of company and offers' was the most common function in homepage. In general, companies have a good use of computer and Internet for main (simple) applications.
  - Internet presence and use of the web to perform a wide range of activities is not so high.
  - 31% of the companies declared they would like to build a new homepage or to have assistance to improve the functions of their existing ones;
  - Regarding travel agencies, flight reservation, travel package and hotel reservation are the most common functions performed by software solutions. 80% of the companies said they use an integrated solution to perform related functions (Traeger, 2010).

#### 4. Conclusions

The e-marketing in the tourism sector, as a key marketing tool, could be considered as a main driving force for a successful business activity, but also for the image of the country in general. Sometimes tourism websites, make the tourist to decide if he/she will visit or not a destination.

The frequency and convenience of the Internet by any user led large tourism enterprises to promote a large percentage of the image via the Internet.

The tourism enterprises in Albania should invest more in promoting their online activity, because due to every day life dynamics, fatigue and the lack of free time, people are more directed to the exploration of information through the Internet.

Nowadays except for PC-s or notebooks there are a lot of other electronic devices such as, the mobile phones, Kindle books which could access the internet network. This fact makes us think that the Internet is getting everywhere.

The websites of tourism enterprises must be updated and enriched continuously and not to remain with the past information as it actually reduces the seriousness of the tourism enterprise.

In Albania should be established a secure platform between the tourism enterprises and the banks, in order to include payments online through the websites. This is an obstacle especially to a category of international tourists.

Tourism enterprises in Albania should make a benchmarking with the respective enterprises of the countries of the region, in order to improve their online marketing.

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## Effects of Socio-Cultural Developments of Gjakovar Society

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### Abstract

*Human being is nowadays experiencing the highest achievements in all domains of life. These developments entered in almost all human societies, even to the most isolated ones. This has also influenced that today's societies differ significantly from the thousand-years-old traditional societies. Such radical transformations, did not only change the world outside, but they continue to change radically the most intimate aspects of personal daily life. These achievements on one hand represent great promises for the future, creating possibilities to access and communicate with the most remote places on the planet, while on the other hand these present security concerns. Part of these developments and transformations is also the Gjakovar society, which until this new century was distinguished for traditional and cultural organization, not only in Kosovo, but all over Albanian territories. However, the new flows of time development imposed the reorganization of society in this area. Certainly it had and continues to have its challenges, especially from its internal part. Transformation and the new developing flows dictated in weakening the secular traditions and cultural habits and embrace new ones. Although on one side it appears to be positive, on the other hand are emerging new concern occurrences that are creating volatility and organization instability, and putting the society of this region in crisis through socio-cultural aspect, especially in the field of internal security.*

**Keywords:** flows, culture, transformation, occurrences

### Introduction

All communities that are politically and economically interrelated can be considered to comprise a society. Characteristically, a society includes a comprehensive social system, members of which society share amongst themselves a common language and cultural tradition.<sup>1</sup>

In principle, all human beings share approximately common social traits and what differentiates them is their tradition and culture. Those are transmitted and influenced depending on the developments of the society. The recent social developments, affected by the most-recent technologies, have 'globalized' the world by providing the opportunity of access in all their countries. The individual will, by all means, be 'influenced' by such access and this will accordingly reflect in the society.

On the other hand, Kosovo and Gjakova society, during the last years of the last century and during the first decade of the current century, has experienced a developmental evolution. There were several factors that facilitated and imposed it. Firstly, forced expulsion from their homes, immigration to different world countries and their return; secondly, social organizing in a democratic system run by an international administration which consisted of people from countries of different cultures and civilizations; and thirdly, access to modern technologies. These were exactly the causes that the 'contemporary' has led to the new cultural 'incision' which has definitely had an impact on Gjakova society as well.

According to this concept, culture consists mainly of ideas transmitted from preceding generations and of ideas learned from the experience of living in group. Nevertheless, culture cannot begin and end on ideas of different natures; it must encompass other aspects of human life. The term most often used to include all these aspects is "socio-cultural system". It integrates different aspects of ways of living, which reciprocally affect each other.<sup>2</sup>

<sup>1</sup> Keesing, R., & Strathern, A. (2007). Cultural Anthropology – A Contemporary Perspective: 33

<sup>2</sup> Dhima, A. (2013). Anthropology of Communication – Access to Albanian Reality:139



Therefore, based on the aforementioned, it is perceived that the transmission of socio-cultures from generation to generation has been followed with novelties in this domain, regardless of the prevalence of the traditional aspect. However, 'new values with regards to the change and the past can differ greatly between different societies, and it can actually be an interesting factor that should be taken into consideration'<sup>1</sup>.

## 1. The traditional in Gjakova society

Referring to the numerous scientific researches and the discovery of abundant new artefacts, the ancientness of Albanian people and society is now evident. This, among the rest, reflects also from the rich culture that followed it through the societal developments. It even results that the ancient Albanian culture was among the first cultures in Europe. That culture was the basis of today's culture and that through an age-long continuity.

During the centuries-old history, social developments suffered so many changes that many of them deviated from their tradition and culture all the way to complete assimilation. With regard to Albanian tradition and culture, the renowned Hungarian Albanologist, Tallock, has also stated: "There is no other people in the Balkans, or the one of the New Greece, that can trace back the history of its tribe, based on genealogical order, from the ancient times to the present date, like the Albanian people"<sup>2</sup>.

A similar opinion is provided by Professor M. Pirraku, according to whom, "Social, historic and cultural development Albanian people, as it is known, has undergone through all the stages of development of human societies and, what is most important, according to renown Albanologists, this nation is autochthonous in the Balkans soil, at least since the history time; however, it cannot be a priori dismissed the opinion that they were even more ancient, from the Balkans Mediterranean Indo-European and Pelazgi antiquity."<sup>3</sup>

This transmission of traditions and autochthonous culture through the stages of history since the most ancient dusks and its survival was done because "education was entirely national" although "there were neither special-trained educators nor special educational institutions"<sup>4</sup>. Yet, this has not impeded the transmission from one generation to the other in a most fanatic manner. Culture was exactly the most powerful arm of Albanian society that challenged all the storms through history and managed to emerge as triumphant. The transmitted culture has even, in a way, substituted for the educational shortcomings as well as the state ones.

This is more supported by Professor Dhima, according to whom "The social way of learning of culture not only 'saves' the individual 'costs' of common learning but also the knowledge acquired from every generation may be transferred through life experience – therefore to be transmitted socially – to the succeeding generations. Through this process, the younger people in a society absorb the culture from the elder ones"<sup>5</sup>. Albanian society had experienced exactly this.

Therefore, the survival of Albanian people since the ancientness, according to Rago, appears in the following manner, "Described as if it were a survived and all-time present Arcadia, it was thought to be inhabited by primitive people, free and courageous, bearers of thousand-years-old invariable traditions codified by the Code of the Mountains, impacted by a hostile geographic environment and by archaic living conditions, forger of men's characters, their antique customs and inclinations"<sup>6</sup>.

Thus, the Albanian national customs and habits have had an important role in the process of integration of Albanian national culture, which were present since the ancient times to the present all through the development periods of Albanian society.

It can, therefore, be said that the Albanian culture, in a wide sense, "was in history a strong defence against assimilation, denationalization and complete extinction of Albanian nation from the face of the earth."<sup>7</sup> Hence, it was the customs and habits that accompanied Albanian individual and society from birth, during the growing up stage all the way to the death,

<sup>1</sup> Raimi, S. (2009). *Sociology*:135

<sup>2</sup> Krasniqi, M. (2002). *Our Ethnic Roots*:133

<sup>3</sup> Pirraku, M. (1989). *Albanian National Culture until Prizren League*:33

<sup>4</sup> Beja, H. (1987, year VIII (15), no. 1. ). *Evolution of Family Education and Its Present Main Types*, At: *National Culture*:36

<sup>5</sup> Dhima, A. (2013). *Anthropology of Communication – Access to Albanian Reality*:140

<sup>6</sup> Rago, P. (2011). *Tradition, Nationalism and Communism in Modern Albania*:40-41

<sup>7</sup> Pirraku, M. (1989). *Albanian National Culture until Prizren League*:115-116

through which it was achieved to confront all the conquerors' pressures and appetites and the influence of their cultures. These very factors influenced this society to remain more reclusive and isolated. So, "the introvert character was strongly displayed in the Albanian national culture for a set of reasons. The necessity of resistance against the century-old occupations, such circumstances the Albanian national culture remained as the main bearer, perhaps the only one, of the ethnic tradition – the tradition that is known for great durability, which is why they live long and it happens to be preserved as archaic elements even after the conditions in which they emerged are changed."<sup>1</sup>

Precisely owing to their societal isolation, the social traditions were preserved 'clean' since the ancient times. This isolation was not a phenomenon present only with the Albanian people, as "by facing external threats, some nations took the traditional conservatism and applied it as their shield for survival; it was a way of safeguarding their cultural and individual identity"<sup>2</sup>.

So, it was these cultural traditions that organized life in Albanian society also in the social aspect, be that when such organizing from the state was lacking, even after the state was formed. All this was organized through the social norms of the time. Some of such norms continued existing even after adoption of laws. In certain circumstances social norms, in the social aspect, even after the responsibility for social welfare was acquired by the state through institutions continued their existence in moral form and they were present wherever it was needed, starting from the individual, family and even in parts of the society. This has always been proven through the traditional Albanian humanity and hospitality, not only to each other but also towards the foreigners. Actually, fear of being 'disgraced' and 'punishment by the community' were more 'powerful' than punishment by law.

The way or organizing and functioning of this region were special. Quite often it was a role model of organizing of social life not only for the Albanian society. Patriarchal family was the form that prevailed in Gjakova, too, as it did the vast majority of Albanian society and it was organized based on customary laws. The occasional passers-by were amazed with the order, culture and traditions of this area, which were really typical, traditional and of the time. The population of this area preserved and cultivated 'fanatically' the handicrafts inherited from generations, at the same time following the developments of the time. Gjakova families are well known for preserving the handicrafts their predecessors which are nowadays expressed in their family names. Thus, there are now Gjakova families with their last names Sahatçija, Çarkağjija, Tabaku, Furra, Kazazi, Baruti, Nallbani, Kamishi, etc.

A similar assessment is provided also by the author Rago, according to whom: "by having its roots in the values that are closely linked to the preservation of tribe and family, Albanianism appeared as a modern product of traditional notions entrenched throughout centuries and different from the idea of nation, which is characteristic for those years"<sup>3</sup>.

These 'flows' and 'changes' accompanied the society throughout generations. However, despite the social evolutions, every society preserved fanatically its own tradition and culture. Paragraph of these 'preservations' was also Gjakova society.

The very facts of its existence in its area and preservation of culture and language are evidence on the century-old antiquity of this population. Albanian and Gjakova culture are developed as autochthonous cultures and alongside the process of Indo-Europeanism. However, Gjakova area is known for its "untouched" preservation of its clean tradition and culture since its ethno genesis.

## 2. Socio-cultural transformations and the effects

History occurs through the continual and constant interlacement, unification of the present and the past. This constant and reciprocal interlacement, this ever repeatable transformation of the past into the present and of the present into the past, does not allow us to talk about "unchanged" and "preserved" tradition of Albanian culture since the old ages.<sup>4</sup>

The so-called globalization did not spare the cultural aspects either. Recent developments have enabled the individual to become acquainted with the world and different cultures, which in turn has enabled not only transmission through

<sup>1</sup> Çapajev, G. (1987, year VIII (16), no. 2.). National Culture in the Mentality of Renaissance Writers, At: National Culture:22-23

<sup>2</sup> Keesing, R., & Strathern, A. (2007). Cultural Anthropology – A Contemporary Perspective:389

<sup>3</sup> Rago, P. (2011). Tradition, Nationalism and Communism in Modern Albania:19

<sup>4</sup> Bobi, G. (1986). Cultural Paradox:18

generations but also embracing of part of foreign cultures. According to Professor A. Dhima, owing to this process, through which particular cultural elements or all the elements of a socio-cultural system are geographically spread out from one region or nation to the other, members of different societies are placed into direct or indirect contact to each other. But, at the same time some customs and beliefs are distributed from one society to another, which in turn carries the important consequence that the way of living of both interlaced societies in this process become more similar. We often hear that, in present time, the whole world is becoming modernized. In fact, nations more resemble each other at the present than one century ago.<sup>1</sup>

This is not something new, because since the formation of human society things have developed and changed, naturally depending on the circumstances of the time. Such a process was also declared by Heraclitus, out of which he has elicited his philosophical motto "panta rhei" – everything flows, everything changes and "we cannot go twice into the same river".<sup>2</sup> Also, the opinion of evolution and progress is supported by a huge number of scholars starting from Durkheim all the way to Marx, Ferguson and Comte.

Although the documents are scarce, at least until now, this does not present any obstacle for cultures because oftentimes they are not in written form but they are transmitted and transferred verbally from generation to generation within the group of the society, as is the typical case of this area. It is understandable that culture differs from one society to the other, but it also differs within the same society and that from one time period to another. Until lately although the past of the nations relied on 'transmission' and 'preservation' of cultural traditions through a variety of forms until 'isolation', it still had such 'intersection'. This is proven also by the anthropological cultural side, where almost all cultures of Balkans ethnicities even at the present inherit interceptions between them, by creating a special zone of this part of Europe which, unfortunately, is well known for its temperament and conflictual mentality.

Present societal developments, especially in the field of technology, have influenced that only a short time ago the enormous and 'unreachable' world has become today a 'very small' place and easily reachable. Among the rest, this has also had an impact not only on 'socio-cultural intersections' but it has also brought fundamental transformations in this direction.

Today, a continually growing number of people do not have clear racial or ethnic identities. These are people in the 'border' between different cultural groups. While they may feel split between different cultural traditions, they may also develop a multi-cultural identity – an identity that overcomes one specific culture – and they are comfortable in different cultures.<sup>3</sup>

Such a reality is also being lately experienced by the Albanian and Gjakova society, in particular upon the democratization of this society. "With the establishment of Albanian state the sense of self-sufficiency of Albanian culture is gradually falling down thus creating an onerous situation, a stress and internal tension which cannot be lowered within the national culture: orientations are being outside of it, overcoming of traditional values, however, is not being achieved due to ambivalent stance towards them; there are also backward movement, different forms of Albanians' socio-centrism are becoming apparent, ways are being opened to the social violence and ideological totalitarianism."<sup>4</sup>

With regards to the changes in the organization of Albanian social life, during this 'transitional' period, our Kosovo society is facing several problems. One of the problems appears to be the socio-cultural aspect which is connected to a complicated process of "re-assessment of values", without which it is impossible for a society to function, no matter how modern that society is.<sup>5</sup>

It is quite understandable that things change in time, especially the socio-cultural ones and regardless of how much they have reflected with time, yet again a more advanced society cannot be built only upon them, even less when we have to deal with modern organization of society, as is the case with Kosovo and Gjakova society.

<sup>1</sup> Dhima, A. (2013). *Anthropology of Communication – Access to Albanian Reality*:140-141

<sup>2</sup> Raimi, S. (2009). *Sociology*:252

<sup>3</sup> Martin, N. J., & Nakayama, K. T. (2010). *Entry into Inter-Cultural Communication*:134

<sup>4</sup> Bobi, G. (1986). *Cultural Paradox*:166-167

<sup>5</sup> Tushi, G. (2006). *Social Problems and Dilemmas*:13

"In this context, our society is experiencing another 'identity crisis' which has to do with the re-dimensioning of moral values and traditional social institutions. These changes have had an impact on moral concepts, values and institutions of traditional 'moral security' of the society, such as: society, religion, family, marriage, individual, community, etc."<sup>1</sup>

From the main causes of social unrests is also the truth that by opposing traditional structure, the very tradition is opposed, various cultural elements are being judged, customs and habits which are contained within the tradition. However, just as the negation, refusal and blaming of tradition in its entirety is wrong, it is also wrong the full acceptance of the same as it is; because tradition cannot form itself through its own specific laws since in its formation an important role play different historical and social factors. It can be said that regardless of the type of tradition, every tradition carries in itself traces of the past, of the location where such tradition was spread out.<sup>2</sup>

Whilst Gjakova society, just like other post-communist countries, is undergoing a multiple transitional process, such as: political transition from one party to multi-party system, economical transition from one planned economy to a trade economy, transition in the field of security of the country into the international security, this does not spare the socio-cultural transition.

Referring to the real circumstances in which the democratic organizing of Kosovo society begins, especially Gjakova society bearing in mind the difficult conditions, the presence of difficulties during this process was inevitable. Therefore, this society 'entered the path of transition at a time where there was no independent judiciary, free media and independent civil groups and associations'. And "during the initial phase of transition it remained unprotected of dangerous and unstable currents that came from abroad."<sup>3</sup>

Thus, Gjakova society during its journey to the 'contemporary' that is in the transition from the closed-type model into the 'open' type was accompanied by different challenges, especially in the socio-cultural field. These difficulties are emphasized also by G. Tushi, who says: In this process of transition, the sphere of social transformation of concepts, taboos, judgments and prejudice of the past have been and continues to remain more difficult, because, as it is known, because of their specific inertness and the stable conservator core, social changes are more difficult to change with the required rhythm. Our experience has even proven that in often cases when they do occur, they create a "social vacuum"<sup>4</sup>.

Our society is suffering a fast change and accordingly it is losing the cycle of giving and returning, which is ensured by the cycle of life and is oftentimes found in the moral system of some people; parents that look after their children when they are small and have no assistance can be looked after by their children when they grow old and will be needing help.<sup>5</sup> Nowadays the 'cycle of return' has almost completely vanished, despite the fact that it had been contributed to in the past. In Albanian and Gjakova society the cycle of giving and returning was in the highest social level. Regardless of life conditions of the individual, from the social aspect point of view, his being was not endangered because even if he had no children and no family, other relatives would look after him to the last moments of his life as well as for the burial ceremony. Whereas nowadays the 'contemporary' has brought in new circumstances in the Albanian and in Gjakova society, as well. The 'return' cycle in the social aspect does not function here either, except in some rare cases due to moral and humanitarian reasons. This is proven by numerous social cases present in this society. There are such cases that although the family enjoys good living conditions, even the immediate family, and the elderly are left alone and in the mercy of fate. Sometimes the return 'cycle' is used to accommodate them in asylums, but there are also cases that after some time they have been found dead while they were completely alone.

Professor Dhima is right to ascertain that "In case quick or unforeseen changes occur in the way of living between generations, then a 'cultural vacuum' can be created, in the sense that new generation does not accept or consciously rejects some elements of their parents' culture. In certain conditions and circumstances, this occurrence may spread widely within the members of the same society which belong to different generations. At present time, in most of the western developed societies, the young quite often believe that they have very few common things with their parents; but the latter

<sup>1</sup> Tushi, G. (2006). *Social Problems and Dilemmas*:13

<sup>2</sup> Bullaç, A. (2003). *History, Society and Tradition*:283-284

<sup>3</sup> Biberaj, E. (2011). *Albanian in Transition – The Hard Path to Democracy 1990-2010*:30

<sup>4</sup> Tushi, G. (2006). *Social Problems and Dilemmas*:12

<sup>5</sup> Keesing, R., & Strathern, A. (2007). *Cultural Anthropology – A Contemporary Perspective*:294

also blame the young generation for "low standards", e.g. in the sphere of sexual morality. However, the cultural "fissures" between generations of a certain society – even when noticeable – are unimportant compared to those that are observed between the socio-cultural systems of different nations.<sup>1</sup>

Such a cultural 'vacuum' is at the present time being experienced by Gjakova society when actually the young have 'embraced' many of the global cultures and their behaviour *visa-vi* the family, environment and the society are outside the traditional 'parameters'. Moreover, such 'flow' has created a disharmony not only in the society but also in the family.

This finding is proven by the statistics of the offences reported with the security authorities where it really results that alongside the new 'flow' in the aspect of 'modernizing' and 'contemporary' we also have the occurrence of new offences which have not been present in the past in the society of this region. Some of the new occurrences were even not sanctioned by laws, but they have been sanctioned afterwards and continue being sanctioned depending on the new trend of appearance of the occurrences which infringe the social order. Even those that existed in the past were few in number; whereas, today they present a serious concern for the whole society.

*Table 1. Statistics table on some of criminal offences reported from 1999 to 2012, as per regional division in Gjakova and its surrounding*

Offence	Gjakova	Hasi Region	Dushkaja Region	Reka e Keqe Region	Total
Suicide	30	8	12	5	55
Attempted Suicide					181
Drugs & psychotropic substances	84	4	5	7	100
Domestic Violence	142	13	22	15	192
Trafficking in Human Beings	16	1	1	6	24
Missing Persons	125	15	15	17	172
Usurpation of Property	13		2	1	16
Illegal Entry into Computer System	4			1	5

With reference to these statistics, the assessment of G. Tushi results as a right one, according to whom: "The extended space of freedom of individual and ever higher independence from the rules and collective social and moral obligations, acceptable and consensual, is being accompanied by the appearance of new phenomena, unknown in the past. Freedom has its social cost; it has its consequences and deformations that result from the incidents of modern life. Indeed, some horrible socio-political wounds have disappeared in our time, such as dictatorship, the monistic and determinist political and moral concept, the concept of personal privacy has been extended, but at the same time new occurrences, phenomena and social wounds appeared, which were unfamiliar in the past."<sup>2</sup>

They prove that our society is facing many problems in the socio-cultural domain, which inevitably are interlinked with 'reforms' of social organizing. On one hand, barriers and 'disagreements' appear between 'old' generations and 'new' generations and, on the other hand, there is the presence of social conditions and benefits from 'dirty businesses' of various profiteers. Some of the 'new occurrences' that have reflected in new generations are: marriages for love and without

<sup>1</sup> Dhima, A. (2013). Anthropology of Communication – Access to Albanian Reality:140-141

<sup>2</sup> Tushi, G. (2006). Social Problems and Dilemmas:17-18

“matchmaker – mediator”, which compared with the past has increased the number of divorces and social problems with both of the families; the extravagant way of dressing by the young ages of female sex, in many cases there are reported cases of domestic violence because some parents disagree with that or, in the worst scenario, there are cases of attempted suicide and suicide on both generations; excessive use of psychotropic substances by persons of young ages, trafficking in human beings and their employment in ‘night’ bars; use of most recent technologies in committing various criminal offences, etc.

With regard to these cultural ‘achievements’ which are being misused by a certain part of citizens, we also have the assessments obtained during a research in the field, who give the opinion on the new cultural ‘flow’ and criminal occurrences in this area, and they are as following:

**This region, being well known for its pure Albanian tradition and culture, the recent trends of criminality fall within the cultural traditions of this area: 1= entirely, 2= some and 3= none**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	52	9.5	9.8	9.8
	2	219	39.8	41.3	51.1
	3	259	47.1	48.9	100.0
	Total	530	96.4	100.0	
Missing	System	20	3.6		
Total		550	100.0		

In addition to numerous changes while transiting into the democratic system of our society, is there any evolvement in the appearance of new criminal occurrences which have not been met before in the tradition and culture of this region? 1= a lot, 2= little and 3= partially

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	201	36.5	37.9	37.9
	2	184	33.5	34.7	72.6
	3	145	26.4	27.4	100.0
	Total	530	96.4	100.0	
Missing	System	20	3.6		
Total		550	100.0		

Referring to the answers on both questions excerpted from a questionnaire applied during a field research, it results that the recent trends of criminal occurrences in Gjakova region do not belong to the culture and tradition of this area and that we have an evolvement of these occurrences which were not present in the past.

Therefore, this trend of development and modernizing of culture in this region, besides positive progress things and advancement of society, has also brought the confrontation with some permanent 'risks' that are accompanying step after step and without sparing anything, the consequences of which fall on the very individual, family, the environment and the whole society. These consequences are also costly, regardless on whose 'back' they will fall.

Referring to the statistics and assessments mentioned above, it is obvious that the society of this area, apart from the 'contemporary' is also being challenged by 'oscillations' as negative effects. Hence, it is observed that cultural 'flow' have an impact on the social state and which is very concerning, because from day to day it is going towards 'embrace' of cultures that are not in the same pace with the reality of our society. This inevitably adds to insecurity.

Based on the circumstances that citizens of Gjakova and its surrounding have faced in the field of criminal activity during the period of time 1999-2012, you asses that we had a situation: 1= Worrisome and 2= Calm

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	423	76.9	79.8	79.8
	2	107	19.5	20.2	100.0
	Total	530	96.4	100.0	
Missing	System	20	3.6		
Total		550	100.0		

So, after a decade and a half of darting transformation, our society has become almost "qualitatively different society" which has no longer a enough security, where the weak person shall be protected.

Problems and social needs are increasing on daily basis, which the local and central state institutions are not able to respond to at the required extent. Therefore, it has come to the point when this society continues on with the 'genius achievements' by not sparing the individual, family or the social environment.

### Conclusions

Human society was accompanied by the developments of the time. Evolutions were also present which brought in fundamental changes within the same society. Albanian society in Gjakova region was no exception.

However, new transformations, especially the socio-cultural, brought completely different circumstances creating problems in this area and making it impossible for the man to evaluate what should be inherited and what should be thrown as useless.

In these processes of social transformation from traditional into 'contemporary', regardless of the fact if they are necessary, its effects were not lacking.

'Contemporary' societies are accompanied by variou cultures and subcultures and the more modern they become, the more is the possibility for them to be exposed to 'risks'. These risks come due to disagreement between generations and new occurrences which are oftentimes direct or indirect causes of deviant behaviour of individuals in the society and ending in criminality. Therefore, 'contemporary' brought here also progress and goods for the individual and society but on the other hand it also brought in occurrences which were not evident in the past.

So in the society, the new socio-cultural order put on stage the independent man, stating that he could reach all and on the other hand appears to be lonely and possibly with the loss of identity.

This has caused the fading and vanishing of the family and social 'common' be that in moral aspect, humane and social and to make the individual emerge on the surface. There is no more that fear of 'punishment' by the community, the individual acts based on his own interests, regardless that they may be harmful to the society by opening way also to criminal activity. The processes this society is going through are as yet powerful to challenge such circumstances and confrontation with the new socio-cultural reality is not on the same pace with the reality of life in this area. These have precisely produced negative and harmful effects for the society, starting from the socio-economic and cultural aspect all the way to the appearance of criminal occurrences that are evident and increase the concerns of citizens. Whilst we have a fading of the role of the family, unstable marriages, new criminal occurrences and on the other hand while the readiness of institutions is not at the required level to respond to such requests and needs, the social 'crisis' shall not be absent.

Finally, 'new developments' has had an effect in the opening of societies, which through the global 'technology' have 'destroyed' the authentic cultures and traditions which were transmitted through generations in centuries, by changing them into 'mixed' traditions and cultures.

Although this area was known for the preservation of its traditions and culture, modern democratic organizing brought in new cultural 'flow' and it affected that these 'achievements' are also 'embraced' in this area. They have 'vibrated' the society, by bringing in many novelties in the socio-cultural life and 'crisis' in social stability.

## Recommendations

The needs for social developments have been and are necessary also for the society of Gjakova citizens and its surrounding. However, they must be followed according to the circumstances of the reality and 'flows' that bring benefits to the society should be 'embraced'.

Strengthen the 'common' of the family and society because only that will fill in for the institutional shortcomings and will reduce the socio-economic and cultural problems.

Prevent the interest of the individual when it causes harm to family and society and have the collective interest emerge. This would in turn prevent the appearance of new criminal occurrences, such as drugs, prostitution, trafficking in human beings, etc.

Local and central state institutions should as soon as possible take their role and implement projects that are in the interest of the society, even through various organizations. This would aid in rehabilitation of individuals 'infected' with criminal occurrences.

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## Aviation Entrepreneur Model (AEM) in Malaysia: A Review

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### Abstract

*Studies in the literature have discussed on many of the success factors of small and medium enterprises. However, Aviation Entrepreneur has been given less attention by previous researchers. In present, Aviation Entrepreneur plays an important role in determining the success and Aviation Entrepreneur inculcating "wholesome" Aviation Entrepreneurs. The concept of this review is based on the Aviation Entrepreneur Model factors that contribute to the successful aviation entrepreneur such as traits, behavior, skills and self-efficacy. This study will provide a guideline to some parties involved either the government or private agencies like Small Medium Enterprises (SME), Majlis Amanah Rakyat (MARA), SMIDEC, FMM and PUNB for the purpose of developing small businesses so that Aviation Entrepreneurs can be globally competitive.*

**Keywords:** Aviation, Aviation Entrepreneur, SMEs, Malaysia.

### 1. Introduction

Small and Medium Enterprises (SMEs) in Malaysia reside in various industries. They represent a large fraction of the total number of businesses in various sectors and have offered great contribution in terms of the GDP (Salleh & Ndubisi 2006; BNM 2006; SME Corp 2010). It can be considered as a back bone of national economy (Muhammad Khaliq 2011; Radam et al., 2008). There are several activities included in the classification of economic activities that involve the SMEs namely basic agriculture, manufacturing (agro-based), manufacturing-related services, services in general, mining and quarrying also construction (Malaysian National Bank, 2005). SMEs play a vital role in the Malaysian's economic development and made Malaysia as one of the most open economies in the world (Muhammad, Char, Yasoa' & Hassan, 2010; Omar, Arokiasamy & Ismail, 2009). Furthermore, SMEs do not just serve as a backbone to the national economic development but also act as a platform to tap on the talent of entrepreneurship where one can develop himself or herself (Ab Aziz & Zakaria, 2004). In line with the Malaysian governments agenda to improve the economy of Malaysia, this sector is not only a key mechanism for ensuring socio-economic balance between the races, but this sector also indirectly improves the image of Malaysia on par with developed countries in the world. Undeniable, to help flourish the SMEs, the government has provided a few incentives through Budget 2013. A total of RM 1 billion was set aside for SME development schemes under the custodian of SME Bank. While the SME master plan (2012-2020), the government has allocated an amount of RM 30 million for 2013 and RM 200 million for working capital financing of SMEs that undertake production of halal products (Ministry of Finance Malaysia, 2013).

Aviation entrepreneur can be referred as the person who seize or create an idea and do their business activity in aviation context. While aviation industry can be defined as an industrial activities that related to the aerospace design, avionics

parts, development and manufacturing, aircraft construction and maintenance and disposal of aircraft. In Malaysia, there are about 200 related companies that involve in aviation business activities and the owner of these companies can be called as 'aviation entrepreneur'. For instance, SME Aviation, Honeywell, Aviatron, Aero Precision Resources, Dectra, Damaijitu, STRANDS, CTRM, Megamars, MUhibbah Airlines Support, Zetro and many more. However, there are still many challenges and competition in economics and trade activities encountered by entrepreneurs. According to Fariza (2012) among the main challenge that encounter by entrepreneurs including lack of market knowledge, technological, skills capabilities and products quality. Besides, the work and ethics values are seen critical in order to develop overall performance of the SMEs (Ahmad, Amran & Halim, 2012). In addition to entrepreneurial values and ethics, entrepreneurs also need to focus on honing their skills on business management (Abdul Aziz Mahmud, 1977; Mohd Amir Saiffuddin, 1983; Humam Mohammed, 1988; Wan Liz Ozman, 2000; Al Habshi, 1995; Buerah, 2007). Hence, the government has approved a set of strategic training programs to train 5,000 entrepreneur candidates (Ministry of Finance, 2013) to setting up business. Entrepreneurship training is important because it provides not only exposure to entrepreneurs, but also helps them learn the ropes. Entrepreneurship training programs should use experiential and action-oriented methods to meet the specific needs and requirements of entrepreneurs; hence, making them more progressive and not side-lined in the field (Zaidatol & Habibah, 2004). Even though the government had provided facilities involving substantial financial provision to help small business, but their achievements in this sector is still weak. In general, problems encountered by SMEs in Malaysia are caused by internal and external environment such as lack of poor management, competition, networking, product quality and leadership (Hung et al., 2010).

Although many studies have looked into entrepreneur success, however, little effort has been made to Aviation Entrepreneur Model towards entrepreneur success. Thus, the purpose of this study is to develop an Aviation Entrepreneur Model which personifies the association between the Aviation values and entrepreneur success. This study will add on to the aviation entrepreneur literature, specifically on aviation industry. In particular, this study has five main objectives; to identify the factors that contribute to the successful aviation entrepreneur, to understand the relationship of four major successful traits of small and medium entrepreneurs in aviation industry, to identify the major roles and impact of small medium entrepreneurs for the growth of the aerospace or aviation industry, to identify areas of improvement of the aerospace or aviation industry from small medium entrepreneurs perspectives and to develop a model on successful aviation entrepreneur.

## 2. Literature Review

Most of the success factors of entrepreneurs studied more focused on the external factors and internal factors. External factors such as government support, training and skills, business size, location and number of employees. While, internal factors such as characteristics of the entrepreneur namely creativity, innovativeness, competitiveness, quick to act and responsible (Rosman, 2009; Nor Hasni, 2005; Ku Azilah, 2004). It is undeniable that the internal and external factors are very important to entrepreneurs in influencing their success. Noraishah (2002) said that a successful entrepreneur is someone who is innovative because he often introduces new ideas or new methods of production. He always trying to improve items or existing services or create new items and services to attract customers. Apart from these characteristics, Sexton and Bowman (1990) noted that successful entrepreneurs are the ones that have high energy and endurance. They also capable of dominating the subordinates as a powerful weapon in controlling climate change and bring new ideas. An entrepreneur should also be able to survive long in solving business problems (Bacas & Croft, 1986). The results of a study performed by Vaught and Hoy (1981) found that these values are well appreciated by entrepreneurs compared to non-entrepreneurs. The personal values are the main catalyst for entrepreneurial success. Positive values available to entrepreneurs like freedom, positive thinking, work in small, highly motivated, ambitious, confident, tolerant with difficulty and are willing to sacrifice are the factors leading to dynamic entrepreneurs (Vaught and Hoy, 1981). However, entrepreneurs need to continually strengthen their internal factors such as traits, behavior, skills and self-efficacy before embarking on their entrepreneurial venture. Evidently, these internal factors will eventually affect entrepreneurs' external factors (Rosman, 2009; Zaidatol, 2007; Norasmah and Halimah, 2007).

## **2.1 Traits**

The term traits used in this study refers to positive traits such as hard work, self-confident, innovativeness and creativity, visionary and determined to solve the problem (Zaidatol and Habibah, 1997; Abd Aziz, 1991). McClelland (1961) was the first to study the traits of an entrepreneur. He pointed out that many of the successful entrepreneurs who have the will towards excellent achievement, take moderate risks and have high internal locus of control. While, Abdul Aziz (1991) felt that creativity is the competitive advantage that should have by entrepreneurs. This view was supported by Costa (1994), Kao J. in Dollinger, M.R (1995) and Noraishah (2002). While, Drucker (1994) and Barjoyai (2000) stated that creativity and innovativeness are important for entrepreneurs to produce a product that is useful to society. A study done by Yep (1985) argued that creative human is often able to achieve progress more quickly than others because they enable the production of a product.

## **2.2 Behavior**

The term behavior used in this study refers to the knowledge possessed by entrepreneurs in matters related to business (Norasmah and Halimah, 2007). McGrat et al. (1992), in his study found that people who succeed in business have unique characteristics and nearly equal to each other. The same view was given by McClelland (1961) when he said that successful entrepreneurs have qualities similar to those of their achievement motivation is high. According to Noraishah (2002), a successful entrepreneur is a good risk manager. This opinion was supported by Halloran (1994) which stated that an entrepreneur that is willing to take the risk is said to have behavior as a successful entrepreneur. Findings from Wilken (1994) showed that psychological factors such as being able to bear the risk and highly motivated are associated with behaviors of successful entrepreneurs.

## **2.3 Skills**

The term skills used in this study refers to the ability of self-entrepreneurs in their business activities effectively. Despite the characteristics and behavior of entrepreneurs, skills also one of the important roles to make an entrepreneur to be positive thinking in the business conducted and thus contribute to the success of business (Mohamed, 1996). Some of the skills needed by entrepreneurs are skills in management, finance and marketing. According to Costa (1994), marketing strategies are the key to success. This view was supported by McMohan (2001a) in his study found that the practice of providing formal financial report have a significant relationship with business performance. While Dyke, Fischer and Reuben (1992) in their study found that management experience is an important factor in achieving success or successful performance in a small business environment. Findings from Zaidatol & Habibah (2004) also showed that the important aspects of doing business are financial management, budgeting and cash flow statement preparation. In fact, most businesses fail due to lack of management, finance and knowledge of the preparation of the business plan (Humam, 1992; Zaidatol, 2007; Norasmah & Halimah, 2007). Zaidatol and Habibah (1997) also showed the same factors that have also caused many companies to go bankrupt because their owners do not have enough knowledge to address changing conditions of the market.

## **2.4 Self-efficacy**

The term self-efficacy used in this study refers to the risk handling skills, financial control skills, management skills and marketing skills. In addition, self-efficacy is one of the factors affecting the success of an entrepreneur in the business. Entrepreneurs who have high self-efficacy work harder and able to work in the long term compared to individuals with low self-efficacy (Wood & Bandura, 2007). Previous studies have shown that self-efficacy is related to the success of leaders and individuals (Bandura, 1997, and Hoy & Woolfolk, 1993). It is clear that self-efficacy is important to the individual in the performance of their duties and faces many similar problems in education, employment or life (Wan Haslina, 2003). It can be concluded that the characteristics of entrepreneurship not only include the characteristics of entrepreneurs but also involve behavior, skills and self-efficacy.

## 2.5 Success

According to Sull (2004) and Baron (2004), the differences of successful and unsuccessful entrepreneur can be defined from the level of knowledge the entrepreneur has with the specific context and the level of ambiguity in the business context. In the case of Brahim-LSG and KLAS as the inflight kitchen provider, their skills sets are of different requirements needed in the mass market. It is acknowledged that in previous entrepreneurship studies, there are very little studies that focus on entrepreneurship in aviation context. This study focuses in aviation context to close the gaps and in fact it will give a big contributions to Malaysia country since aviation industry in Malaysia is recognized as one of the industry that boost Malaysian economy. The total revenues from the aerospace industry has growing up from RM0.9 billion in 1998 to RM11.8 billion in 2014 and has provided more than 19,500 job opportunity. The investment value in the aerospace industry for the five year duration from 2010 to 2014 has reached RM 4.2 billion compared to only RM 1.6 billion for twenty years duration, and it is expected to grow year by year (Malaysian Aerospace Industry 2030). At present, more than 200 active companies were established in the country that can be considered as aviation entrepreneurs. Hence, above discussion provide the rationale of undertaking this research.

The success of a business is due to many factors. In business, the concept of success generally refers to a firm's financial performance and it has been interpreted in many different ways (Foley and Green, 1989). Some authors defined success from tangible (objective) points of view such as revenue or a firm's growth, personal wealth creation, profitability, turnover (Perren, 2000; Amit et al., 2000). Other studies (Watson et al., 1998; Taormina and Lao, 2007) associated entrepreneurial success with continued business operations, operating for at least three years. Watson et al. (1998) and Dafna (2008) associate entrepreneurial success by relating the success with continued trading, and entrepreneurial failure is linked to unrewarding or ceased trading. Some other studies have interpreted the success from intangible points of view where intangible assets (e.g., goodwill of firm) are linked to key factors of success. In this study, aviation entrepreneur success is defined based on the understanding of definition given by several researchers (e.g. Perren, 2000; Amit et al., 2000), who support the notion that a successful business is refer to revenue or a firm's growth, personal wealth creation, profitability and turnover. Therefore, this study will further enhance the criteria and indicators of successful aviation entrepreneur. In general, many different terminologies are related to business failure, such as firm closure, entrepreneurial exit, dissolution, discontinuance, insolvency, organizational mortality, and bankruptcy (Cardozo & Borchert, 2004). Typically, entrepreneurial failure is defined as the cease of an operation for financial reasons, but one type of entrepreneurial failure is the discontinuance of venturing efforts by entrepreneurs (Liao et al., 2008). In particular, definitions of business "disappearance", "closure", "exit", and "failure" are confusing and often overlapping (Cardozo & Borchert, 2004; Stokes & Blackburn, 2002). Nonetheless, a failed business is the one which have to sell or liquidate in order to avoid losses or pay off the creditors, or the one which is unable to make a profitable go of the business (Gaskill et al., 1993). Pretorius (2009) reviewed the business failure definitions, and suggested a universal definition for the failure phenomenon: "a venture fails when it involuntarily becomes unable to attract new debt or equity funding to reverse decline; consequently, it cannot continue to operate under the current ownership and management" (Pretorius, 2009). In this study, unsuccessful is defined based on the understanding of definition given by several researchers (Cardozo & Borchert, 2004; Pretorius, 2009).

The term success used in this study refers to revenues, profits obtained, growth and innovation, the value of assets, increase the number of employees and business network and customer satisfaction (for example, Hitt et al., 2001; Lechler, 2001). These criteria are expected to relate closely to wealth generation. In line with previous literature reviews (i.e. Adams & Sykes, 2003; Julien, 1998; Paige & Littrell, 2002), the growth and profitability are the two criteria most often used as performance measures in the entrepreneurship and small business literature. Figure 1 show the proposed of AEM through literature reviews process.



Figure 1: Proposed of Aviation Entrepreneur Model (AEM)

### 3.1 Theory of Economic Development

In economic theory, the entrepreneur is seen as an important factor of production, as well as capital, labor and land. Reward for entrepreneurs in the production process is profitability. Among the theories related to the importance of the role of entrepreneurs in economic development is the Schumpeter's Theory of Economic Development (1934). This theory has long been produced and it is still significant to explain the role of entrepreneurs in economic development to date. Generally, the concept of economic development based on Schumpeter is referring to the importance of the role of entrepreneurs based on five conditions that occurs. Firstly, the introduction of new products in the market, for example goods, that is not available in the market or goods with better quality. Secondly, the introduction of new production technology and has not been used. Thirdly, opening new markets product that have been released. Fourth, the discovery of new sources of raw materials or first created. Finally, the birth of new forms of organization in the industrial sectors could create or destroying the monopoly or restructuring of existing industries (Schumpeter, 1934).

The theory put forward by Schumpeter puts innovation as the essence of the activities carried out by individual known as the entrepreneur. They are the key to economic development (Baretto, 1989). Entrepreneur constantly doing innovation, risk-taking, planning the use of production factors, manage and choose the combination of production factors. Through the changes made by the entrepreneur have changed the so-called power of creative destruction, that is the equilibrium shifts lead to changes in economic development. According to Brouwer (2002), entrepreneurs with special leadership qualities and the ability to act in the right way thus can make the right decision. Overall, the Theory of Economic Development presented by Schumpeter was directly linked the personality traits possessed by entrepreneurs as always worked hard, able to predict future needs and leadership (Witt, 2002). Those features will determine the business strategies that can influence business performance and contribute to economic growth in a country. The importance of the characteristics of entrepreneurs as asserted in the Theory of Economic Development is consistent with what have been analyzed by Littunen & Storhammar (2000), Gadenne (1999) and Keats & Bracker (1988), which asserted that factor of entrepreneurial characteristics of owner/manager is the most important factor that can affect the performance of small businesses.

### 3.2 Theory of Social Behavior

Max Weber, a German sociologist who has submitted an entrepreneurial model in 1958 to include religious elements as basic to success in economic activity (Rosli et al., 2007). Entrepreneur of the sociological perspective is based on the model presented by Max Weber, who founded the study of two groups of Protestant and Catholic religion. In his view, he stated that the success of the Protestant is holding strong to their religious ethics (Jamaluddin, 1992). Protestant ethic described by Weber as a dedicated activity in the context of its relationship with the mundane (Mohd Amir, 1984). Max Weber included religious elements as the basis for success in economic activity. Model put forward by Weber was based on a review of the Protestants and their success in the economic sphere. He said that the success of the Protestants in economic activity caused by the teachings found in the Protestant religion. He tried to show that the success was due to a strong grip on religion became the main impetus to the Protestants to achieve success in the economic sphere. Weber has written at length about the entrepreneurial model in the book entitled *The Protestant Ethics and the Spirit of Capitalism*. To Weber, the economy is in the context of capitalism. This German sociologist attempted to show that the success of the Protestants

was due to a strong grip on the Protestant ethic (Kent, 1982). Protestant ethic described by Weber as activities devoted in the context of a relationship with God and be active (not only focus on purely ritual activities) in relation to the mundane. Entrepreneurial model presented by Weber can be considered as an attempt to show the relationship of religion or belief in entrepreneurship (Noraishah, 2002).

### **3.3 Self-Efficacy Theory**

Self-efficacy theory pioneered by Albert Bandura who use the term of "self-efficacy" to describe the constructs of expected success of an individual. At the beginning, Bandura has brought new changes with the introduction of "Self-efficacy: Toward a Unifying Theory of Behavioral Change". Next, Bandura published a theory related to the socio-cognitive factors of self-regulation and achievement of "Self-efficacy: The Exercise of Control" (Pajeras in Andi 2007). Self-efficacy is defined as consideration (judgments) one of the ability to organize and implement actions necessary to achieve the specified performance. Self-efficacy has no bearing on person's skills, but it may be one consideration of any matter which may be done with expertise. It also means faith or confidence one has in the performance of behavior to achieve a purpose to be successful (in Andi Bandura, 2007). Self-Efficacy is also defined as an individual perception of their ability to perform a specific task (Bandura, 1977, 1986). It is a self-assessment of ability to master a task. Self-efficacy can be defined as a belief that is very useful for understanding and predicting, the beliefs of an individual on his ability to implement new and difficult task or able to face difficulties in various domains of life (Schwarzer, 1992), a person's belief in the ability to move the cognitive resources, motivation and a considered appropriate way and necessary to the task requirements (Bandura, 2000), beliefs associated with the ability to self-direct behavior to get the desired results (Bandura, 1989a; 1989b; 1994, 1997), an expectation of someone that he behaves as needed to produce or achieve an outcome. Self-efficacy is also the individual assessment of his own abilities to organize and execute tasks to get the desired results or expectations. It can evaluate an individual in solving the problem and the extent of their confidence to solve the problem. In addition, self-efficacy is also associated with goal setting to achieve something dreamed up by the task carried out, environment or social interaction. This is important because it becomes the individual reference in performing each task (Pintrich and Schunk, 1966). It is defined as confidence in the ability to organize and implement the cognitive, behavioral and social skills needed for success on a task (Bandura, 1986; Schunk, 1999). The self-efficacy also refers to an individual self-confidence to trust to mobilize the motivation, cognitive resources and action planning that is needed to carry out a task. Bandura (1986) stated that self-efficacy influences performance by increasing effort and perseverance. Individuals with high self-efficacy, work hard and able to work in the long term compared with individuals with low self-efficacy (Wood & Bandura in Andi 2007).

Previous studies have shown that self-efficacy was related to the success of leaders and individuals (Bandura, 1977 and Hoy & Woolfolk, 1993). Since the beginning, the founder of this theory has linked the perception of self-efficacy with the achievement. Carson and Enz (1999) stated that self-efficacy is the basic of trust in an individual where they believe that they are able to perform the task until it is succeed. This construct refers to an individual perception of their ability to perform a specific task (Bandura, 1977; 1986). In other words, self-efficacy is a measurement that used as a measure of control over the environment. The assessment of self-efficacy is more to tasks and certain situations (Pajeras, 1997).

Most individuals that do not have the self-efficacy are a bit confused with the assessment of behavior that they will produce. Self-efficacy can help in determining the outcome of one confidence and expectation in social skills and job skills. The confidence possessed can expect high performance and can expect good quality in their careers in the future. A lacks of confidence or doubt in their reliability often get low achievement and job performance and not accepted by society. Sometimes, one's self-efficacy and expected value is not consistent. High self-efficacy cannot expect behavior that is consistent with the belief if the individual believes that the results of such behavior give undesirable effect (Pajeras in Andi 2007). Therefore, it can be explained that self-efficacy is important to his or her individual in completing the task and he or she may have to face many problems either learning process, job or life (Wan Haslina, 2003).

### **3.4 Kohlberg's Theory**

This theoretical approach is based on a study made by Lawrence Kohlberg's theory whereby he argued that individual morality evolves over several levels based on their behavior (Kohlberg in Margeret et al., 2006). There are three levels and six stages below this theoretical approach. The levels and stages of moral development are as follows. The first level is the level of pre-conventional consists of two levels of punishment orientation and obedience. At this stage, a person is self-



centered, they adhere to a more powerful authority for fear of punishment or fine. The second stage is instrumental relativist orientation where at this stage, one has to take care of others, but still have self-interest. The main motive of a person is to satisfy the needs of yourself and do not care about the needs of others. The second level is the level of Conventional consists of agreement orientation between individual. At this level, a person cares about other people and follows their norms. Their motive is to be a good person as expected by others. Love and caring attitude play the important role. While, the stages of law orientation and regulations indicate that someone is concerned about peace in the society. A person has a responsibility to preserve regulations in society. The main focus is to keep the community and avoid split in the system. The third level is the level of Post-conventional that contains the contract-legalistic orientation of social. At this stage, one has an obligation to the law because of its social contract to comply with the law in order to protect the welfare of the people and protect their rights. Laws are made for the benefit of all. However, values such as liberty and life should be defended in any society without regarding to the opinion of the majority. The final stage is the universal ethical principle orientation. At this stage, a rational person believes the validity of universal moral principles, and they have a personal commitment to it. Universal principles are as justice, equality and respect for the dignity of people as individuals. A law or social agreement is normally valid particularly because it is based on those principles. When a law is violated, a person will act in accordance with these principles (Margaret et al., 2006).

#### 4. Discussion and Conclusion

The present study hope that the Aviation Entrepreneur model (AEM) will help the policy maker and industry player to enter and sustain in the market constructively-with the identification of essential instruments and elements needed especially for the small and medium industry player. This study will definitely assist the policy maker and the industry player in identifying the strength and weaknesses of being entrepreneurs in the industry. By identifying and acknowledging the two sides of the establishment, all parties involved will benefit. The outcome of this study will help them to address the limitations therefore increasing their capabilities and sustainability. Being sustainable will help the country to grow the job market and boost the country not only to become the excellence center of aviation but also in the success of developing the sustainable entrepreneurs.

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## An Albanian Case Study On Measuring the Service Quality in An Academic Library

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### Abstract

*Purpose – The aim of this study is to measure the perceptions of the Faculty of Economics of Tirana library users as they relate to quality service and to determine how far this library has succeeded in delivering such service to its users. Design/methodology/approach – The research was carried out among the students of the Faculty of Economics of Tirana. A questionnaire was used as the data gathering instrument. The instruments for data collection consisted of structured questions. All the closed ended questions were designed to elicit responses on a five point Likert scale to measure both respondent satisfaction and perception of service quality. Analysis of the collected data made use of the chi-square method. Findings – The results would appear to indicate that Faculty of Economics of Tirana library is not lacking in quality of service. However, we need to note that quality information service is about helping users to define and satisfy their information needs, building their confidence in using information retrieval systems, and making the whole activity of working with library staff a pleasurable experience. To achieve total quality in information service the Faculty of Economics of Tirana library should provide a comprehensive information programme that is predicated on the needs and activities of the users. Originality/value – This article may help those libraries, who are seriously interested to develop user satisfaction and provide better service to the user. This article also suggests some recommendations about increasing the user satisfaction in the library service.*

**Keywords:** Library, Albania, Service Quality

### Introduction

Generally, the quality of an academic library has been described in terms of its collection and measured by the size of the library holdings and statistics on its use. This traditional method no longer fulfills the goals for successfully measuring the user's demands for information. It seems that it is time to evaluate the quality and significance of library service using alternative methods. To this end, the SERVQUAL method has evolved as a quality management instrument to measure service quality. Quality is the basic philosophy and requirement of library service and all libraries strive to deliver the highest quality of service. A quality service is one that fully meets the expectations and requirements of the users. If a library provides appropriate information to the right user at the right time and in the required form, then it could be argued to be maintaining quality. Quality library services mean satisfying the query of each and every user accurately, exhaustively and expeditiously. The rapid development of information technology, tremendous speed of sociotechnical development and the changed needs of users have all added to the expectations of a service organization. It is evident that management skills must match these demands on and threats to library and information services. The application of quality management in libraries should establish a culture of never ending improvement of quality of products and services. Its implementation in libraries improves the image of the library staff and helps in public relations and marketing.

### The concept of quality in library services

The concept of service quality in the context of a library can be defined as the difference between users' expectations and perceptions of service performance and the reality of the service. Service quality means being able to view services from the customer's point of view and then meeting the customer expectation for service. The concept of service quality was defined as the difference between a library user's expectations and perceptions of service performance to the mid 1970s. Quality becomes a big issue when libraries try to expand their scope and improve their service. Identifying new ways to

conceive of quality and to monitor its attainment are current challenges for libraries. In the library, quality may be recognized by the customers in terms of prompt delivery or error free services.

Recently, some librarians have shifted their perspective of library services to represent a user driven view. The assessment of how well a library succeeds depends on the user as judge of quality. The primary goal of any library therefore should be to maximize user satisfaction and to potentially exceed the expectations of their users. Quality can also be seen as relating to the fitness of a service or product to its intended purpose or use, subject to the expectations of the customer or user. Quality, therefore, must be in conformity with the customer's requirements or needs. This means that the quality of a service can be a definition of the customer's perception of what is good or bad, acceptable or not acceptable service. There are identified five dimensions with which consumers judge services:

**Reliability:** the ability to perform the promised service both dependably and accurately.

**Responsiveness:** the willingness to help customers and to provide prompt service.

**Assurance:** the knowledge and courtesy of employees as well as their ability to convey trust and confidence.

**Empathy:** the provision of caring, individualized attention to customers.

**Tangibles:** the appearance of physical facilities, equipment, personnel, and communication materials.

### **SERVQUAL instrument**

The SERVQUAL instrument easily identifies service quality from the customer perspective. To measure potential gaps, Zeithaml, Parasuraman and Berry developed a 22 item questionnaire called SERVQUAL. The gaps model and its SERVQUAL instrument is probably the most frequently used approach to discuss and measure service quality. The first four gaps are the major contributors to the service quality gap that customers may perceive. The fifth gap is the basis of a customer oriented definition of service quality; it is discrepancy between customer's expectations for excellence and their perceptions of actual service delivered. This discrepancy is the conceptual basis for the SERVQUAL instrument (Nitecki and Herson, 2000).

Thapisa and Gamini (1999) determined the perceptions of the clients of the University of Botswana library as they relate to quality service, and how far the university library has succeeded in delivering quality services. According to Nitecki and Herson (2000), SERVQUAL is a new approach to measuring service quality, one that produces findings useful for local planning and decision-making. It also differentiates between service quality and satisfaction and points the direction for further research. A study by Dadzie (2004) indicated the important role of top management in an organization and examined the possibilities, challenges and constraints posed to librarians in the provision of quality service to the university community in Ghana. SERVQUAL is a diagnostic tool to measure service quality, defined as the difference between customer perceptions and expectations of service. This study discusses implications for library management and future explorations of a tool applicable to academic libraries ( Nitecki, 1996).

Rajan and Ravi (2001) have discussed some of the limitations and possibilities of the service quality model for academic libraries. The model was originally developed in a commercial environment and may require some adaptation to the non-commercial environment of the academic library. Various ways in which the model might be adapted are suggested. Walmiki (2001) discussed in his study how to take effective steps towards the larger goal of total readers' satisfaction. The study defines the meaning of quality control and its evolution, and depicts the relation between quality and user's. It describes the implementation of total quality management (TQM) in library and information services. It also examines the benefits of quality management such as efficiency, and continual and systematic improvement in the activities of the library as a whole. Finally, it elaborates on the modern concept of TQM.

### **A case study**

The aim of this study is to examine the perceptions of the library users as they relate to quality service and to determine how far the library has succeeded in delivering such service to its users. The following objectives of the study are:

- . Determine how the students of the Faculty of Economy perceive quality service at the library.
- . Establish whether the library is meeting the quality expectations of the users.

- . Make recommendations on how to improve the level of quality service.

## **Methodology**

The research was carried out among the students of the Faculty of Economy of Tirana. This research study is to determine the perception of the users as they relate to quality service provided by the Faculty of Economy library.

The study has a total sample of 70 from 111 questionnaires issued. The samples were randomly selected from out of the regular users of library. Both qualitative and quantitative data were collected. The instrument for data collection consisted of structured (open/closed-ended) questions. The questionnaire was administered to a sample of students. The questionnaire covered three main section of the library, i.e. the aspects relating to the physical facilities, technical facilities such as computer facilities, and the attitude and competence of staff.

## **Questionnaire design**

It consisted of open-ended and closed questions. The questionnaire reflected seven determinants of the quality services. Each section is summed up by an open-ended question, which allowed the respondents to assess the overall impression of given criteria of quality service. All the closed ended questions were designed to be responded to on a five point Likert scale to measure both respondent satisfaction and perception of service quality. Respondents were replying indicating:

1 representing "strongly agree", 2 "agree", 3 "disagree", 4 "strongly disagree" and 5 "not sure". In addition, two independent questions were given in questionnaire to aid respondents in giving their views on their overall impression of the services and physical facility at library.

## **Measuring service quality**

### *Reliability*

This refers to the delivery of the service as it relates to dependability and accuracy. It includes:

- . Giving correct answers to reference questions;
- . Making relevant information available;
- . Keeping records consistent with actual holdings/status;
- . Making sure that overdue notices and fine notices are accurate.

### *Responsiveness*

Responsiveness measures the readiness of library staff in providing the service.

It includes:

- . Timeliness in delivering needed information;
- . Making new information available;
- . Checking in new journals and newspapers promptly;
- . Calling back a patron who has telephoned with a reference question immediately;
- . Minimizing computer response time;
- . Re-shelving books quickly;
- . Minimizing turnaround time for interlibrary loans.

### *Assurance*

Assurance measures the knowledge and courtesy of the library staff and their ability to convey confidence. This includes:

- . Valuing all requests for information equally and conveying the importance of an inquiry to the client;
- . Clean and neat appearance of staff;
- . Thorough understanding of the collection;
- . Familiarity with the workings of equipment and technology;
- . Learning the customer's specific requirements;
- . Providing individual attention;
- . Recognizing the regular customer.

#### *Access*

Access measures the ability to reach out for something and finding or getting it as and when it is needed. It includes:

- . Waiting time at circulation desk;
- . Availability of computer terminals, online public access catalogue (OPAC), etc. without excessive waiting;
- . Library hours meeting expectations;
- . Location and convenience of the library.

#### *Communications*

Communications measures the ability to keep clients informed in a language they understand, and the ability to listen to them:

- . Avoiding library jargon;
- . Determining the needs of the client through gentle follow-up questions;
- . Developing precise, clear instructions at the point of use;
- . Teaching the customer library skills;
- . Assuring the customer that her/his problem will be handled.

#### *Empathy*

Empathy measures the behavior, attitude and approach of the library staffs towards users. It includes:

- . Determine the attitude of the staff;
- . Giving equal importance to all user's request

### **Discussion of results**

The results taken from the survey suggested that the users of library are largely satisfied with various aspects of services quality except responsiveness and communication. Communication is brought in here because some students suggested that they did not know about the existence of some of the available services. Proper and effective communication systems should be put in place, so that users can be informed about the availability of the services they may require. Information seeking therefore is a function not only of awareness of the possible existence of documents but also their availability and accessibility. In responsiveness, some students have given negative responses. The largest number of students suggested that the library should provide the latest publications.

## Conclusion

The results have indicated that the Faculty of Economy Library is not lacking a quality service. However, we need to note that a quality information service is about helping users to define and satisfy their information needs, building their confidence in using information retrieval systems, and making the whole activity of working with library staff a pleasurable experience. To achieve total quality in information service the library should provide a comprehensive information programme that is predicated on the needs and activities of the users.

Service providers, no matter their profession, need to know that the definition of quality is a subjective matter. It is a fact that the users will always dictate what he/she wants, when and how. The service provider, though certainly not a bystander in this transactional relationship, is always influenced to a large extent by the demands of the users.

The user can always change the direction, form and character of any service depending on his/her needs. The provider's responsibility to the user is to adapt to such needs. The service therefore should always be tailor-made to accommodate the needs and wants of the customer. Quality means conforming first to customer requirements, and then to standards or specifications. Users have a tendency of voting with their feet if things do not work out their way. Quality service therefore is a symbiotic relationship where the user prescribes the needs and the service provider capitulates to them within available capabilities and resources.

## Recommendation

By providing quality services and satisfaction to users, they can distinguish their services through friendly, helpful, and knowledgeable advice and the best technological resources available. Because academic library users have varying needs and expectations, it is the responsibility of the library staff to know these needs and expectations and strive to meet them.

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## Application Cases of Main Tourist Destination Competitiveness Models in Different Countries of the World, Especially in Balkan Region Destinations.

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### Abstract

*The aim of this paper is to bring into consideration and describe the application of some of the main tourist destination competitiveness models implemented in different countries of the world and especially in Balkan region destinations. Destinations like Croatia, Romania, Bulgaria, Italia, Slovenia and some other wellknown like Taiwan, Caribbean islands and Sinaloe-Mexico are included in this study. The above cases are part of a literature review process related to this topic. These cases highlight the technical profile of the models and do contribute to facilitate the selection and implementation process of the appropriate model in similar countries or destinations not yet implemented. Different researchers of the field may provide a good understanding of the current tourism competitiveness situation in the regions here included and also of the way tourism competitiveness models needs to adapt to the study objectives and specific circumtainsces of each case/ destination.*

**Keywords:** Tourism competitiveness, tourist destinations, competitiveness models.

### 1. Introduction

There are different tourism destination evaluation models available and different circumstances that limit the applicability of them. In this reviewing article may be find different situations, where these models are applied and how they are applied. Here, the destinations are chosen by taking in consideration their geographical position similarities and particularities from island to continental geo-position, from european to exotic destinations; and their political history, from western countries to former socialist countries.

#### 1.1 Slovenia Case

To analyze the competitiveness of Slovenia as a tourist destination as well as its competitive advantages, Gomezelj and Mihalic (2008) applied two different models, respectively, De Keyser & Vanhove model and the integrated model of Dwyer & Kim. Referring to these two models, the study aimed to identify individual determinants and competitive indicators perceived as such by the Slovenian tourism experts.

According to De Keyser-Vanhove model, there are five factors that do affect the competitiveness of the destination, as follows: the tourism policy, macroeconomics, supply, transportation and demand factor. While according to the integrated model of Dwyer and Kim (2003), the determining factors are grouped into six categories, respectively, the inherited resources, created resources, the supporting factors, the destination management, the tourism demand and situational conditions.

The analysis was conducted through 291 questionnaires addressed to government officials, managers of travel agencies, managers of the hospitality sector, tourism high school academics, managers of tourist services, post-graduate tourism courses students, and local tourism organizations employers. Also, the analysis involved a total of 85 indicators (attributes) and the responses of each of the individuals surveyed were grouped in each of six categories of Dwyer & Kim Integrated model. The processing of data collected through the questionnaire instrument resulted in the following situations: Regarding of the Inherited resources group, the highest ranking position was given to the attributes like: the nature of undiscovered flora and fauna, climate, traditional arts, the destination cleanness, national parks, heritage, artistic and architectural features and historical sites. In the created resources group factor attributes like: resorts and health/spa, visitors accessibility to natural areas, culinary abilities, casinos, outdoor activities, accommodation, easy access to food services, rural tourism, sports, winter activities, the existence of special programs for visitors, guides and information to tourists, special events/festivals, recreation, aquatic activities, efficiency and quality of local transport, efficiency and quality of the

airport, nightlife, community support to special events and amusement parks, have been identified as the most competitive factors of Slovenia.

In the Supporting Factors group, individuals ranked as most competitive factors as follows: residents hospitality, communication and confidence between tourists and residents, telecommunications system, the quality of tourist services and financial institutions facilities, and exchange rates offices availability. While as the less competitive attributes, they ranked variables like as: the customs office efficiency, visa legal requirements, health services to tourists and animation activities. In the Destination Management group, tourists prioritized factors in the order as follows: residents support to the tourism development, the evaluation importance of service quality, private sector awareness of the sustainable tourism development importance, good entrepreneurial skills of tourism local businesses, destination's vision reflecting the tourists' values, tourism services quality, the destination's vision reflecting community values, employees education in tourism sector, the destination's vision reflecting the tourism experts values, development and promotion of new tourist products, existence of appropriate tourism education programs, the cooperation between firms, private and public sector engagement in tourism industry, public awareness to the sustainable tourism development importance, governmental cooperation in tourism development policy and the level of foreign investment in the tourism industry. In the Situational Conditions group, individuals prioritized factors in the order as follows: the security and visitors protection, political stability, worth of money to the tourist experiences in destination, worth of money to the accommodation, the characteristics of shopping, the use of IT by firms, the managers skills, the use of e-commerce, investment environment and cooperation between public and private sectors, are regarded as factors that make Slovenia as very competitive destination. In terms of Tourism Demand group, the general image of the destination, the compatibility between the destination's products and tourists' preferences, international awareness of destination and its products, are the main attributes identified and ranked according to their importance in the destination competitiveness profile.

### **1.2 Slovenia and Croatia frontier area Case**

Vodeb (2012) assessed the tourism competitiveness of seven tourist destinations located in the cross-border area between Croatia and Slovenia. This study aimed to identify the variables that affected the cross-border cooperation. The study used Calgary model of destination competitiveness developed by Crouch and Ritchie (1993). Providers of tourism products had to evaluate from 1 point to 5 points competitiveness factors according to Calgary model and labeled as: destination attraction, destination management, the organization, and information and destination efficiency. This study used factor analysis and its relevant tests to examine the sufficiency or adequacy of samples and data. Using factor analysis, it was reduced a large number of variables to a smaller number, called factors. The factors identified in this case were as follows: cooperation and integrated tourism supply, residents, destination competitiveness evaluation and functions of the tourist destinations organizations.

By the implementation of Calgary model of evaluating the destinations competitiveness for both countries, Croatia and Slovenia, resulted that the highest average value was for attributes like destination attraction and less evaluated for efficiency, management, information and organization.

### **1.3 Romania Case**

Bobirca (2006) in her study was focused on identifying the factors that determine significantly the competitive and comparative advantages of the tourist destination of Romania. For this purpose, the author used Porter's Diamond model to identify the competitive advantages of national tourism of Romania in each of the four determinant factors proposed by Porter (1990) strategy, structure and rivalry of firms; demand conditions; related and supporting industries; governmental role and factor conditions. The empirical results by application of the Porter's model showed that in the factor conditions, Romania has a competitive advantage and on the following elements: geographical position, large variety of tourist products, low labor cost, positive attitude toward tourism. For the second factor that of demand conditions, have been identified as important these elements: large population, the low purchasing power of domestic demand, falling demand for resorts on the coast, and the increasing sophistication of domestic demand. About the third factor, that of related and supporting industries, the authors identified the following elements: Poor distribution and promotion networks, but still developing, low degree of coordination and clustering. Finally, about strategy, structure and competition, the authors

evaluated as important elements of the recent privatization, the low level of competition outside the main cities, the support of the weak, but improving, government, weak managerial skills and marketing.

The author concluded that as part of the strategy to promote Romania as a tourist destination, a special importance should be given to improving the quality of tourism infrastructure, research and development, sustainable development, human resources and skills development managerial and marketing, as well as international cooperation.

#### **1.4 Romania and Bulgaria Case**

Croitoru (2011) analyzed the destination competitiveness index (TCI) of two tourist destinations, respectively Romania and Bulgaria. TCI aims to assess the elements that ensure the development of the tourism sector in different countries through three categories of variables that affect the global tourism competitiveness, known as: (1) the policy rules and regulations; (2) business environment and infrastructure; (3) cultural, human and natural resources, each of which includes a number of factors that determine the fundamental elements in tourism competitiveness analysis. The set of data used to assess these factors, included data obtained from annual surveys conducted by the World Economic Forum and quantitative data obtained from available public sources, international institutions and organizations, and tourism experts.

In this study it is analyzed only one of the indicators of the TCI, regulatory framework and there are evaluated only two of its five elements: the rules and regulations politics and environmental sustainability.

About the first element, Romania had a better ranking position than Bulgaria, especially in property rights, legislation impact on FDI, bilateral agreements on air services, the start time to open a new business and deals of GATS type. While related to transparency of government decisions and costs level to start a business, Romania was ranked not in a good position compared to Bulgaria.

About the second element that of environmental sustainability, Romania proved to be more competitive in applying the environmental protecting rules, in the tourism sector development, the emission level of dioxide carbon, in the environmental protection regulation, while it was less competitive than Bulgaria regarding the ratification of environmental protection agreements.

#### **1.5 Former Socialist Countries**

Papp and Raffay (2011) aiming to study the factors that had effected the tourism competitiveness of the former socialist countries used the Pyramid model developed by Lengyel (2004). The Pyramid model was adapted to the former socialist countries (Hungary, Poland, Bulgaria and Romania) by combining elements of Crouch and Ritchie (2003) and Dwyer et al. (2004) destination competitiveness models and Lengyel model of regions competitiveness.

In the bottom part of the pyramid (first level) which constitutes the base of the pyramid, and does represent competitive potentiality, there are included mainly sustainable elements which turned the post-socialist countries in attractive destinations for visitors. Natural heritage, location and accessibility, innovation, cultural heritage, mentality, openness and hospitality, and climate are important factors, which constitute the competitive potentiality of these destinations.

At the second level of the pyramid are included the development factors, which are ex ante factors such as human resources, infrastructure, tourist services, the management of destinations and attractions development. These factors needs to be developed further so they can ensure their direct impact on the competitive position (basic categories), which constitutes the third level of the pyramid. In this last level there are included ex post factors like as income level, labor productivity and employment level.

#### **1.6 Taiwan Case**

Wang et al. (2008) applied the destination competitiveness model developed by Crouch and Ritchie (Crouch and Ritchie, 1999; Ritchie and Crouch, 1993, 2000, 2003), to analyze the competitiveness of four tourist destinations in Taiwan.

Crouch and Ritchie (1999) defined a conceptual model of tourist destinations competitiveness, based on the model of Porter (1990) of national competitive advantages. Their model identifies two specific interrelated environments called micro and macro. Micro and macro environment affects the competitiveness of a destination through four main components: basic resources; and supporting factors and resources; destination management and qualifying determinants.

The study was conducted in 2006, through questionnaires, in which tourists should rank attributes for each category of tourist destinations competitiveness. From a total of 400 questionnaires were completed only 386.

The authors in this study estimated the average value and the adjusted value for each category. Results of the attributes analysis showed that none of the four tourist cities in Taiwan demonstrated to be a dominant destination compared with three other competing destinations, in any of the four components proposed by Crouch and Ritchie model.

### **1.7 Caribbean Islands Case**

Chambers (2010) analyzed and tried to identify the characteristics, experiences and strategies that hotels and all-inclusive resorts use to differentiate from the characteristics/ attributes of the other part of their particular island and the Caribbean region in general, viewed from the managers and experts' perspective of all-inclusive hotels included in the survey.

The study used several primary and secondary data. Primary data were collected using a quantitative method, in the form of a survey addressed to managers of all-inclusive hotels, registered also as members of hotel and tourism association. Secondary data were obtained from sources such as statistical bulletins, materials provided by travel agencies, books, tourist magazines, and websites.

In this study there were distributed 220 questionnaires, but only 12 of them filled, and identified 7 tourist destinations as the most distinguished from a total of 15 destinations (the islands of the Caribbean region).

The results of survey showed that the reputation of the island where the resort is located, food, employees, hotel ranting, leisure activities and accommodation are some of the distinctive features that helps to differentiate all-inclusive hotels in various destinations within the Caribbean region. Also, features like employees, service and goodwill are factors that influence the decision of a tourist to choose an all-inclusive hotel in the Caribbean islands.

Visitors hospitality and natural attractions of the destination are considered as the most important characteristics that differentiate destinations of Caribbean islands, while facilities to enter the country, distance and travel time to the destination, quality accommodation, security and safety and climate destination, have been identified as factors that do have a less impact to differentiate destinations from each other.

The natural beauty of the destination, a favorable climate, the good reputation of domestic food, security and safety, easy entering procedures to the country, the residents hospitality, are distinguishing characteristics that influence the decision of a tourist to choose a destination within the Caribbean region. On the other hand, cultural attractions, shopping, nightlife, special events / festivals and travel distance and time travel to destination are attributes that have a lesser impact on the choices of tourists.

### **1.8 Italy Case**

Cracolici and Nijkamp (2008) studied the attractiveness and competitiveness of the six regions of southern Italy as potential tourist destinations. The study aimed to identify the attributes in which these destinations have competitive advantages. The analysis in this study, was conducted through micro data provided by AC Nielsen SITA survey (2001), and based on a sample of 1,707 individuals who had visited at least once a region of southern Italy.

To study empirically the competitiveness of these tourist destinations, the researchers used two statistical methods: 1) a parametric non-linear statistical method, which does consist of a function of regional tourist attraction (RTA - an index, which is calculated as a function of the tourist welfare level regarding to attributes); and 2) Principal components analysis (PCA - a technique of reducing the variables number to a smaller one, uncorrelated variables called principal components). The importance of PCA is that it helps identify important factors that influence the process of tourist evaluation.

In conclusion, the study showed that the tourists' evaluation is strongly related to additional attributes of tourism supply, mentioned as follows: information and tourist services, cultural events, quality and variety of products in stores, other hotels and accommodation, the price level and cost of living and tourists' security. While the attributes with less impact to the tourist evaluation are features like hospitality and sympathy of local residents, the cities of art and culture, the landscape, the environment and nature, which are components of the six key components proposed by Crouch and Ritchie (1999) model.

### **1.9 Sinaloa, Mexico Case**

Carillo et al. (2013) in their study aimed to develop an empirical analysis of the destination competitiveness for the three main cities (Mazatlan, Culiacan and Ahome) in Sinaloa, Mexico, using Crouch and Ritchie model. The aim was that through the use of attributes could be made a comparison between the above three tourism destinations in order to identify then the most competitive destination in Sinaloa. The study used a method of alternatives ranking, known as Electra III (Roy 1990), which established a preferential model based on the information provided by the competitiveness model of Crouch and Ritchie, by ranking preferences in a descending order.

The data of this study were provided by the National Statistics Institute in Mexico (INEGI) in 2012. Crouch and Ritchie Model identified a total of 45 a number of attributes, grouped in 5 main determinant factors of destination competitiveness. In this case the model Crouch and Ritchie (2011) was adapted and some of the attributes were modified.

Besides Electra III model, in this study the authors used a deductive algorithm method (Leyva and Aguilera, 2005) to provide an alternative to a final ranking of the alternatives (destinations). To each position of the rank is given a specific weight, and to determine the destination ranking in each case it is calculated as the sum of the production of weight to frequency of the attribute rank position. Based on this methodology, the study concluded that the most competitive destination is Mazatlan, followed by Culiacan and Ahome.

## **2. Conclusions**

The evidence from these countries shows that there are different models and technics to evaluate the competitiveness of a tourism destination, but it is part of the researchers and experts' responsibility to provide the unique mixture of objectives, destination features, data availability and validity to be used in a competitiveness evaluation process.

From this reviewing article, it comes clear that there does not exist any universal model to provide the right evaluation of the destination competitiveness.

It is indispensable that before deciding about the evaluation model or its adaptation, needs to have a good understanding of destination competitiveness related issues like as the determinants categories, measurements and statistical tools, frameworks, and models.

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## Civil Society from Historical to Contemporary Perspectives

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### Abstract

*Many scholars think that because of its ambiguous nature the definition of the civil society concept sometimes is meaningless. Civil society belongs to a group of sociological and political theory concepts such as freedom, justice, equality and democracy that are not clearly demarcated. At least two specific dimensions of the civil society concept are distinguishable: the theoretical and the normative role. In the context of theoretical role the concept of civil society analyzes dimensions of social life and social values, with citizens and civil organizations as key actors. The normative role serves to motivate and mobilize citizens and other social actors for the establishment and development of various contents and forms of civil activities. The normative function is mostly manifested during periods of transition from less to more democratic societies. Both dimensions of the civil society concept have played significant roles, especially in countries where the position of civil society has traditionally played a marginal role. Discussing the concept of civil society is quite fashionable today. Civil society is a popular term with politicians, academics and international agencies. We frequently hear politicians talk about the needs of the state and the market for a civil society. As a result, a number of authors and social and political theorists have stressed its critical importance in the processes of democratic change. The concept of civil society has been defended in various ways by a variety of political and social theorists. Today's content of civil society does not result with a commonly accepted definition of the term, but focuses on whether the term should be a normative or non-normative tool of social science, and whether economic, religious and family relations should be considered as part of it. This paper will focus on the various meanings of civil society; a tentative definition on civil society will be introduced as well as various existing discourses of civil society.*

**Keywords:** Civil Society, Theoretical, Normative, Democratic Functions, Democratic Citizenship

### 1. Introduction

There is no commonly agreed definition of civil society. 'A survey of available literature on this subject makes it clear that civil society as a concept contains elements that are diverse, complex, and above all, contentious' (Spurk, 2010). Some of the literature considers whether it is this very fuzziness that explains the present popularity of civil society in that "it can be all things to all people" (Glasius 2004, 3).

Civil society provides an intermediate layer of governance between the citizens and the state that is capable of resolving problems without public coercion. The idea of civil society within the context of modern history offers perspectives on state-society relations. Within these perspectives, the state should be differentiated from civil society as a binding or organizing principal of political order. In this analysis, individuals and different organizations are part of the political order to the extent that they seek to participate in those processes. The core idea of civil society embodies an ethical ideal of the social order, one that harmonizes the conflicting demands of individual interests and social good (Seligman, 1995).

In this paper I will try to clarify civil society's historical roots and introduce a tentative definition for civil society from both of its theoretical and normative dimensions before we see how the concept came to be understood in different contexts. The idea of civil society from its normative to functional definition will be discussed, as well as the relationship between civil society and democracy and some of the major democratic functions through which it contributes to strengthen democracy.

### 2. Origins and history of civil society

Although it now relates to societies of different civilizations, civil society roots lie mainly in the West. Romans spoke for the first time of "societas civilis", a term introduced by Cicero. Socrates supported the idea that conflicts within society should be resolved through public debates, and Plato saw the ideal state as a society in which people dedicate themselves to the common good, while Aristotle saw the 'polis' as an 'association', that enabled citizens to share in the virtuous task of ruling



and being ruled (O'Brien, 1999). Nevertheless, neither Greece nor Rome distinguished between state and society. After the Thirty Years' War ended, the Treaty of Westphalia endorsed states as political units having their territory and sovereignty. The monarchs were able to form national armies, which enabled them to control public life. Consequently, before the Enlightenment period absolutism was the hallmark of Europe and civil society was not discussed until the eighteenth-century by liberals attacking absolutism (Edwards, 2004).

The medieval idea of differentiating between state and society was lost in the work of Hobbes, who in religion found only potential for conflicts. He wrote that if a society is to be held together at all, it must be through the power of the sovereign. But Locke, in 'Two Treatises of Government' (1663) provided a distinctively modern form of differentiation by combining the concept with that of voluntary association. Thomas Hobbes and John Locke believed in a peaceful coexistence between human beings through social contracts and pacts (Warren, 1996). Locke and Hobbes did not hold that civil society was a separate realm from the state. It is society that created political institutions to protect it, and so can change them whenever it wishes to do so. In this context, Hobbes refused strict separation of state and society (Thomas Hobbes, 1660).

John Locke was the first one that distinguished between state and society. For him the state was a part of "civil society", but he distinguished the political order from "the community" placing the moral basis of the political order on the consent of the "community", that is, on society. Adam Ferguson developed the concept of civil society as a moral sphere in which human interactions can be protected from the state (O'Brien, 1999). On the other side, Tocqueville presented civil society as a network of non-political social organizations that strengthen democracy. Thus, he introduced the notion of subsidiary, which allows civil society to be involved in governance by limiting the power of the state whilst ensuring that the creative energy of society remains outside of the state and remains within civic activism of associations (Tocqueville 1969).. While Locke, Ferguson, and Tocqueville base their concepts of civil society on a distinction between state and society Adam Smith focused on the difference between society and markets.

In Hegel's analysis of society, the economy is a part of civil society, which is identified with market relations. He understood the distinction between market and state. Marx argued that civil society was strongly shaped by class antagonism and Rousseau thought that of the society where state should be absorbed into civil society. Civil society, as Rousseau describes it, serves two purposes: to provide peace for everyone and to ensure the right to property (Jean-Jacques Rousseau, 1950). On the other hand, Gramsci developed a concept of civil society that differentiated it both from the economy and the state, although he had a difficult time expressing the independent role of civil society without it being an instrument of state politics.

### **3. Definition and concept of civil society: Theoretical and normative dimensions**

Walzer has defined civil society as the space of (politically) un-coerced human association and also the set of relational networks-formed for the sake of family, faith, interest and ideology. Civil society is also seen as a sphere of social interaction between economy and state (Cohen and Arato, 1992). If we refer to these definitions then the question is whether this includes economic interest not organized to pursue public ends.

The Centre for Civil Society at the London School of Economics and Political Sciences uses a working definition that includes four model sectors, adding family as an additional one: 'Civil society refers to the arena of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, and market, though in practice, the boundaries between state, civil society, and market are often complex, blurred and negotiated.

Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups' (Centre for Civil Society, 2006). This definition describes civil society as part of the society, but not directly part of the state, consisting of different organizations, which operate in the interest of the common good.

In order to overcome social and economic problems other ideas were suggested, including a partnership involving the public, private and civil sectors working together. Edwards notes that civil society as an associational life should be central to the workings of this joint project, which will address the effects of too much state intervention and consequences of

human over-reliance on the market. This project, as a new way of achieving social progress, became identified as building 'societies that are civil' (Edwards, 2004).

Another significant functional goal of civil society is to act as a force maintaining liberal freedom. This key function is a set of diverse non-governmental institutions, which are strong enough to counterbalance the state. Civil society is: 'a society in which polity and economy are distinct, where polity is instrumental but can and does check extremes of individual interest, but where the state is in turn checked by institutions with an economic base; it relies on economic growth which, by requiring cognitive growth, makes ideological monopoly impossible' (Gellner, 1994).

#### **a. The idea of civil society: From normative to functional definition of civil society**

Civil society's existence as independent from the state is a very important aspect. As we saw from the historical perspectives, the concept of civil society was defined differently by a range of German, French and Scottish Enlightenment figures, but common to all attempts was the articulation of the civil society's main problem: the relation between the private and public, the individual and social, and between individual desire and public concerns.

In this context, civil society could be seen as autonomous sphere and independent from the state, but regulated by the state (Shills, 1991). This idea of civil society is not the focus of power balances between the state and civil society, but their inter-independence.

Civil society should be considered as the location of independent thought. As a result, a functional definition of civil society could replace the predominant normative definition: 'that civil society should not be defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust are established in social life' (Shills, 1991).

#### **4. Civil society and democracy**

Citizen participation in processes of public decision-making is an essential part of the democracy. Through its social and political activism, civil society gives voice to groups of citizens that don't feel represented in democracy. Amongst other potentials, civil society organizations have expert knowledge in many areas of concern, and so are able to serve governments as counselors.

Participating in the system can be a good experience for citizens, allowing for a positive identification with their political system. This is how civil society can help strengthen some of the weaknesses in democracy and lower citizen dissatisfaction.

But not always civil society organizations have identical interests. Civil society is not always homogeneous. In essence there are many organizations within civil society that are undemocratic in their platform. Some of them imply violent and in some cases illegal strategies and activities which in essence are non democratic. These aspects can directly threaten the maintenance of democratic regimes. It would therefore be misleading to conclude that all civil society organizations are interested in making democracy a reality.

Civil society in the context of communist regimes had a different meaning compared to the meaning of civil society in the context of contemporary democracies. Because of the limited freedom of expression in communist regimes, civil society existed in someone's living room, in churches or in cafes (Brinton, 1990). Under the communist regimes independent civil society usually took on the form of small groups of citizen activism. Both representatives of independent and of the broad civil society contributed with different means and forms to overthrow communist regimes and the following transition toward democracy (Skovajska, 2008).

#### **a. Democratic functions of civil society**

As outlined above, at its best civil society can make a positive contribution to democracy, but at its worst may undermine democratic regimes. Consequently, there are some major functions through which civil society contributes to strengthening democracy: 'The Lockean Function: Control of State Power, The Hegelian Function: Interest Mediation, The Pluralist

Function: Social Integration, The Non-Profit Function: Service Provision and The Tocquevillian Function: Political Socialization' (Forbrig, 2002).

Other authors see a variety of "democratic functions" of civil society. 'Its first and most basic function is limiting state power, primarily accomplished by two linked efforts. Civil society must monitor the abuse of state power – such as corruption or vote fraud – and also mobilize society to protest such abuses, thereby undermining the legitimacy of undemocratic governments; second, civil society supplements the role of political parties in stimulating political participation. Third, civil society can develop attributes such as tolerance and moderation crucial to democratic development. Fourth, it creates channels other than political parties for 'the articulation, aggregation and representations of interests', not least at the local level. Fifth, voluntary associations can create interests that transcend the fault lines of region, religion, class, or ethnicity and the like. Sixth, voluntary associations recruit and train potential political leaders. Seventh, such organizations may help to build democracy in a variety of other ways, such as monitoring election procedures. Eighth, civil society can widely disseminate information useful to individuals in playing their roles as democratic citizens. Ninth, civil societies can help to achieve the economic reforms without which democracy is unlikely to take root. And tenth, the well-functioning of civil society may strengthen the emerging democratic state by pressuring it into patterns of behavior that enhance its legitimacy' (Diamond, 1994).

It is necessary to examine some of the key functions of civil society in regard to democracy, as they are important for its consolidation and maintenance. One of civil society's key tasks is to build a democratic culture in families, schools and communities. In this context integration of individuals and groups is very important. For instance, in today's world demographic changes within countries are constant. Thousands migrate from rural to urban areas looking for better employment opportunities. Children of these families find themselves relatively alone when they first arrive in their new locations. Social connections, such as family and school are weak in the beginning. Sociologists find that some of these individuals can easily come in contact with groups of organized crimes, narcotic substance abuse, suicide, and membership in violent, religious and ideological extremist groups. Civil society can play a crucial role in preventing some of these pathologies. Membership of individuals in different organizations such as labor unions, student unions, religious organizations, and professional associations gives opportunities for discussion of all levels of public issues. In this context civil society becomes mediator between the individual and the state.

Democratic citizenship is another aspect in which civil society can contribute. If democratic citizenship would be, for instance, only for simple procedures like voting, then democracy rests on shaky foundations. Democratic citizenship is about participation and social cohesion. Civil society can train each new generation in the practices of citizenship. This is possible through participating in meetings, organizing activities and public speaking in order to cultivate the arts of civic membership.

The ability to choose and be a member of different types of organizations is freedom itself. The plural loyalties in a liberal democratic state can liberate the individual, another advantage and benefit to the individual from participating in civil society. Liberty spontaneously gives rise to organized interests. 'The variety of independently organized interests and points of view fostered by fully developed civil society makes it less likely that any one group or interest will dominate society, abusing its power to the detriment of other groups' rights or the public good.' (Madison, 1961). Finally the ability to disperse power is another essential function of civil society.

## 5. Conclusions

If we exclude the classical period, civil society meant every aspect of society that was not functionally and institutionally included within the State. The seventeenth and eighteenth century separation of state and society was a step of great significance. This later allowed theorists to conceive society as a social space in which the individual, alone or with others, could view the acts of society in order to oppose an oppressive state. While these were only a few of the formulations of civil society (some of them excluded familiar, religious, and economic realms) most of them shared the most common definition of the term: the 'separateness of civil society and the state.' As Shills stated 'civil society should not be defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust are established in social life'.

Consequently, we underlined that civil society can be viewed as a solution to many challenges in contemporary democracies. But not always the relationship between civil society and democracy is democratic itself. Consequently, not

always civil society organizations are homogeneous in their goals and democratic in their structure and platform. Through the employment of disruptive, violent, illegal or socially irresponsible strategies, civil society organizations accustom their members to behavioral patterns, which are diametrically opposed to those necessary for the smooth functioning of democratic regimes. Non-democratic goals and strategies of some civil society organizations may generate openly non-democratic views and forms of conduct at worst (Forbrig, 2002).

As discussed in this paper many authors give different meanings to the notion of civil society. Not everyone means the same thing when they discuss it. In general, civil society is seen more as a multifaceted concept, although it is noticeable that the differentiation between the state and civil society is mostly discussed. As we saw, although it is possible to identify some major functions through which civil society contributes to strengthening democracy, this doesn't necessarily mean that we do have a precise definition agreed from all authors for the concept of civil society.

Referring to the above discourses a tentative definition on civil society describes the concept of civil society as autonomous sphere and independent from the state, but regulated by a legal framework from the state. This is the concept of civil society that is not defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust is established between the state institutions and civil society thus contributing to the democratization processes.

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## Disputes and their Resolution in the Electronic Communications Market

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### Abstract

*This short treatment introduces the concept of potential disputes in the electronic communications market, their typology and the background in which exist premises to arise disputes in this market. Broadly represents the forecast of domestic regulatory and legal framework for the treatment of disputes existing in this market, approximation of legislation with EU directives, ways to resolve disputes arising in the potential levels of the market in which those disputes arise. As a summary is treated the concept of internal market/markets structure as domestic part of the electronic communications market, identifying the importance of "treatment" of state and regulatory policies, and their impact on the design, planning and management strategies of the market players. The case of Albania is broadly treated regarding to the aspects referred in topic, closely linked with disputes and their treatment, paying a special importance administrative settlement in procedural terms. Identification of regulatory effect, as potential to be measured and compared with analog markets, and services offered in these markets with other countries, regional, of EU, or wider and mainly in the aspect from they derive, which highly propable are connected to services offered - their tariff - quality products / services. Briefly on the importance of effective competition and its impact on the number of disputes arising in such a market, considering liberalization as factor of market as fundamental aspect in the development of the market, increasing the number of providers of products / services and legal remedies forecast with specific criteria that maximize protection of users of products / services offered.*

**Keywords:** Market, electronic communications, disputes, service providers, users, products/services, regulator, administrative solutions.

### Introduction

Despite dimensions that may have a country economy, from the structural point of view it must function and be managed without any difference that occurs as a result of its dimensions.

The concept of economic freedom, of effective competition and the performance in its entirety constitute the core of the development of the economy and therefore also to our daily life.

The trunk of the national economy is healthy if its constituent parts will function in a healthy way or in other words if markets component of the national economy function based on an efficient legislation, drafted and clearly oriented by the rules of good practice, in consultation with market stakeholders and interested parties, and oriented toward increasing competition, creating in this way a field of interaction between state institutions and regulatory as well as market players and consumers products and services derived from it.

Proper harmonization, interoperability and efficiency of the above mentioned links or not, constitute the potential premise for the existence or not of possible disputes, not claimed for any occasion for their nonexistence, but with the final goal to minimize them, because tendency to perfection and harmonization of appropriate instruments and interactive links in specific markets, integral parts of the national economy, which are operated with special material laws, they can lead as their product, reduce disputes, which can be eliminated early in their genesis.

In the final it would result as a strong impetus for the efficient development of such markets, which will be favored by the elimination of additional costs that will be created by the possible solutions of disputes arising, with indirect effect even in the trunk of the national economy.

### 1. Market/Markets structuring and their long-term strategies

The concept of development of market strategies, of innovative models of technology and the market itself, which in their entirety substantially affect the product itself or services provided to the customer, affect itself market development process,

which is related to the phase in which is the legislation "treatment" of the relevant field, and it is also connected directly with regulatory effects that are produced in the respective field.

Appropriate approach to minimize additional external costs for market/markets that have significant weight in the trunk development of the national economy, should first invest and stimulate through state regulatory policies, as the growth and perfection of these policies, convey the direct impact even in the design of strategic decisions affecting their durability, and determine the proper focus in the relevant area favoring proper identification of the competitive advantages of actors in the field and the overall impact on improving the environment of doing business.

Governmental and regulatory policies must be seen how much they impact in terms of "catalyst or not", as they convey their direct impact and how they reflect on the weight of "strategies in action" of the market / markets" because it is sure that state and regulatory policies impose a "mix" between intended strategies and planned strategies, with "emergency" ones, or otherwise dictated by state and regulatory policies.

It is inevitable that the quality of "curing" of state policies and regulatory, not to convey reflections up management strategies by transforming in necessity changes into strategies in action.

The complexity of such a combination presents to the market/markets taking into account and also an extra attention to "potential risk" from the implementation of new strategies, dictated and reflected in pressure conditions that dictate governmental and regulatory policies.

According to the language of the market, this entails the need to see in detail the activities involved in strategy, human resources involved in implementing the "strategy in action" and kind of methodology they use for implementation.

The complexity of the market in identifying strategic skills, for conservation and good use of cost efficiency, the efforts of market players to achieve and sustain competitive advantages, the need for proper diagnosis of strategic skills and perfection of their management, are closely linked to sectoral and intersectoral policies.

E steadfastly summarized, despite the preceding stipulations, all this will be reflected in the additional costs.

Communication Language of the market/markets is related to the impact on "efficiency", is organically linked with careful state and regulatory policies which have for objective the development of effective competition in order diminution of complexity in the normal development of the market, eliminating situations of uncertainty, and to avoid such interventions which would impose the touch of operational decisions to the maximum extent possible, because it is clear that will be produced significant changes in this way.

## **2. Typology of potential disputes in the electronic communications market**

Disputes can be defined as a contradiction between the parties to a given situation, for a violated right or claimed as such, for an unfulfilled obligation etc.

Potential disputes in the electronic communications market, have the premise for their existence in non-compliance of contractual obligations derived from relationships built between the parties.

As a party to the dispute are considered users of market products/services and providers of these products/services, and thus typology of possible disputes in electronic communications market can be considered as:

- *Disputes between providers of products / services within the same market and in the same jurisdiction;*

Relationships built on electronic communications market creates the need for interoperability between communications networks that enable the delivery of products/services, and thus they have built their contractual relationship based on a set of rules that weigh equal in the best possible way interaction of individual networks of providers of products/services.

Electronic communications market in Albania similarly as other countries works with special organic law<sup>1</sup>, with presence of the regulator authority of the field<sup>2</sup>, which oversees and monitors the sequential development of this market.

Material Law No. 9918, dated 19. 05. 2008 " On Electronic Communications in the Republic of Albania"amended, is drafted in accordance with a set of EU Directives<sup>3</sup>, and has transposed almost completely the provisions of the regulatory framework that refers to contemporary electronic communications market, adapted to national circumstances.

Disputes arising between parties in the electronic communications market, have their basis for the resolution provided definitions of reference interconnection offers (RIO)<sup>4</sup>, which are approved by the national regulator authority of the field and serve as a basis for concluding bilateral contractual relations, and through specific regulatory acts<sup>5</sup> which have explicitly defined procedures for settling disputes between parties' service providers against service providers.

•*Disputes between providers and users of products / services;*

Primary and secondary legislation of the field has predicted that between providers of products/services and their users, the relevant relationship built on the basis of the contract agreement, which creates another potential background for birth "or not" of the disputes between the parties, depending on the discrepancy between the parties to a particular circumstance, violated right or claimed as such, or unfulfilled obligation etc, and through specific regulatory acts<sup>6</sup> which have defined procedures for settling disputes between service providers against service users.

•*Disputes between service providers in geographical territories with different jurisdiction (international);*

Another aspect which may serve as a potential space for the establishment of dispute, it is also necessary interaction between providers of products/services with their presence in different geographical territories regarding the jurisdiction of which they are subject. Despite the obligations deriving from the EU Directive (it is about unifying space in which these directives extend their effects) given the fact that the interaction in the field of electronic communications is also beyond these spaces, then it should be estimated that mainly their relationships built on a commercial basis according to the interests of interactive parties. Disputes arising in the cited background above it, practice solution up to the level of arbitration if other stages have not brought possible solutions or liked ones.

•*Disputes between providers of products/services and state institutions/regulatory.*

The requirements deriving from the market are constantly in search of their fulfillment of state and regulatory institutions, in their focus they aim perfection and materializing in primary and secondary legislation in order to eliminate legal and regulatory barriers that impede the proper development of effective competition. Noncompliance of this goal creates the right background for the emergence of disputes between the parties.

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

<sup>2</sup> Authority of Electronic and Postal Communications (AEPK);

<sup>3</sup> European Commission Directives:

2009/140/EC - Amending Directives 2002/19/EC, 2002/20/EC and 2002/21/EC

2009/136/EC - Amending Directive 2002/22/EC and 2002/58/EC

2009/396/EC - On the regulatory treatment of fixed and mobile termination rates in the EU (In conjunction with SPEECH/09/218, Neelie Croes - Cutting the price of phone calls new termination rules, Brussels, 7 May 2009)

2002/19/EC (Access Directive),

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2002/21/EC ( Framework Directive).

2002/22/EC ( Universal Service Directive).

<sup>4</sup> Regulation of AEPK no. 19 dated 14.06.2010 on access and interconnection.

<sup>5</sup> Regulation of AEPK No. 18 date 11.06.2010 on Dispute Resolution Procedures.

<sup>6</sup> Regulation of AEPK No. 29 date 29.05.2013 "On the resolution of disputes between subscribers and electronic communications entrepreneurs "



### 3. Settlement of disputes in the electronic communications market

Despite the backdrop in which a dispute arises it aims to have its resolution and the possible links from which can result a possible solution can be classified as:

- a) solution produced by direct negotiations between the parties;

Disputes arising between the parties have the need for diligence on the causes and circumstances that have created dispute, internal analysis of the effects that produces the failure to resolve the dispute created, and identification of possible tools available for internal solutions without creating additional costs and bringing inter alia the economy of the time. Such a thing is realized mainly by the development of that, direct negotiation between the parties

- b) solution produced by the mediated negotiations;

Identification of non-compliance in achieving the settlement through direct negotiations, to increase reliability in potential solutions, can serve as the "mediation" instrument, which is essentially one of the alternative methods for the solution, considering the assistance of intermediaries in the position of "neutral" in order to overcome the differences identified in the background of the dispute. Despite as it is described above it should be understood that in the present case it is characteristic that the solution is again under the control of the parties to the dispute and is accepted as such only with their free will, but the product "solution" reached in this case, has probability to be efficient in the way of implementation by economise on time, not to produce cost for the parties.

- c) solution produced by the judiciary.

Unsuccessfully closure of two stages mentioned above to resolve the dispute created, imposes on the parties as possible solutions that solution that generates the judiciary, considering the parties in dispute as factors that will translate in additional costs for settlement between the parties to the dispute.

### 4. Administrative solutions to disputes and regulatory effect

Background to the dispute in the field of electronic communications, naturally that is connected with the entirety of the services and/or products offered at different levels of users, as the service provider- service provider level, otherwise known as interconnection services, as well as the level service user - service provider.

Regulatory supervision and its mission to maximize the benefits for users of electronic communications services, necessarily considers the possibility for the existence of the disputes, for which administratively are provided possible administrative solutions, anticipating specific administrative procedures for settling disputes regulated by normative acts and regulations, through public relevant permanent structures or temporarily "*ad hoc*" structures set up specifically.

In the field of electronic communications, material legislation guides administrative dispute solution arising in the market to the relevant body, depending on their typology.

For disputes arising in the level of "service providers - service providers", the regulatory effect is primary because the essence of the dispute between service providers, can be focused with highly probable in the granting/ or refuse of access required for services between parties, in charging of services, or in the quality of them. For each case submitted the regulatory effect is first hand, not only from the legal authority that supervises and regulates the field of electronic communications directly, but also by the fact that the possible solution has a high premium to be highly professional and of a high level of expertise.

Quality of the settlement offered, with high probability increased the possibility of agreement between parties, but even when agreement is not obtained, regulatory effect is first hand, because it imposes solutions application by the parties, without depriving them of the right of judicial review. Regulatory imposition on application of resolution of disputes provided for level "service provider - service provider" aims not to miss the service for users as the last link in the supply chain with services and it is in compliance with regulatory mission and purpose of the substantive law of the field which provides such a mission.



Functioning of the relationship at this level "service provider - service provider" has the hand of the regulator and its effect on the drafting of reference offer for the respective services, and regulation of bilateral relations through interconnection agreements which are based on the definitions of the reference offer, which plays the role of "constitution" in the field of electronic communications for the functioning of commercial relations between the parties. Therefore, it is precisely this interaction space between the parties which also entails potential disputes at the level "of service provider - the service provider" but that administrative solutions offered constitute the main basis in this regard by increasing the role of the regulator in the field.

Regulatory effect is not only measurable and possible to monitor, but also comparable with analog markets and services offered in these markets in other countries, regional, EU or beyond, since each of the potential elements for space dispute as access – charges and respective quality of service is comparable. Monitoring for each of the elements cited above as opportunities for access dispute - tariffs<sup>1</sup> - quality<sup>2</sup>, done through regulatory acts which are prepared by the regulator through a public consultation process with interested parties who mostly are service providers, but not excluding other parties such as the Competition Authority or other government departments that have direct connection with the field of electronic communications, with the final goal to guarantee services to end-users and increasing the maximum safety for consumer protection.

### **Conclusions:**

Treatment and resolution of disputes occupy an important place in the electronic communications market, and considered as such by the relevant legislation of the field, because it is considered that the potential background for disputes in this market, exists in its two levels:

- At the level of wholesale markets, relations service provider - service provider;
- At the level of retail markets, relations service providers and users of products / services.

Regulatory approach in disputes resolution considers :

Normalization of contractual relations two or more lateral, and the use of regulatory instruments that enable effective administrative solutions on time, closely related to the degree of development of effective competition in markets where they offer products / services which are contracting subject between the parties.

- Regulatory supervision mission is closely linked with particular attention to maximizing the benefits of users for products / services available in the market of electronic communications, supporting the market through domestic regulatory framework and the approach to analogous practices in other countries of the region and the EU development of competition in the market.

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- 2009/136/EC - Amending Directive 2002/22/EC and 2002/58/EC
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- 2002/19/EC (Access Directive),
- 2002/20/EC (Authorization Directive),

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<sup>1</sup> Regulation of AEPC no. 27 dated 21.09.2012 on the publication of information on tariffs and conditions of access and use of public electronic communications services ;

<sup>2</sup> Regulation of AEPC no. 16 dated 16.04.2010 "On the quality of service indicators "

- 2002/21/EC (Framework Directive),
- 2002/22/EC (Universal Service Directive),
- 2002/77/EC - Competition in the markets for electronic communications networks and services Directive dated 16 September 2002 - This replaces Directives 90/388/EC, 95/51/EC, 96/2/EC, 96/19/EC and 99/64/EC.
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## Human Beings Trafficking. the Albanian Legislation

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### Abstract

*Human trafficking has emerged as a negative phenomenon, with a large multiple social risks, primarily based on human rights violations practices, on the continuous victimization of people and the denial of human dignity. Economic recession, cultural and rural families, tin heterogeneity of the urban population are also other factors which facilitate domestic trafficking. Albania's geographical position at the external borders of the EU is a mitigating factor for Albanians and other populations in the region to move towards Europe illegally. The aim of this paper is to presents the legal aspects of trafficking in human beings in Albania after the communism regime.*

**Keywords:** human trafficking, traficing victims, Albanian legislation.

### 1. Introduction

Organized crime and human trafficking today poses a serious threat to security in all democratic countries, especially has recently proved that no state is completely safe from organized crime and human trafficking activity regardless of the state's territorial size, power, religion, color, political regulation.

There are different ways of describing human beings trafficking, and different research of the field describes it as a modern form of slavery. It is internationally defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

### 2. Forms of international trafficking of human beings in Albania after the fall of Communism

Among the main forms of international trafficking of people during the post-communist in Albania were:

1. Through the sea crossing by vessels, without documents.
2. Through land border crossing avoiding Ollie –count border.
3. Through the crossing in the border checkpoints with false documents.

These forms are exploited for all categories of persons who are trafficked, as for Albanian citizens as well as for foreign citizens, as for women that are exploited for prostitution as well as for minors.

#### *Sea crossing by vessels, without documents*

For the realization of this trafficking first were used the Albanian vessels as fishing boats, merchant ships, speedboats and seeing that the profits were large, by getting in touch with Italian traffickers, bought fast vessels as speedboats and boat with motors with large force, making it possible in this time the fast sea crossing and raised the possibility of salvation of control mainly by Italian patrol ships. During the years 1993-1999 the fast speed vessels reached hundreds and used mainly for this trafficking bay of Vlora, mouth of Vjosa River, mouth of Shkumbin River, bay of Kavaja and Durrës, and the bay of Shengjin.

#### *Land border crossing avoiding border crossing points*

This form of trafficking initially is expressed in the form of guidelines, taking small remunerations for this activity and then is organized in trafficker networks. Passage of Albanians to Greece via this form has had also painful events, but has been decreasing as a result of finding of other opportunities. Actually are using by traffickers networks to bring in Albania victims of foreign trafficking that exploits Albania as transit country to the west. Are used for this purpose the mountain thoroughfares and difficult terrains or through the crossing in lake, exploits the dark and the lack of control.

#### *Crossing through the border crossing points using false documents*

The crossing through the border checkpoints is the most organized form of traffickers because exists the cooperation between the traffickers with forgers and employees that abuse in task. This form is observed in almost all border crossing points, especially at Rinas Airport, the Port of Durres and Vlora, as for Albanian citizens as well as for foreigners. During the years 1993-1998 this form is widely used and the findings by the police have been scarce. After the year 1998 are identified hundred cases of return of Albanian citizens with irregular documents from these crossing points, as well as the returns of foreign citizens that did not fulfill the criteria to enter in Albania. This is the form used more often for the trafficking of foreign women with the purpose of exploitation for prostitution, because this way has been costly due to separation benefits between criminal groups. Currently, according to the data declared from the Italian police it is said about a significantly decrease of this traffic, while the Albanian border police statistics show only sporadic cases in some border crossing points.

### **3. Albanian legislation on human beings trafficking**

Many countries have adopted the national laws to cope with the phenomenon of human beings trafficking in accordance with Palermo Protocol. Albania has signed the Convention of the Council of Europe "On Measures against Trafficking of Human Beings" and ratified it by the Assembly. It should be noted that for some legislative systems the meaning and the status of "the crimes victims" is specified in the Criminal Code and in this case the terms and conditions of the definition should be included in the juristic assessment. Whatever is the legal definition used, the target is to be considered the specific circumstances in each case and to be compared with legal references.

In Albanian legislation is given the definition for some criminal offenses which includes the trafficking of peoples as:

*Trafficking of persons:* Recruitment, transportation, transfer, hiding or recipient of persons through the threat or use of force or the other forms of coercion, kidnapping, fraud, the abuse of power or profiting by social, physical or psychic condition, or giving or receiving of payments or profits to achieve the consent of person who control another person with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service, slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation".

*Trafficking of women:* Recruitment, transportation, transfer, hiding or recipient of women through the threat or use of force or the other forms of coercion, kidnapping, fraud, the abuse of power or profiting by social, physical or psychic condition, or giving or receiving of payments or profits to achieve the consent of person who control another person with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service, slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation".

*Trafficking of minors:* recruitment, transportation, transfer, hiding or recipient of minors with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service, slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation".

*Assistance for illegal border crossing:* Housing, accompaniment, making available or the use of navigation and flight means or other means of transport or any other assistance with purpose of illegal crossing of the border of the Republic of Albania or for illegal entry of a person in another state without being its citizen, or that has not a resident permit in that state.

The Criminal Code of Republic of Albania not only has made a proper approach to definition, but in specific articles has provided specific aspects which are related with human beings trafficking such as: Article 114/b – trafficking of women, Article 128/b – trafficking of minors; Article 109 – the kidnapping and hostage-taking; Article 110 – unlawful deprivation of freedom; Article 114 – exploitation of prostitution ; Article 114/a – exploitation of prostitution in aggravating circumstances; Article 115 - maintaining of premises for prostitution; Article 116 – homosexuality; Article 117 – pornography; Article 129 – pushing of minors in crime.

Forms of illegal trafficking of human beings, provided by Criminal Code of Republic of Albania and encountered during investigations conducted in years are criminal offenses provided by articles 110/a - "Trafficking of persons", 114/b - "Trafficking of women", and 128/b - "Trafficking of minors" are: Recruitment, transportation, transfer, hiding or recipient of persons/women/minors through the threat or use of force or the other forms of coercion, kidnapping, fraud, the abuse of power or profiting by social, physical or psychic condition, or giving or receiving of payments or profits to achieve the consent of person who control another person. Referring to the current situation of trafficking in human beings, in terms of the Second Additional Protocol of the Palermo Convention, is concluded that for years Albania is no longer a transit country for victims of trafficking. Albania currently is considered country mainly of origin and with tendencies of a country of arrival mainly regarding to internal trafficking. On the whole, the victims of trafficking are Albanian new women recruited mainly in rural areas, which are trafficked mainly in the countries of EU and where the main form of exploitation is that of prostitution or for other sexual services. The countries of arrival for the use of the Albanian victims are mainly Italy, United Kingdom, France, Belgium, Norway, Germany, Holland, Kosovo, Macedonia and other countries of Western Europe.

In lesser extend is observed the trafficking of children, mainly from the Rom and Egyptian communities, who are trafficking mainly in Greece, Italia or Kosovo, with the purpose of their exploitation for begging or illegal adoptions. The main form of recruitments remains the fraud that the authors of these offenses make to their women victims for marriage or cohabitation abroad. In this way the organize fraud scheme deceiving with customary rites and ceremony not only the victim but also her family circle. Referring the ways followed to send the victims in the countries of arrival it should be noted that they are mostly through providing false documents and their journey by land and rarely by air and naval. By the analysis of statistic data in years, results that the tendency of this phenomenon is in significant reduction because of the comprehensive measures taken by the Albanian state in terms of increasing of awareness of social groups at risk, but also for reason of a war without compromise made by specialized structures of law enforcement. The creation of appropriate legal framework, particularly severe and applied penalties and the seizure of criminal assets of authors of these offenses have given their impact in aspect of general prevention. It should be noted that assistance for illegal crossing of the border is accompanied by housing, accompany, availability or use of means of sea, air or other means of transport, in order to help the illegal crossing of the border, while contraband of people is a phenomenon that is prompted by a series of socio-economic factors and a very severe politic on issuing visas. It appears mainly in the form of assistance that various people resident near to land borders, give to illegal immigrants against the payments that are made mainly when the person is in destination. Also are observed criminal organized small groups which collaborate with groups or peoples abroad in the lines that follow the contraband.

The most encountered forms are:

1. The organization of persons in small groups and their accompaniment until near the border crossing points. Then accompanied by certain people, the groups cross walking the border with Greece, out of border crossing points. In these cases the persons dispose forged identity documents.
2. The providing of citizen with visas by embassies based on wholly or partly forged documentation mandatory to be presented for a visa.

The persons cross the Albanian state border through crossing points with Border States which have not visa regime (Macedonia, Kosovo, Montenegro) and then led by the other persons, is made the crossing to the country of arrival.

In Albanian penal legislation are made some changes, which aim to further strengthening of legal framework. Changes consider punitive policies provided by the following Articles:

Article 110/a, Trafficking of persons: "Recruitment, transportation, transfer, hiding or recipient of persons through the threat or use of force or the other forms of coercion, kidnapping, fraud, the abuse of power or profiting by social, physical or psychic condition, or giving or receiving of payments or profits to achieve the consent of person who control another person with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service, slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation (5-15 years imprisonment and fine of 2-5 million leke)".

Article 114/b, Trafficking of women: "Recruitment, transportation, transfer, hiding or recipient of women through the threat or use of force or the other forms of coercion, kidnapping, fraud, the abuse of power or profiting by social, physical or psychic condition, or giving or receiving of payments or profits to achieve the consent of person who control another person with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service,

slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation (7-15 years imprisonment and fine of 3-6 million leke)". The organization, management and financing of trafficking of women (10-15 years imprisonment and fine of 5-7 million leke). When this offense is conducted in collaboration or more than once or is associated with maltreatment and coercion with physical or psychological violence against the victim to do various actions or bring severe consequence for the health (not less than 15 years imprisonment and fine of 6-8 million leke). When the offense has brought as consequence the death of the injured (not less than 20 years imprisonment or life imprisonment and fine of 7-10 million leke). When the criminal offense is conducted by the utilization of state function or public service (one fourth additional of imprisonment and fine).

Article 128/b, Trafficking of minors: "Recruitment, transportation, transfer, hiding or recipient of minors with purpose of prostitution exploitation of the others or the other form of sexual exploitation, force work or service, slavery or similar forms to slavery, putting in use or transplanting of organs and other forms of exploitation (7-15 years of imprisonment and fine of 4-6 million leke). The organization, management and financing of trafficking of minors (10-20 years imprisonment and fine of 6-8 million leke). When this offense is conducted in collaboration or more than once or is associated with maltreatment and coercion with physical or psychological violence against the victim to do various actions or bring severe consequence for the health (not less than 15 years imprisonment and fine of 6-8 million leke). When the offense has brought as consequence the death of the injured (not less than 20 years imprisonment or life imprisonment and fine of 8-10 million leke). When the criminal offense is conducted by utilization of state function or public service (one fourth additional of imprisonment and fine).

Article 114/a, Exploitation of prostitution in aggravating circumstances:

"Exploitation of prostitution conducted: 1.with the minors; 2. against some persons; 3. With persons with whom exist close relation of gender, intermarry, custody or profited from official reports; 4. with fraud, coercion, violence or profiting from the physical or mental inability of the person; 5.against a person being pushed or coerced to exercise prostitution outside the territory of the Republic of Albania; 6.is conducted in collaboration or more than once or by persons charged with state and public functions (7-15 years imprisonment)"

Article 297, Illegal crossing of the state border: "Illegal crossing of the state border constitutes penal contravention (fine or imprisonment till 2 years)".

Article 298, Assistance for illegal border crossing: "Housing, accompaniment, making available or the use of navigation and flight means or other means of transport or any other assistance with purpose of illegal crossing of the border of the Republic of Albania or for illegal entry of a person in another state without being its citizen, or that has not a resident permit in that state constitutes penal contravention ( 1-4 years imprisonment and fine of 3-6 million leke)". When the assistance is given for profit purposes (3-7 years imprisonment and fine of 4-8 million leke). When this offense is conducted in collaboration or more than once or has brought sever consequences (5-10 years imprisonment and fine 6-8 million leke). When the offense has brought as consequence the death of the injured (not less than 15 years imprisonment or life imprisonment and fine of 8-10 million leke). When the criminal offense is conducted by the utilization of state function or public service (one fourth additional of imprisonment and fine).

Article 113, Prostitution: " The exercise of prostitution (fine or imprisonment till 3 years)".

Article 114, The exploitation of prostitution: " Pushing, intermediation or receiving the remuneration for the exercise of prostitution (fine or imprisonment till 5 years)".

Article 115, the maintaining of premises for prostitution: "maintaining exploitation, financing, rental of premises for the purposes of prostitution (fine or imprisonment till ten years)".

Also in Penal Code is added a new disposition against the exploitation of children for forced work, which will be accompanied by a new socio-educational set for assistance to these children and their families in the form of employment, education and other types of assistance. Punitive policies against the perpetrators of these criminal acts are an important factor in the prevention of trafficking, but if these policies are not supported by other national policies, and even international, such policies will fail to impact on prevention of human beings trafficking.

At the national level, in the war against trafficking of human beings and the prevention of this phenomenon are engaged a number of state and non-state institutions such as: The sector against illegal trafficking in Interior Ministry, General Prosecutor; The Directory against Organized Crime; State Information Service, Defense Ministry, National Center of

reception of Trafficking Victims, and other Shelter led by non-profit organizations, are the state and non-state institutions engaged not only in fighting but also in prevention of trafficking. Also in Durres is set up and operates Inter-institutional Maritime Operational Centre that has as mission the prevention of illegal trafficking through the sea. Any institution or organization has a specific policy for the prevention of trafficking.

## Conclusions

Trafficking of human beings is today one of most active activities of organized crime. This criminal activity of international criminal groups and organizations, favored by social, economic, cultural, legal etc reasons of countries in transition, based on physical, sexual exploitation, besides financial enrichment of criminal groups, is associated with sever physical, psychic moral and social consequences for the victims of this trafficking.

Statistics between the large number of trafficked and small number of identified victims and treated as victims of trafficking show that the method of detection of victims of trafficking in human beings must be perfected and improved further.

Not identification and not treatment of victims of trafficking from state and non-state institutions engaged for this purpose, constitutes a potential risk for re-trafficking of them, and hinders the hitting of criminal activity of criminal groups and criminal organizations involved in this criminality.

Cooperation between different states structures with non state organizations specialized for this purpose increases the efficiency as in identification of victims of trafficking as well as in their further treatment.

The legal treatment of every case of trafficking of victims must be always associated with administrative treatment of trafficked victims, because always the victims need to repair the damages and consequences caused during the time of exploitation in trafficking, as well as their full re-integration in society is a complex process

Drafting of right legal punitive policies in accordance with legal acts and international recommendations, harmonization of these policies with the other psycho – social, national policies, are a necessity for the prevention of human beings trafficking. Punitive policies and psycho-social policies are in continuation of each other and in full function of each other.

The establishment of national and international mechanisms for identification, reference and treatment of victims of trafficking of human beings is a legal traverse to the activity of criminal organizations that today have a stretch not only regional, but also international.

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## Islamic Social Ethics: An Analysis of Miskawayh's Thought

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### Abstract

Early Muslim discussions on ethics, such as those by al-Kindi (d.874) and al-Farabi (d.950), did not attain to the status of a discipline though invariably serving as an introduction or parts of their wider studies on politics, law and other fields of knowledge. Miskawayh (d. 1030), however, through his chief ethical treatise *Tahdhib al-Akhlaq* (1966), was the first Muslim moralist to work out a very clear, and in many respects, a thorough analytical system of ethics in Islam. The great Muslim scholar, al-Ghazali (d. 1111), as has been brought out by a number of writers on his ethical thought, incorporated the greater part of Miskawayh's treatise, especially in his *Ihya' 'Ulum al-Din* (1976). Miskawayh's ethical work was thus occupying a prominent place in this particular branch of Islamic ethical literature. It is scarcely an exaggeration to say that most of the later works that deal with this subject use it as their main authority and some of them are even based on it. Hence, a close examination of this unique compendium is indispensable for a proper understanding of Islamic ethical thought. Thus, this qualitative study which applies conceptual content analysis method seeks to make a critical analysis of such an influential works on ethics with the purpose of elucidating its views concerning social ethics, love and friendship.

**Keywords:** Miskawayh, ethics (akhlaq), society, association, love, friendship.

### Introduction

Our philosopher's full name is Abu 'Ali Ahmad Ibn Muhammad Ibn Ya'qub Miskawayh. He is also called Miskawayh, but wrongly known as "ibn" or "son" of Miskawayh. The title (laqab) "*Miskawayh*" ("Maskawayh" is also a well attested vocalisation) is his own and not that of his father or grandfather. This is supported by the fact that there are many of his biographers, including al-Tawhidi (1883, 1929, 1953), al-Tha'alibi (1934) and al-Sijistani (1979), who were closely associated with Miskawayh, and who may rightly be supposed to have correct information about his name, call him "*Abu 'Ali Miskawayh*" or simply "*Miskawayh*". Trusting their evidence we may safely maintain that "*Miskawayh*" was his personal title and that the form "*Abu 'Ali Miskawayh*" is his own name, and not that of his father or grandfather. Accordingly, we will refer hereafter to him as Miskawayh.

Miskawayh was born probably around the year 320/932 in al-Rayy (somewhere in the area of Teheran today), and died at an old age on the 9th of Safar 421/16th February 1030, though the question regarding his date of birth is still unresolved. Margoliouth (1920-1921), gave it as provisionally fixed as 330/941 or a little earlier. 'Abd al-'Aziz 'Izzat (1946) tentatively fixes his birth date as 325/936, while 'Abd al-Rahman Badawi (1963-1966) holds that it should be 320/932 if not earlier. The writer feels that 'Abd al-Rahman Badawi's view is probably the most nearly correct because Miskawayh, in Badawi's argument, took over as secretary to the Buwayhids' vizier al-Muhallabi (d. 352/963) in 341/953, by which time he must have been around 19 to 21 years old to hold such an important office. Moreover, Miskawayh's (1914, 1916) own view that a boy of twenty years is decidedly young, might also persuade us that the date as suggested by Badawi is most likely to be accurate.

Miskawayh was also known as *Abu 'Ali al-Khazin* and *al-Mu'allim al-Thalith* (the third teacher). The first is probably because of his long service as librarian to several Buwayhids (al-Tha'alibi 1934). A library in those days was known as *khizanat al-kutub* (treasury of books) and the librarian thereof was as *khazin*. The second is attributed to him by al-'Amili (1938). But there is no further indication of the basis on which this title is given to Miskawayh. It is possible, then, that al-'Amili refers to Miskawayh as the third teacher of ethics, the first and the second being Aristotle and al-Farabi (d. 950) respectively.

That Miskawayh was a *Shi'i* is also evident. He not only served successive Buwayhid rulers, whose families were of Iranian origin and of *Shi'i* persuasion, but he was also familiar himself with the *Shi'i* traditions and quoted extensively from the sayings of 'Ali (d. 661), in a section of his work entitled *Jawidan Khirad* (1983:110-113). It was also perhaps because of Miskawayh being a *Shi'i*, that al-'Amili (1938:139-204) dedicated a considerable section of his work, *A'yan al-Shi'a*, to him. Miskawayh's views (1968:62-63), that the *imam* and the philosophers are, in many respects, similar to the prophet except

that the latter is confirmed by God through obtaining revelation, might also indicate that he was a *Shi'i*. However, we have not found any clear evidence in Miskawayh's writings which could, in some way, reveal that he was proud to be a *Shi'i* or that he made an effort to disparage other Muslim sects, especially the *Sunni*. Yet Miskawayh's (1983: 117, 129, 130, 154, 157, 159) frequent references to several *Sunni* scholars including Abu Hanifa (d. 767), al-Shafi'i (d. 820), Abu Musa al-Ash'ari (d. 935), Hasan al-Basri (d. 728), and others, proved that he was not fanatically inclined towards any school of thought but instead took the stand of an open-minded scholar, who loved and appreciated knowledge and truth regardless of their sources.

The information available to us about Miskawayh's life and thought is rather scanty. Despite that, the letter sent to him by his friend al-Khawarazmi (1879) provided us with two important clues. Firstly, it tells us that his father died when Miskawayh was still young; and secondly, that his mother was remarried to another man far below her age, which Miskawayh did not approve of very much. The fact that he lamented about not having a good chance in his early life and tended to admire those who were provided with such an opportunity, in his opinion, by being accustomed to observe the morality of the *Shari'a* (Islamic law) and later studied works on ethics, arithmetic, geometry and philosophy, which he himself seemed to have missed, reveals that his parents did not pay much attention to the education and training of their son. All of these factors served to handicap his moral development, as he himself deplures:

"He (i.e., Miskawayh), on the other hand, who does not have this chance in his early life and whose ill luck it is to be brought up by his parents to recite immoral poetry, to accept its lies, and to admire its references to vile deeds and the pursuit of pleasures as is found, for instance, in the poetry of Imru'l-Qays, al-Nabighah and their like; who later serves under chiefs who encourage him to recite such poetry or to compose its like and bestow generous gifts upon him; who has the misfortune of being associated with fellows that assist him in the quest of bodily pleasures, and becomes inclined to covet excessively food, drink, vehicles, ornaments, and the possession of thoroughbred horses and handsome slaves, as was the case with me at certain times in my life; and who then indulges in them and neglects for their sake the happiness to which he is fitted" (Miskawayh 1968:45).

Despite the above disadvantages in Miskawayh's upbringing, it seemed that it was his parents who helped him to complete his early education, as was usual in those days in the *Qur'an* and the *Sunna* which had formed the basis of Islamic education since the first century of Islam (Ibn Khaldun 1958). His knowledge of these basic subjects is featured later in all his works, notably the *Jawidan Khirad* (1983). The fact that he was appointed as a secretary to the Buwayhids' viziers, al-Muhallabi (d. 964), at a young age, shows also that he must have completed this basic training to enable him to qualify for such an important office at such an early age. It is probable that the events of his younger days led Miskawayh to turn to philosophy, choosing particularly ethics, a field in which his early life, he felt, left much to be desired. It is here that the origin of his concern with ethics can be located which subsequently turned to be his main preoccupation.

### **Ethics (Akhlāq) According to Miskawayh**

For Miskawayh (1966), ethics is not merely aimed at theoretical knowledge alone, but above all is to enable one to become oneself good. And so also with the virtues, the goals of ethics: they are not non-existent, but are real, they are actions and deeds. Thus, it is not enough to know and to have such noble states of the soul, but what is even more crucial is to use and to bring them out from potentiality to actuality by actions and deeds. For it is only by doing just acts, for instance, that the just man is produced, and by doing courageous and temperate acts, the result would be the courageous and the temperate man. Without doing so, no one would have any prospect of becoming either good or virtuous.

The same is also applied to happiness, the end of virtues, and the attainment of which is the supreme goal of ethics (Miskawayh 1966). Since happiness is also the completion of every virtue, and since virtue is realised only by deeds and actions, it follows that happiness must also lie in action and activity. It lies in living and being active. Man should, then, acquire all means to perform his actions well and to demonstrate his virtues and happiness in such activities as justice, courage, and temperance, just as the highest joy of the writer lies in displaying his writing. This is exactly what we called "the moral man in action", and it is here that the science of ethics becomes complete.

Yet since virtues are actions and deeds, and since the virtuous man cannot perform his virtues towards himself, but towards others, virtues are, therefore, realised only when one actively participates and lives with other people and has dealings and various kinds of association with them. Similarly, happiness, which is the completion and the end of every single virtue, is not, therefore, within the capacity of a single person but of the community of people as a whole. Hence, man may achieve

only a portion of it in isolation, and has to acquire the rest from contact and association with others. It is here that the indispensable need for association lies, and the rejection of some sections of ascetic life (al-zuhd) arises.

Aristotle (1980) has already spoken of the life of the happy man being hard if he were a solitary. For by himself "it is not easy to be continuously active; but with others and towards others, it is easier". Then, al-Farabi (1983) puts forward the idea that the isolated man will achieve only a portion of the human virtues and, hence, he needs the aid of others so as to become perfect and happy. His Christian pupil, Yahya (1978), in spite of being silent on the point of the connection between virtues and living in isolation, has recommended an ascetic life to the learned men and religious leaders. He claims that it is a life that consists of having little (qilla) desire for wealth, honour, high positions and other worldly pleasures, but he deemed it as unwise to kings and great men.

Miskawayh (1900; and 1966), on the contrary, has directed serious criticisms against those ascetics who seek solitude from the public, levelling accusations of being uncivilised, unjust, amoral and selfish. For virtues and their end, i.e. happiness, are not merely a matter of merit but the performance of what is specific to man through his contact and communication with other men. Such a group of ascetics obtain their necessities of life from others and yet fail to serve them in return. Here are some extracts of his unfavourable remarks:

"It is clear, therefore, that those who have sought virtue in asceticism (al-zuhd) and abstinence from association with other people and who have secluded themselves from them by living in caves in the mountain, or building cells in the desert, or roaming about from one country to another - that such people do not realise any of the human virtues we have enumerated. For he who does not mingle with other people and who does not live with them in cities cannot show temperance, intrepidity, liberality, or justice. On the contrary, all the faculties and aptitudes with which he is equipped are nullified, since they are not directed towards either good or evil. And when they become nil and cease to perform their own distinctive actions, those who possess them are reduced to the rank of inanimate objects or dead people". (Miskawayh 1968: 25-26).

These remarks and others similar to them, indicate that Miskawayh's criticism is directed not against asceticism in its totality, but, fundamentally, at those ascetics who do not mix with other people, choosing a solitary life. This is verified by the fact that he is equally drawn to *sufi* (Islamic mystic) sources as he regularly quotes excerpts from numerous eminent sufi masters including Hasan al-Basri (d. 728) Rabi'a al-'Adawiyya (d. 752) al-Junayd (d. 910), and Abu Yazid al-Bistami (d. 875), and correspondingly devotes two brief sections of his *Jawidan Khirad* to the collection of their aphorisms (Miskawayh 1966; and 1983).

### **Man Is a Social and Political Being By Nature**

With regards to the question of why man, and even morally happy man, is in need of other man so as to become happy, Miskawayh (1900; 1966; and 1951) agrees in principle with his predecessors, particularly, Aristotle (1980) and al-Farabi (1983), that man is both a social and a political being by nature. He is born neither complete nor self-sufficient but with deficiencies. He cannot, therefore, live by himself alone but has to have recourse to the help of other people in order to preserve himself as well as to remedy his weakness and become complete through the co-operation of others. In short, man is, according to Miskawayh, in dire need of his fellowmen by the demands of his very nature and also by necessity. As he puts it:

"Man, of all the animals, cannot attain his perfection by himself alone. He must have recourse to the help of a great number of people in order to achieve a good life and follow the right path. This is why the philosophers have said: Man is a civic being by nature. This means that he needs to live in a city with a large population in order to achieve human happiness. Every man needs other people by nature as well as by necessity. He must, therefore, be friendly towards others, associate well with them, and hold them in sincere affection, for they complement him and complete his humanity; and he himself plays the same role in their life" (Miskawayh 1968: 25).

Nevertheless, Miskawayh (1966; and 1968), as is his habit, seldom leaves the ideas that he received without impressing his personal stamp on them. As in the argument that the very name "man" (insan) is derived from the root word *uns* (fellowship) not from *nisyan* (forgetfulness) as some people would think. Each man is, then, born with this quality of fellowship and, therefore, inclined naturally towards it. After that, the Islamic law (Shari'a) helps to develop this human quality by enjoining people to meet one with another (al-Qur'an, 49:13), and by making it obligatory upon them to observe religious duties such as prayer (salat), especially communal prayer, and pilgrimage to the Holy land, Mecca (hajj). Through

daily prayers, for instance, the members of the households and small communities come together five times a day; through Friday prayer the residents of a particular town or city gather together once a week; and through pilgrimage people from all over the world meet one another. Thus, by observing the *Shari'a*, man may first experience this inborn fellowship, and by meeting and having recourse to the help of others, he may later find his happiness. This is perhaps the meaning of what Miskawayh said: that man is, by nature, in need of other men; and it is here that Miskawayh distances himself from both his Greek and Arabic predecessors.

Another interesting improvement made by Miskawayh (1966) over those ideas of his predecessors in this connection is that man, he says, also needs the aid of others by necessity. For, unlike angels, who do not deal in business so as to need justice or have fear of anything so as to need bravery, men have to deal in various transactions with one another. And unlike animals, who are self-sufficient and need no instruction or learning, men are not self-sufficient but ought to rely themselves on the help and the instruction of others, in order to meet his basic needs as well as other necessities for life. And even then a little assistance will not suffice, for men's needs are unlimited, yet it is not within the power of any single one of them to achieve them all.

There is, then, a genuine need of a great number of individuals to form a community and live together at a particular time, or place, or in a city, exchanging and sharing their mutual needs and specialities, so that each of them may find his need and attain his perfection through the co-operation of others. Here, a significant connection between man, society, city, state or civilisation is profoundly established by Miskawayh. The following are examples of such a connection:

"It is sufficient to declare that in the provision of all these necessities and in deriving benefit from them, man has need of helpers: and because his case is different from that of animals, man is said to be sociable by nature, i.e., man has need of different kinds of help which cannot be realised except by people building towns and forming communities. The name for this gathering into communities is *tamaddun* - political or social life. Whether according to their requirements people set up tents to dwell in or build houses of earth or live on the tops of mountains in communities, whatever may be the case, because the need of mutual assistance has brought them together, their community is called *tamaddun* (civilisation) and the place *madina* (town or city)" (Miskawayh 1945:142).

Society and state are, therefore, based on the very need of man for survival. They are the essential authorities for the cultivation of virtues, political reform and social co-operation so as to restore conditions that are crucial for the attainment of collective happiness. Nevertheless, even though Miskawayh appears to be in agreement with their predecessors including Plato (1974), Galen (1937), and al-Farabi (1985; and 1985a) on some of the important political principles, such as on the idea that the philosopher, or the moral philosopher, the most learned and wisest, is most fitted to rule, and on the idea that the ruler is accountable not only for the security and moral life of his subjects, but above all, for the attainment of their happiness, yet as a whole, Miskawayh's ethics is individualistic. Though he refers to both family and political society as formative institutions, the centre of his system is fundamentally the individual. His discussions of society and state are scattered all over his works and do not offer any consistent theory of social or political determination of virtues.

### **Virtues Are Realised Only Through Association**

In the introduction to his translation of Aristotle's *Nicomachean Ethics*, Sir David Ross (1980), expresses the opinion that Aristotle's two books on friendship, books VIII and IX, stand in no vital relation to the other sections of the work, and they would probably have been a separate treatise but wrongly included in the *Nicomachean Ethics*. However, the virtues of love and friendship in Miskawayh (1966), represent some of the most important parts of his work on *Tahdhib al-Akhlaq*, for to Miskawayh, virtues and their end i.e. happiness, are realised only through companionship and association with others, or that is to say, practically through love and friendship.

Thus, it appears that in Miskawayh's thought there is a different understanding of the social motivation and existence of man. There is a view of creation which Aristotle would not have held, one which has to do with the community of faith which is the purpose of God's act of creation. There is a genuine need of a great number of people, who should form such a community, living together, exchanging and sharing their needs and specialities, so that each of them may attain his specific happiness through the co-operation of others. Hence, the men who are furthest from virtue are those who depart from a civilised life, who seclude themselves from society and remain without friends. Loving no one and loved by no one. That is why Miskawayh, for instance, stresses that the happy one, is the one who is adorned with nothing but virtues, is the one who wins friends.

To Miskawayh (1966), love (mahabba) originates from the very name man, *insan*. The word *insan* is derived from the Arabic substantive *uns* meaning "to associate" or "to be friendly" towards others. Man is, then, by nature inclined to fellowship and is never averse to others. Friendship (al-sadaqa), on the other hand, defines Miskawayh (1966:137):

" is a kind of love, but it denotes something more particular than love. It is affection (al-mawadda) in its very essence, and it does not take place among a large group, as in the case with love (al-mahabba). Passionate love (al-ishq) is the excess of love, and is more specific than affection because it takes place between two persons only".

This conception is apparently an improvement made by Miskawayh over those ideas of his predecessors, particularly Aristotle (1980:200) and Galen (1973:49). For there is no such precise distinction in either Aristotle or Galen. In the former, "love" appears to be a kind of feeling, and "friendship" to be a state of character; while in the latter, "love" is said to be a state of both the rational and the irascible souls, which exists between man and someone to whom he cannot do good such as God, the pious., and those who have gone before him.

However, as in Aristotle, Miskawayh also holds that the objects of love and their corresponding kinds of friendship are basically three in number: (a) pleasure; (b) utility; and (c) the good. Love and friendship which are motivated by pleasure, such as occur among the young, are established and dissolved quickly as with the case of their cause, pleasure. Those, which are motivated by the useful or for benefit such as exist among the old people are established slowly but dissolve quickly. Those which are caused by the good or by virtue, such as happen among the virtuous people, are lasting and hence laudable. Yet Miskawayh introduces another kind of love and friendship which is caused by the composite of this objectives, namely, pleasure, the useful and the good, such as that which takes place between a man and a woman, a husband and wife, a singer and a listener and others similar to them. The duration of this composite kind of love and friendship depends, for the most part, on the degree to which the good is involved. If the good is its dominant cause, it will certainly endure, and if otherwise, it will cease.

Another interesting example of Miskawayh's idea in this context is that he classifies love into three categories: the highest in the scale is the love of God, the second is the love of parents, and the third is the love of philosophers. The first kind of love which is experienced through the divine part in man, the soul, is attained only by a select few, namely, by those virtuous who are well-grounded in the divine knowledge, i.e., philosophers (al-hukama' ), religious scholars (al-'ulama'), the men of good deeds (al-muhsinin), the righteous (al-muslihin) and others, for love is based on knowledge and, hence, no one will find the way to love God save the one who knows Him well. This divine love is bound strongly by obedience and veneration and it is not, therefore, subject to evils, corruption and deficiency. The love of parents falls near to the love of God in respect to the obedience and honour and care that one gives one's parents.

Miskawayh (1966), adds that there is no other kind of love than that which rises to the rank of those two, except the love of philosophers. But as parents are the causes of our being (i.e., physical), while philosophers and virtuous teachers are of our intellectual being and the educators of our spiritual souls, then, as the soul is superior to the body, the love of philosophers should similarly be deemed superior to that of parents since it is by the philosophers' that we attain perfect happiness. But the love of God is the highest of all love, for God is the cause of the existence of both body and soul as well as of all other goodness and blessings. Although these various ranks of love are not to be found in the ethical thought of Miskaway's predecessors, especially Plato, Aristotle and Galen (Walzer 1962), they are widely acceptable to his successors and followers, such as al-Ghazali (1978), and al-Tusi (1964).

As to the practical question of how to choose a friend and then of how to keep him as a friend, matters wherein Plato, Aristotle and Galen again appear lacking, Miskawayh does not leave these useful subjects untouched. Thus, he who seeks a friend, Miskawayh (1966; and 1968) advises, should not covet the friendship of those who have treated their parents, relatives, brothers and their previous associates badly; those who are inclined avidly towards relaxation, pleasures, wealth and various forms of entertainment; and those who have excessive desires for domination, authority, and praise, for such people will never be fair towards their companions. If such a one does not find these defects in his potential friend he should promptly long for his friendship and be satisfied with anyone like that, because perfection is rare and hard to find, and also because he who has many friends cannot fulfil all his duties towards them. Nevertheless, Miskawayh (1968:143) warns his readers not to be excessively particular in doing so:

"You must not be led by what I have been urging upon you - i.e., to look for virtue in your prospective friend - to pay close attention to his small defects, thus ending with no one left to you and remaining without a friend. You must rather overlook

slight defects from the like of which no human being can be free, and consider the defect that you find in yourself and tolerate its equivalent in others”.

In order to become happy, man must, then, acquire a perfect friend, for perfection is realised exclusively through love and friendship. But as man cannot be friends with himself but with others, he should likewise endeavour to know and then to remedy his own defects so as to make himself acceptable to others as well. To this end, Miskawayh (1966) once refers to the view of Galen (1963), according to which man may discover his own faults by asking his virtuous and perfect friend to search, and consequently tell him of any of his manifest and hidden defects. But this method, claims Miskawayh, has its weaknesses and is non-existent nowadays. Hence, he considers Galen's other view, namely, that an enemy could be more useful than a friend in disclosing one's defects. He finds this method more truthful and perhaps more adequate than the first method, though one should never be contented with either. However, al-Kindi's (d. 873) opinions on the subject, such as that man should socialise with people and ascribe to himself the defects that he sees in others so as to train his own soul to abhor misdeeds, are, according to Miskawayh, more meaningful than those of al-Kindi's predecessors. Galen could probably be his main target of criticism in this instance.

As to how to keep a friend, Miskawayh suggests in some detail several methods which might help a man in this respect. To cite an example, man, he writes, should pay his utmost and constant attention in looking after his friend: in time of ease, he should greet him and those who are intimate with him with great joy and cheerfulness, while in time of misfortune, he should find the way to support him morally and materially if possible, and try to comfort his suffering so that it might be easier for him to bear; he should avoid bickering with his friend for bickering eradicates affection, causing discord and enmity. He should not allow those who are associated with him to say anything, about his friend, let alone to criticise him, except only in praise, for he himself is, indeed, his friend's eye, heart, and representative among people. He should tell with compassion any defects that he has found in him and show him that he is there to help him rectify them; and other lively and useful methods which all appear to be Miskawayh's own ideas.

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## Job Satisfaction of Social Service Workers in Penitentiary Institutions in Albania

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### Abstract

*This study analyzes job satisfaction of Social Service Workers of Penitentiary Institutions in Albania. The overall job satisfaction of Social Service Workers of Penitentiary Institutions in Albania is associated with 12 variables. These variables are the most important among all the 24 variables that taken in consideration in this study. If these factors are considered carefully, then there will be a positive overall satisfaction of Social Service Workers of Penitentiary Institutions. This study gives a message to the employers of Penitentiary Institutions that if they want to improve job satisfaction of Social Service Workers then they have to consider the above 12 variables: recognition for good work, adequate remuneration for work, feel proud of job, satisfaction from non-financial rewards, motivated to work, job is meaningful, available opportunities for promotion, exchange of ideas between superior and subordinate, job evaluated reward, relationship –colleagues, training program regularly and satisfied with available opportunities. This study covers a wide range of independent variables that significantly influences job satisfaction of Social Service Workers of Penitentiary Institutions; however, referring to the limited number of data, this study fails to bring a complete and exhaustive evaluation picture on job satisfaction of social workers of Penitentiary Institutions in Albania.*

**Keywords:** Job satisfaction, social service workers, penitentiary institution

### Introduction

Job satisfaction has been defined as an emotional reaction to the work situation (Ilham, 2009, Locke, 1969, 1976). Perhaps the best-known definition of job satisfaction is Locke's contention that “job satisfaction is a pleasurable or positive emotional state resulting from an appraisal of one's job or job experiences” (Locke, 1976). Rahma, M.M et al. (2012) underline that “The degree of satisfaction is determined by the ratio outcomes against the desire of employees from their respective jobs. By law of nature as we have more, we want more, hence the level of satisfaction remain less. Job satisfaction is dynamic, as it can go as quickly as it comes. It is positive emotional state that occurs when a person's job seems to fulfill important values, provided these values are compatible with one's needs”

The penitentiary Institutions in Albania are considered by social service employees as a good opportunity to exercise their profession and as a job that is in line with their expectations (Kume, E. 2013). Given the target groups (prisoners) to whom this service is offered, it is naturally that “...social service workers must often deal with intense emotional issues and are frequently confronted with disturbing situations (Bernal, J.G., et al. 2005, Zaimi, et al. 2013).

The purpose of this study is the evaluation the job satisfaction level and identification of factors (variables) important for social service employee's job satisfaction in order to plan and carry out the necessary intervention in order to increase the effectiveness of this service in penitentiary Institutions in Albania.

The objectives of the study are: (i) to identify the most important factors of job satisfaction, (ii).to identify the level of satisfaction of social service specialist in penitentiary Institutions and (iii) to evaluate the correlation between job satisfaction and factors of job satisfaction

### Methodology

#### Sample Design



The targets of this study are 36 social service specialists who work in 23 penitentiary institutions. A structured questionnaire was developed using job satisfaction forces to which the respondents was asked to react using a seven step Bi-polar scale ranging from strongly disagree (1) to strongly agree (7).

At the end of the questions, a final question was added: "overall I am satisfied about my job". This question was intended to measure the respondent's reaction to the job satisfaction in a scale. Bipolar scale has been selected because of its widespread appropriateness of measuring attitude (Rahma, M.M et al. 2012)

The demographic compositions of the respondents are shown in Figure no.1

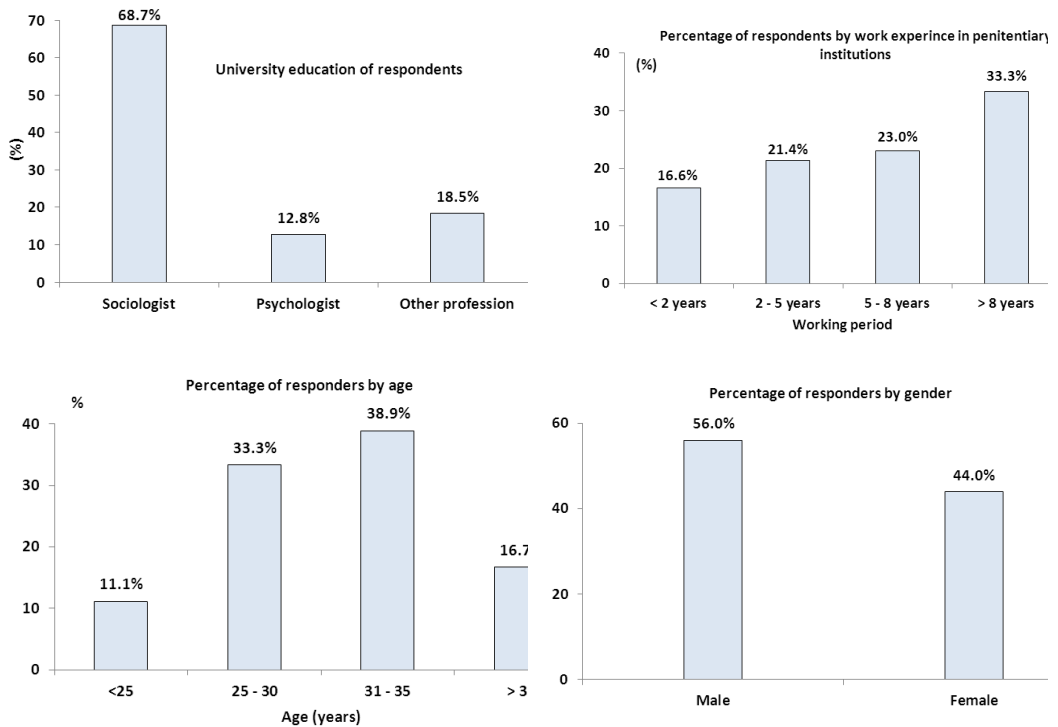


Figure no.1 Demographic characteristics of respondents

## Methods

SPSS 17.0 and Excel have been used to process and analyze the data. Dependent and independent variables are analyzed by using correlation and linear regression. Different statistical tools like ANOVA, T-test have been used to assess and interpret data. ANOVA has been used to analyze the relationship of job satisfaction factors with overall satisfaction of employees. T-tests have been performed to test the statistical significance of the parameters at 5% level of significance.

Statistical parameters like mean, standard deviations will be estimated. In order to evaluate and estimate the significance level among dependent and independent variables, the variables are further analyzed with the help of regression model. Overall job satisfaction is the dependent variable and adequate remuneration for work, job is meaningful, salary increases on performance, satisfaction from non-financial rewards, job evaluated reward, available opportunities for promotion, satisfied with available opportunities, feel proud of job, training program regularly, use skill, experience and qualification, top management support, satisfied environment, recognition for good work, motivated to work, flexibility working hours, like job, job meaningful, relationship-colleagues, collective work, team work, colleagues help, supervisors care, trust between superior and subordinates and exchange of ideas between superior and subordinates are independent variables

The regression model is as follows:

$$OJS = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \beta_6 X_6 + \beta_7 X_7 + \beta_8 X_8 + \beta_9 X_9 + \beta_{10} X_{10} + \beta_{11} X_{11} + \beta_{12} X_{12} + \beta_{13} X_{13} + \beta_{14} X_{14} + \beta_{15} X_{15} + \beta_{16} X_{16} + \beta_{17} X_{17} + \beta_{18} X_{18} + \beta_{19} X_{19} + \beta_{20} X_{20} + \beta_{21} X_{21} + \beta_{22} X_{22} + \beta_{23} X_{23} + \beta_{24} X_{24} + \epsilon_t$$

Where:

OJS-Overall Job Satisfaction	X <sub>14</sub> - Motivated to work
X <sub>1</sub> - Adequate remuneration for work	X <sub>15</sub> - Flexibility working hours
X <sub>2</sub> - Job is meaningful	X <sub>16</sub> - Like job
X <sub>3</sub> - Salary increases on performance	X <sub>17</sub> - Job meaningful
X <sub>4</sub> - Satisfaction from non-financial rewards	X <sub>18</sub> - Relationship –colleagues
X <sub>5</sub> - Job evaluated reward	X <sub>19</sub> - Collective work
X <sub>6</sub> - Available opportunities for promotion	X <sub>20</sub> - Team work
X <sub>7</sub> - Satisfied with available opportunities	X <sub>21</sub> - Colleagues help
X <sub>8</sub> - Feel proud of job	X <sub>22</sub> - Supervisors care
X <sub>9</sub> - Training program regularly	X <sub>23</sub> - Trust between superior and subordinates
X <sub>10</sub> - Use skill, experience and qualification	X <sub>24</sub> - Exchange of ideas between superior and subordinates
X <sub>11</sub> - Top management support	ε <sub>t</sub> - Error Term
X <sub>12</sub> - Satisfied environment	
X <sub>13</sub> - Recognition for good work	

and α is a constant and β<sub>1</sub>, β<sub>2</sub>, β<sub>3</sub>, β<sub>4</sub>, β<sub>5</sub>, β<sub>6</sub>, β<sub>7</sub>, β<sub>8</sub>, β<sub>9</sub>, β<sub>10</sub>, β<sub>11</sub>, β<sub>12</sub>, β<sub>13</sub>, β<sub>14</sub>, β<sub>15</sub>, β<sub>16</sub>, β<sub>17</sub>, β<sub>18</sub>, β<sub>19</sub>, β<sub>20</sub>, β<sub>21</sub>, β<sub>22</sub>, β<sub>23</sub>, β<sub>24</sub> are coefficients to estimate.

## Results and discussion

The mean value and standard deviation of variables are showed in Table no.1. The mean value of all factors, except Flexibility working hours, Team work and Colleagues help, is more than 5.0 which is between the neutral and agree in the scale showing the average employees perception about job satisfaction.

Table no. 1 Descriptive Statistics

Variable	Main	Standard deviation	Variable	Main	Standard deviation
Adequate remuneration for work	5.06	0.721	Recognition for good work	5.06	0.634
Job is meaningful	6.13	0.824	Motivated to work	5.32	0.891
Salary increases on performance	5.02	0.703	Flexibility working hours	4.61	0.637
Satisfaction from non-financial rewards	6.09	0.986	Like job	5.36	0.843
Job evaluated reward	5.72	0.712	Job meaningful	5.82	0.784

Available opportunities for promotion	5.42	0.783	Relationship –colleagues	5.21	0.782
Satisfied with available opportunities	5.31	0.923	Collective work	5.03	0.789
Feel proud of job	6.04	1.003	Team work	4.81	0.853
Training program regularly	5.21	0.754	Colleagues help	4.16	0.609
Use skill, experience and qualification	6.02	0.762	Supervisors care	5.10	0.712
Top management support	5.21	0.759	Trust between superior and subordinates	5.03	0.735
Satisfied environment	5.03	0.692	Exchange of ideas between superior and subordinate	5.13	0.789
Overall Job Satisfaction	5.23	0.897			

From Table no.2, it is seen that there is a significant correlation between dependent variable and independent variables. At 5% level of significance the correlation is 88.2%. Here, adjusted R square is 0.722 which tells us about 72.2% variation of dependent variable is explained by independent variables included in regression model.

Table. No. 2 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.8823 <sup>a</sup>	.779	.722	0.394
a. Predictors: (Constant), adequate remuneration for work, job is meaningful, salary increases on performance, satisfaction from non-financial rewards, job evaluated reward, available opportunities for promotion, satisfied with available opportunities, feel proud of job, training program regularly, use skill, experience and qualification, top management support, satisfied environment, recognition for good work, motivated to work, flexibility working hours, like job, job meaningful, relationship-colleagues, collective work, team work, colleagues help, supervisors care, trust between superior and subordinates, exchange of ideas between superior and subordinates				

Table no. 3, shows that the regression equation is explaining a statistically significant portion of the variability in the dependent variable from variability in the independent variables. Therefore we can conclude that it accurately explains that the overall job satisfaction of the social service specialists who work in penitentiary institutions depends on the factors that have entered in the model.

Table no.3. ANOVA<sup>a</sup>

Model		Sum Squares	df	Mean Square	F	Sig.
1	Regression	342.86	24	54.14	15.60	.00 <sup>b</sup>
	Residual	107.52	11	3.47		
	Total	450.38	35			
a. Dependent Variable: Overall Job Satisfaction						

b. Predictors: (Constant), adequate remuneration for work, job is meaningful, salary increases on performance, satisfaction from non-financial rewards, job evaluated reward, available opportunities for promotion, satisfied with available opportunities, feel proud of job, training program regularly, use skill, experience and qualification, top management support, satisfied environment, recognition for good work, motivated to work, flexibility working hours, like job, job meaningful, relationship-colleagues, collective work, team work, colleagues help, supervisors care, trust between superior and subordinates, exchange of ideas between superior and subordinates

Table no.4 shows the coefficients between dependent and independent variables. According to significant values of the coefficients for adequate remuneration for work, job is meaningful, salary increases on performance, satisfaction from non-financial rewards, satisfaction from non-financial rewards, job evaluated reward, available opportunities for promotion, training program regularly, recognition for good work, motivated to work, flexibility working hours, job meaningful are statistically significant ( $p < 0.00$ ) and satisfied with available opportunities, feel proud of job, relationship-colleagues are statistically significant ( $p < 0.05$ ). The coefficients for other independent variables are not statistically significant which implies that these factors have some impact on overall job satisfaction but these are not considerable.

Referring to the values of standardized coefficients that correspond to the variables that have statistical significant effect on dependent variable, overall job satisfaction, in Table no 5, are chronologically ranked the variables that should be taken in consideration by the decision making body in drafting policies that want to increase job satisfaction level for social service specialist in penitentiary Institutions.

Table no. 4 Coefficients<sup>a</sup>

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		$\beta$	Std. Error	$\beta$		
1	Constant	2.346	0.561		2.32	0.75
	Adequate remuneration for work	0.468	0.231	0.387	3.76	0.00
	Job is meaningful	0.521	0.268	0.294	3.98	0.00
	Salary increases on performance	0.219	0.318	0.128	3.07	0.00
	Satisfaction from non-financial rewards	0.326	0.056	0.307	4.02	0.00
	Job evaluated reward	0.189	0.082	0.256	4.12	0.00
	Available opportunities for promotion	0.321	0.125	0.287	3.08	0.00
	Satisfied with available opportunities	0.156	0.025	0.203	2.75	0.05
	Feel proud of job	0.507	0.089	0.321	2.98	0.05
	Training program regularly	0.329	0.120	0.237	3.67	0.00
	Use skill, experience and qualification	-0.221	0.107	-0.241	-1.11	0.62
	Top management support	0.142	0.112	0.067	1.67	0.09
	Satisfied environment	0.068	0.321	0.088	1.06	0.62
	Recognition for good work	0.367	0.054	0.406	3.69	0.00

Motivated to work	0.293	0.217	0.302	3.05	0.00
Flexibility working hours	-0.324	0.142	-0.289	-3.12	0.00
Like job	0.387	0.121	0.098	-1.68	0.10
Job meaningful	0.309	0.120	0.152	3.17	0.00
Relationship –colleagues	0.341	0.122	0.241	2.06	0.05
Collective work	-0.027	0.203	-0.067	-1.04	0.62
Team work	-0.257	0.065	-0.185	-1.07	0.62
Colleagues help	0.067	0.103	0.024	2.19	0.05
Supervisors care	-0.127	0.111	-0.204	-1.87	0.09
Trust between superior and subordinates	-0.129	0.183	-0.183	-1.90	0.08
Exchange of ideas between superior and subordinate	0.357	0.098	0.276	3.15	0.00
a. Dependent Variable: Overall Job Satisfaction					

Table no. 5. Rank order of variables

Variables	Value	Rank order on the basis of significance
Recognition for good work	0.406	1
Adequate remuneration for work	0.387	2
Feel proud of job	0.321	3
Satisfaction from non-financial rewards	0.307	4
Motivated to work	0.302	5
Job is meaningful	0.294	6
Available opportunities for promotion	0.287	7
Exchange of ideas between superior and subordinate	0.276	8
Job evaluated reward	0.256	9
Relationship –colleagues	0.241	10
Training program regularly	0.237	11
Satisfied with available opportunities	0.203	12

## Conclusions

This study analyzes job satisfaction of Social Service Workers of Penitentiary Institutions in Albania.

The overall job satisfaction of Social Service Workers of Penitentiary Institutions in Albania is associated with 12 variables. These variables are the most important among all the 24 variables that taken in consideration in this study. If these factors are considered carefully, then there will be a positive overall satisfaction of Social Service Workers of Penitentiary

Institutions. This study gives a message to the employers of Penitentiary Institutions that if they want to improve job satisfaction of Social Service Workers then they have to consider the above 12 variables: recognition for good work, adequate remuneration for work, feel proud of job, satisfaction from non-financial rewards, motivated to work, job is meaningful, available opportunities for promotion, exchange of ideas between superior and subordinate, job evaluated reward, relationship –colleagues, training program regularly and satisfied with available opportunities

This study covers a wide range of independent variables that significantly influences job satisfaction of Social Service Workers of Penitentiary Institutions; however, referring to the limited number of data, this study fails to bring a complete and exhaustive evaluation picture on job satisfaction of social workers of Penitentiary Institutions in Albania.

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## Modernism, God, and Church in the Thinking of J. Macbride Sterrett

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### Abstract

*Modernism was a movement that impacted the church. In spite of the fact that many modernists wrote against the church, there were some, such as J. Macbride Sterrett, who not only defended the church, but also integrated modernist principles into their perspectives on what the church should be. Sterrett was also a clergyman in the Protestant Episcopal Church, which offered a deeper meaning to his modernist thought. This paper presents the main ideas in relation to history, church and society. His perspectives defend the identity of the church and its use in modern society. Sterrett's ideas are useful also because they present a purpose for the church, that is quite easy to understand for the secular environment.*

**Keywords:** Modernism, God, and Church in the Thinking of J. Macbride Sterrett

### Introduction

In the first quarter of the XXth century religious modernism was going through a development that consisted in adapting to the idea of the transcendent and the church. Modernism entered the sphere of the religious and of the clergy. Such is the case of J. Macbride Sterrett (1847-1923), a philosopher and a clergyman within the Protestant Episcopal Church. He argued in favor of modernism, but of a highly religious kind. He argued in favor of God, Christ and the church, but he criticized all that he considered outdated or outworn, because he believed that the church should speak the language of the people and of the age. Old structures of dogma should be laid aside, while those that answer the specific needs of society should be put in place. Modernism was explained by Sterrett not as an enemy of the church, but as an aid to make the church easy to understand for those who want to be part of it, or are already members. The point of his argument is that modernity can serve a noble purpose in the developing plan of God and for the improvement of society.

### Modernism: the harmony of old and new

In J. Macbride Sterrett defines the modernist as 'a man of modern culture, embracing, as it does, a knowledge and an appreciation of the cultures of other ages and religions' (Macbride Sterrett, 1922, p. 1). Modernism, as a movement, is a religious one, but 'on its intellectual side it is an attempt at a synthesis between the new learning and the old religion' (Macbride Sterrett, 1922, p. 1). From these two definitions, one can understand that in spite of it being a new movement within society, modernism, or part of it, is a return to the values of the past and an adaptation of their contents to the new age, but not with the intent purpose of destroying the heritage, but to add value to it. A modernist will look with grateful eyes to the past, and he will use it in order to shape the present and the pass an even greater heritage on to the following generation.

After these two short definitions, Sterrett presents the modernist as 'one who recognizes that he is heir of all ages, but feels and knows that he ought to be slave of none' (Macbride Sterrett, 1922, p. 20). This is an important aspect and it requires a further analysis. Sterrett argues in favor of a universal man, one who is educated and well versed in the art of interpreting history. He is neither a historian, nor does he have any other humanist preparation. However, he could be a historian, as well as a man of letters. Of crucial importance is that a modernist knows one's history and is informed to such an extent that one develops a remarkable capacity to detach from any emotional selection, in favor of a rational adherence to all good principles, of any epoch. The genuine modernist should not escape one's fate. It is not an inescapable fate, written somewhere in the stars, but it is a fate of knowledge. Once one understands and adheres to what Sterrett defines as modernism, the recognition of the heritage of all ages becomes a *status quo*. The genuine modernist will not even try to escape such a natural conclusion. Thus, one's dedication will be wholly given to the pursuit of the modernist agenda: a

thorough knowledge of the past and a developed capacity of selecting value. The modernist will not stay locked in the past, rather one will take the heritage of the past and project it to construct a future that begins with the present. History and all that makes up the past is a tool that is used to create quality, value, and good. Being the heir of all ages, but slave to none, places the modernist outside any chronological delimitation. A modernist is not one who lived within a certain time period, but one who transcends such limitations, by the fact that one who lives whenever could consider all the ages before as a heritage.

Sterrett uses a harsh word: 'slave', and this implies a limitation of freedom(s), of rights, of movements, and a denial of opinion and value. Time can create, apparently, slaves, but it is not time's fault, but rather man's fault. One might grow to attached to a certain period of history, and militate for its absolute superiority in comparison to any other historical period. Such 'slaves' cannot develop a functional critical method, which would allow for an effective selection of value over form/shape. The slave of a historical period will mask the evils of that time, and even develop lies simply to promote a positive image of an enamored period. The modernist and the slave are radically opposed. While the modernist will develop one's critical apparatus, the period slave will sink into mediocrity or worse. The capacity to select principles that are worth pursuing and developing is crucial for the healthy social development of any culture. In fact, being able to discern between what advances society and what hinders it, makes the difference between freedom and oppression.

These views were not known to Godrycz, who, in his treatise against late XIXth century modernism, argued that the philosophical perspective it is built upon is positivism, which had little tolerance for theology. Christianity was considered a rather social event, with no scientific criteria that would validate it in the field of proper science. Thus, Christianity was little more than human sentiment. However, Godrycz argues in favor of a scientifically provable God. He starts from the fact that modernist positivism acknowledges that 'human reason is capable of detecting the laws governing material phenomena and of establishing scientific principle' (Godrycz, 1908, pp. 7–8). He also argues that what science calls *phenomena* make up nature. The discovered phenomena and the laws of nature must have come from somewhere. He concludes that due to the 'harmony, the order, the finality, the design in all these phenomena, we are compelled to look upon them as the work of a supreme intelligence' (Godrycz, 1908, pp. 9–10). Therefore, argues Godrycz, whenever one refers to a scientific law, one presents the case of *concursum divinum*, or the regulating agency of God (Godrycz, 1908, p.10). Sterrett had been working on the ideas that he published as a book in 1922, for well over a decade. The dialogue between Sterrett and Godrycz would have been quite interesting, especially because Sterrett argued in favor of a religious and God-believing modernist.

### **Criticism: the benefits for the church**

In the Preface of his book, Sterrett argues in favor of criticism, but not a destructive one. Criticism is fundamental for development and progress. It evaluates and points out the positives and the negatives. In Sterrett's perspective modernists are critics that try to adapt the old to the new, also in the field of religion. After acknowledging that the old grows slower, and radicalism is the reaction to the old, Sterrett makes the remark that the later without the former would only lead to useless destruction. In Sterrett's moral perspective a matricide, for example, is just as condemnable as it ever was. Any kind of moral injustice should have its proper definition, as well as its correct punishment. He does not argue in favor of reevaluating morals and the moral standards. However, if a modernist – or anyone – criticizes the church in an honest manner, it is not wrong, but necessary. Sterrett admits he was a conservative apologist and a critic of all new developments of theology – higher criticism, for example – but came to understand what modernism preached, and gradually became one himself. However, he did not shed the religious skin, rather he adapted the old to the new. He was a clergyman within the Protestant Episcopal Church, and from this position argued in favor of honest search for God and for the correct definition of the church, in light of old ecclesiastical and theological perspectives. Honest seeker of the truth within the church are bound to clash with other members of the congregation. Sterrett does not argue in favor of peace for peace's sake, but for a steadfast dialogue, even with the cost of creating discomfort for some. The truth of God and the maternity of the church are well worth the effort, in his opinion (Macbride Sterrett, 1922, pp. x, xi).

Paul Sabatier writes in his book *Modernism, The Jowett Lectures, 1908*, that modernism developed historical criticism. This aspect creates a problem for Christian theology, because it argues that history and science do not deal with anything that is not human. Faith, therefore, because it transfigured the historical person of Christ, must be removed because it turned him above the historical condition of man. Also, faith created an image in which the deed and words of Christ, were above his character, condition and education. The point of modernist criticism is that Jesus Christ must be seen as a



human, and nothing more. This thesis is unacceptable to Sabatier (Sabatier, 1908, pp. 244–245). Sterrett, on the other hand, does argue in favor of a historically accurate depiction of Christ, but without annulling the existence of God and the supernatural.

The application of Sterrett's principle is done by comparing the heritage received by a child from his father and grandfather, while growing up, to the time the child becomes an adult and has to decide what to do with the heritage he received. One of the options is to lock the heritage away and never bother with it. This would create the necessity to innovate in order to function. However, one cannot innovate from nothing all the time. The second option is to take the heritage, acknowledge it and use it in creative ways in order to adapt it to modern necessities. This option requires innovation, not out of nothing, but out of a pre-existing material. It places less strain on the effort to adapt, and it offers more freedom to organize free-time around important parts of one's life, perhaps family and/or hobbies. The main aspect that Sterrett underlines is that such a contextualized heritage will be passed on in a developed and improved way to the next generations (Macbride Sterrett, 1922, p. 20).

Another comparison offered by Sterrett is that of a modernist who finds oneself in an old church building. He has a number of options, but Sterrett argues that a genuine modernist will choose to reform, rather than destroy the heritage-filled church. A church building does not belong to a single generation, but it is a universal symbol of peace, unity and good-will. If the piety of generations long gone and the historical events associated with the building and the people who worshiped in it, together with the whole religious nature that had permeated into society, can be seen and understood as integral parts of one's own identity, then the entire construct, the whole historical context receives a new purpose. Due to ignorance, the purpose and heritage of anything can be forever lost. However, an informed man – whom Sterrett calls 'wise' – will strive for the better and for the promotion of one's neighbor (Macbride Sterrett, 1922, p. 22).

### **The modernist and the historical heritage**

The heritage of Christianity and the adaptation to the new age, has created tension in the dialogue between the church and science. It is most unfair to argue the image of the church as an anti-science institution. Just as modernism criticized religion and the church, the church found the voice to criticize modernism. In his extended letter, Cardinal Mercier, addresses the issue of the science and the church. He condemns modernism, but not science. One of his arguments is that modernism is not the modern expression of science. This is due to the fact that science, in itself, is not condemnable, nor are its methods. He acknowledges the Catholic scientists who strive for the improvement in this field. However, his criticism is aimed at the thesis of modernism which holds that the 'religious soul must draw from itself, from nothing but itself, the object and motive of its faith' (Mercier, 1910, p. 23). The criticism goes further by arguing that modernism dismisses all revelation, thus negating the authority of the church, as it was established by Jesus Christ. The problem is that modernism cancels all the church's authority, based on the fact that the spiritual cannot be proven and God does not exist. A two thousand year old institution had no claim of existing, in modernist key. Mercier turns to Christ as the pronouncer and imposer of the teachings that assure eternal life. In other words, Christ is not to be criticized or negated. By negating Christ one negates the entire chain of clerical authority, all the way to the Pope himself (Mercier, 1910, p. 24).

Reconstruction cannot apply to any area of society's life. Sterrett argues that any modern age has a set of good characteristics, as well as a set of bad ones. If reconstruction is done out of a misplaced understanding of the modern good, it follows that all history is useless. Heritage is put aside and ignored, because it is deemed unworthy of all that the modern age represents, it is tore down and rebuilt. Ignoring history means ignoring value and worth. These are two of the elements that make up the life of any society. If the working principle is to destroy the old and build the new, the obvious consequence is that each new generation will destroy the old, in favor of the new modern age. Every generation will tear down the world of the previous generation, and it will build in the likeness of age. Sterrett points out that such a method will prove a disaster, simply because if heritage is ignored, building anew will incorporate all the evils of the age. Heritage has a precise purpose and that is to safeguard the critical method. This means that heritage helps one to separate good from evil, and thus promote and give further the best possible teachings for the next generation (Macbride Sterrett, 1922, p. 22).

The issue of past and present, religious denominations and their schisms from one another, are integral parts of the modernist program. Gates argues that the modernist will go beyond these breaks, and he will look at Christianity as a whole, not simply favoring one side or the other. The modernist is the true Catholic, for Christianity is universal and a

whole, at best painted in different colors. In this context, the modernist argues in favor of God as one, universal, One who is everywhere and in all things. As Sterrett, Gareth argues that the true modernist will look at the heritage of the entire Christendom. The modernist will not take the side of any denomination (Gates, 1911, p. 50), but here he differs from Sterrett, who was a clergyman in the Episcopalian church.

### **Moral values and the use of history**

Good and evil are elements of morality, but Sterrett's idea can be applied to anything from morals, to architecture. This is the precise point that Sterrett makes, when talking about progress and the old as a hindrance for development (Macbride Sterrett, 1922, p. 22). Heritage will set some against others, simply because all have agenda's. Old buildings that stay in the path of development and progress, are extensions of people's ideas in relation to those who think differently. It depends which party has more power. When people do not consider others as valuable, regardless of their perspectives, the evils of the past will hinder any progress. The value of human life could be reevaluated, but the heritage of the past is the one that adds a foundation for any ideological development. Does this mean that all that is old should be kept? What of the old constitutes the heritage? Sterrett points to the idea of an old castle that is in the middle of the new city. He does not argue in favor of demolishing it, but in favor of renovating and accommodating the visitors into modern housing conditions. Obviously that all the other houses surrounding the castle have been destroyed by development, but that does not mean that it is a negative aspect. Sterrett argues in favor of identifying the relics that are imbued with historical meaning and that are reference points for the past. This means that many of the little things will be kept as visual examples – an old wooden house – but others will be destroyed in order to make way for a correct progress. The point that Sterrett makes here is that a true modernist will look at the past and select meaningfulness, values, morals, he will reform them, if necessary, and he will pass it on to the future generations (Macbride Sterrett, 1922, p. 23).

Sterrett's perspective on modernism seems to show a unified body of ideological identity. However, J. R. Slattery presents modernism as a colorful body of thinkers, diverse and independent of one another. They were workers in various branches. They also worked in different countries. He presents the modernists as having a single purpose, in spite of their diversity, namely the reconciliation of science and the church. A further explanation makes Slattery's remark a significant one. He points that the reconciliation between the two is the result of the genuine love of the modernists towards the churches, whose sons they claim to be (Slattery, 1909, p. 556). There is no hatred towards the church, as there is no desire to downgrade or change the essence of the church. It is rather a modification or a reconfiguration of the purpose of the church by a return the fundamentals of the Gospel message.

Sterrett writes as religious modernist. He even defines himself as such. This means that he pays close attention to the Christian heritage within the church, but he filters the old teachings that are valid for his time, as well as the old things that have become irrelevant for the modern church. It also means that the church itself should keep a close eye on the heritage, for the sake of the modern people who enter it and are trying to find meaning. At this point Sterrett acknowledges that the castle image is not usable, but reverts to nature and uses the image of the nautilus. This animal is building new chambers in the shell, only in organic connections to the old ones. It is an image of the harmony between old and new. The old already exists, but there is place and a fundamental need for the new. They are not mutually exclusive, but reciprocally inclusive. Again, this argument is valid only for the spiritual aspect of life, not for the organization of the church. The image argues in favor of collaboration between old and new, in the same way that the rings of the shell are bound together until the animal dies. The shells are not broken off, but are kept for the life giving environment in which the animal lives (Macbride Sterrett, 1922, p. 23).

Sterrett applies the image of the nautilus to the psychological acknowledgement of the relation between body and soul. The value of these two elements is evaluated at every age. According to Sterrett, there is no need to separate the two and distribute value to the one in the detriment or to the destruction of the other. The body has a certain value, while the soul has another value. These are not mutually exclusive, but in an unseen collaboration. The true modernist will value both, without any action to destroy one of the two. Just as there is a collaboration and constant revision of values, Sterrett argues that religion must go forward, by paying close attention to the heritage it brings along. There no need to abandon heritage altogether, just as the soul does not shed the body, or the body does not shed the soul. As people make up the church, it exists through them, but it is not limited to them. There is also a supernatural element to it, which is fundamental. However, this aspect is considered by Sterrett to be fundamental. He points to all churches, from the Anglican to the Presbyterian, through the Episcopalian and the Greek Orthodox, as churches which are encysted. Sterrett is not content with the fact

that the churches accuse and remove any modernist who contradicts their perspectives. Sterrett makes the point that such an attitude might push out those within the church, and keep out those who consider joining the church (Macbride Sterrett, 1922, p. 25).

### Schism and the morality

The single most troublesome element in the path of healthy human relationships and overall progress is man, more precisely: man's 'sinful selfishness and capricious willfulness' (Macbride Sterrett, 1922, p. 26). Man can create an ideal, but he will never reach it, because, as Sterrett points out, man lusts for autocratic power – as a symbol of self-aggrandizement; but he also shows no appreciation for 'a nurturing institution' – the church (Macbride Sterrett, 1922, p. 26). Man's actions are full of evil-doings, that Sterrett names 'so much of the devil in it all' (Macbride Sterrett, 1922, p. 26), that any idea is impossible to achieve. It is no wonder for Sterrett that society cannot better itself, since evil lurks in all, but not in equal measures.

Christianity is made up of various ages, which are characterized by various traits. Sterrett believes that a genuine modernist will acknowledge Christianity in all its forms and ages, from the Apostolic to the Reformation. In spite of all the heritage of the Christianity, Sterrett is well aware that the modern man may know more, due to the broader education. However, in spite of this kind of education, one may not be better when it comes to knowledge in the higher sense (Macbride Sterrett, 1922, p. 26). Morals and aptitudes may be more widely known, but their implementation and practice may not be done properly, in spite of the heritage. Intellectually, the modern man may be better equipped, and yet lack a moral and spiritual character. At this point, Sterrett argues that it is normal for children to surpass their parents, but this does not imply a complete break with the parents. Respect and love are given, at least as before, even if the children have surpassed the parents by far. Using this image argues that in the social and religious sphere, the modernist must surpass the ages past, but not with contempt, but with due respect and the obligation to improve on all past ways and methods. Perhaps the most respectful way in which one can bring progress into society is by showing the proper respect for the past. Such an attitude will create cultural strings that can bind generations, not by overlapping interest, but respect and self-awareness (Macbride Sterrett, 1922, p. 26).

Heritage for Sterrett means historical fact. It means the same for J. Bampton. However, Bampton argues against the modernist movement. One of the reasons is that the modernists do not consider historical facts as the traditional Christians do. Bampton points out that due to their Kantian background, historical fact is resumed exclusively to experience. The second point in Bampton's line of thought is that truth means one thing for the conservatives, while for the modernists it means something different. He acknowledges that they accept the narratives of the Gospels, but with a definition of true 'truth as sign or symbol of truth, or true as symbolizing what is true, true, not as possessing a fact-value, but as possessing a moral or spiritual value' (Bampton, 1913, pp. 63–64). This almost cancel the historical fact. However, only the symbolized spiritual truth is the only one that matters. History as it unraveled is almost irrelevant. On the other hand, conservative theology aims precisely for the historical fact (Bampton, 1913, p. 64).

In order to understand the value of the past, education is a basic requirement. Sterrett does not try to argue in detail in favor of education, because he considers it part of any civilized society. He considers that education is an integral part of institutions that range from the family to the state, from church to science, from art to economics. Sterrett argues that such institutions are meant to promote higher ways of living. They address the basic need of the individual and the society to interact, to connect, to relate and to create structures of socialization (Macbride Sterrett, 1922, pp. 28–29).

The church, regardless of which Christian denomination, has been a constant presence in the last two millennia, with all the positive and negative aspects. It was either persecuted or the persecutor, either on its own or in tight relations with the state, either dedicated to the Biblical understanding of loving one's neighbor or in a rampant quest for self-aggrandizement. Regardless of how the church(es) behaved throughout history, Sterrett argues that one of the main roles it had was to spread the teachings of Jesus Christ worldwide. In the message there was a teaching about God's Kingdom. The issues surfaced also at the trial of Jesus, when he spoke of himself as a king, but not of this world, but of a spiritual one. Later, the apostles and their followers took the message and spread in, eventually, worldwide. The church bore a message that had a constant impact in the world: the love of the neighbor. It must be thoroughly underlined that this love is not reserved for the members of the church, or for the members of the churches, but for any human being. Sterrett argues that the church cannot claim to be the Kingdom of God, and labels it as an 'arrogant and groundless assumption' (Macbride Sterrett,

1922, p. 34). The role and purpose of the church does not start with the assumption that it is the Kingdom. In other words, the church cannot claim spiritual authority that it never had. The church did usurp this position, at various points in time, and tried to impose it on society, as well as on its own members.

Writing more than ten years before Sterrett, David Torrey argues that it would be impossible to believe that Christianity had no founder. Thus he places a firm grounding on the existence of Jesus for the church. Christianity would not have been so successful without a prominent leader. He also points out that Christianity had a radically different message from any other religion, and that its founder's message was the key element that gave Christianity its specific mission and practice (Torrey, 1910, pp. 74–76).

### **The true purpose of the church**

According to Sterrett the church has a much better role than to claim any kind of secular authority, and it also has a higher calling than that of controlling the world, or impose rules and regulations. The first role of the church is to promote the religious life of men. It clearly refers to the spiritual life of the believers. The church has to minister the relations between God and man, but through the ministry and life of Jesus Christ. Sterrett makes a sharp distinction between the spiritual and the religious. The first has a wider meaning than the second and it is more important. The spiritual supersedes the religious. The church connects to the believers not only in the realm of church life, but especially in the 'secular spheres of this kingdom' (Macbride Sterrett, 1922, p. 34). The church should not separate or alienate its members, and it should not take them out of society, into secluded spaces, where the evils of the world cannot reach. Instead, the church must be actively involved in all spheres of the secular, in order to promote and uphold spiritual values that permeate into the everyday lives of its believers.

After making sure that he explains what the church is and what its purpose is, Sterrett argues in favor of what the church has done throughout the ages. He points out that it is the result of a message, the Gospels, and this means its purpose lies within it. As long as the church embodies the message of the Gospels, it has a legitimate existence. After all, the church is *jure divino* as long as it makes the message of the Gospel manifest in the world. In its two thousand year history, there have been great accomplishment, but Sterrett places a correct emphasis on the criticism that it must also justly receive. For modern man it is important to question whatever surrounds him, and it is just as important to strive for what is true. As the church has had both positive and negative actions, it is imperative for its members to keep a correct perspective on her. Sterrett points out that the impact of the church in the world was so great that life on earth would have been far less worth living than without her. This has been achieved only because it was the ministrant of the Gospel message (Macbride Sterrett, 1922, p. 36).

In order to explain how the church has grown and how it should survive in the future, but also what the relations are between its present life and the past, Sterrett presents the image of tree. The roots are the life of the tree. It gets its nourishment from the soil through the roots. The leaves fall each autumn and form the soil that the tree feeds from. By growing each year, the tree becomes stronger and bigger. The new bark proves the health and the growth of the tree. Sterrett points out that in this process the new bark engulf the old, but by 'embracing' all the other layers of years past. As long as a tree lives, this process is repeated each year. Sterrett is strong supporter of passing on the heritage of past ages, but he is adamant in having a critical methodology in order to prevent any stagnation. The church must grow and develop, by looking back on its history. The process presupposes an active assessment of all its known actions. If there were negative events and wrong decisions they must be acknowledged, just as the positive events and good decisions. They form the layers that the new generation will look at and develop their present and the future of coming generations. The church should not ignore or hide past events. Instead, argues Sterrett, as part of the social and cultural structure, the church should do what it has always done: spread the message of the Gospel. The reason is that the essence of the message conveys a set of ideas which can be transformed into personal belief, which will be manifested towards one's neighbor. It is paramount that the church continue in the light of that message, not by engulfing the new for the sake of the new (Macbride Sterrett, 1922, p. 35).

### **The authority of the church: the four elements**

As Sterrett points out, the church has four major elements that give it strength, if considered properly: polity, creed, cult and sacred literature. They convey identity and purpose. Here he returns to the example of another tree. This time it was the example of a tree purged in fire. It was an old tree, rotten inside, but still alive. When it caught on fire, apparently it cleaned

the rotten parts, but stopped at the healthy ones. When everyone was expecting the tree to fall, it continued to grow and stay alive. This was the tree outside of Sterrett's residence. The example is wonderful because it shows human expectations, in comparison with God's activity. Sterrett does not deny the existence of God, but refrains from considering him only as the church depicts him. He argues in favor of his existence and he makes no apology for doing so. However, Sterrett criticizes the way the church brings the message of the Gospel to the people. He refers to a book written by former army members who claim that the church communicates its message in a language that is unknown even to those trained in it. Sterrett argues in favor of simple and clear messages that can resonate with society's needs. Any outgrown and worn-out language will do no favor to any man in need. These seasoned soldiers cry out for a better vernacular, in order for all to understand. It is an old cry that was part of the Reformation's core: the Bible and the liturgy in the language of the people. Three hundred years later the battles of the front ask for help from the church, and the case makes it that the very church that could have offered help for the soul, was unable to satisfy the need (Macbride Sterrett, 1922, p. 36).

The modernist should always look at the church as objectively as possible and evaluate her state. Sterrett, as a modernist, points to the critical fact that the church has 'never been quite dead', nor has it been 'lukewarm' (Macbride Sterrett, 1922, p. 36). This is a harsh evaluation of the institution that claims to work with the Creator of the world. However, in the mind of a modernist, such an affirmation makes sense, because truth should be presented as is, not to please statistics or the members of the church. If something is wrong with the church, it should be mentioned, because failing to do so, would impair the purpose and the mission of the church. The second part of the evaluation has to do with what the church has to say about Christ. Sterrett accuses the church of creating too many theories about Jesus and his work. There should have been less theories and more interaction with the world. Theories can help the church up to a point, beyond that it can become impregnable and too hard to understand. In spite of this obvious problem, Sterrett does praise the church for constantly emphasizing the supremacy of Christ in the church (Macbride Sterrett, 1922, p. 36). If Christ is taken out of the church the very purpose and meaning of it disappears. If this were to happen, the church would invalidate its calling and mission. Thus it could be replaced by any other institution.

For Sterrett the church is an integral part of human history, in spite of its errors. In the end of his essay, Sterrett defines the church as 'an organization for the propagation of the spirit of the Master – of the disposition of the heart and mind that will further the coming of His Kingdom on earth, sanctifying all done in other spheres of man's secular life, has four aspects – a Way of Life, Polity, Doctrine and Cult' (Macbride Sterrett, 1922, p. 37).

Sterrett believes that God and church should remain an integral part of human history. However, there can be a backlash for too much familiarity with God. The familiarity with God is what Oliver Quick underlines, it can make God so much part of the believer's life and overall experience, that one might lose sight of Him, together with the dissolution of all spiritual values (Quick, 1922, pp. 50–51). In such a context, even faith can be dissolved into the experience of everyday spiritual familiarity with Him. God, Christ, church and spirituality can be downgraded by a fruitless effort to explain God to man, with the utmost perfect logic. Failure is part of the life of everyday believers. However, the effort to understand God and to present Him in a certain way, must be made in effort to help man to come closer to the spirituality of the godhead. The church, as part of human society, should carry the message of Christ. The results of a coherent presentation of God to man can lead society as a whole towards a better understanding of one's neighbor.

## Conclusions

J. Macbride Sterrett is a convinced religious modernist. He sets himself apart from the critics of early modernism by not denying the spiritual, the transcendent and the church. He also acknowledges the place of Jesus Christ in this scheme. He also understands the progress of ideology and of religious (Christian) dogma, but also that of science. They should not be in conflict. In such a context, the church plays a crucial role in stabilizing morals and values, in order to aid society in its quest for peace and social harmony. In spite of all shortcomings, Sterrett believes that the church can aid the social development.

In this essay the main points of Sterrett's argument regarding his vision of modernism were explained and compared to the perspectives of other modernists or anti-modernists of his time. His book was published almost ten years after the arguments described in the other thinkers were laid out. In spite of this it took him more than a decade to put together his entire book. His perspectives present another face of modernism, which is not known in Protestant circles. *Modernist* and *religious modernist*, at least for Sterrett, are two different things. Although some of the thinkers describes the modernist

movement as having a genuine desire to make peace between science and religion, the Romanian Baptist environment, generally, think of modernism as a complete faith-killer. Sterrett presents another face of modernism. It is one that managed to integrate the transcendent in such a way that is quite familiar to other conservative theologies.

The ideas of Sterrett are useful for the better understanding of how different patterns of thought develop within one philosophical/theological ideology or pattern of thought. Sterrett presents a user-friendly face of modernism that argues in favor of a genuine respect for the past and its usefulness for modern man. Perhaps the most important aspect of this part of Sterrett's argument is that a modernist should keep history and the heritage of ages past in a most respectful light. Therefore, being new/modern does not imply breaking with the past – as certain zealots might argue – but its genuine development for the generations to come.

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## Physical Evidence

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### Abstract

*One of the first actions that the investigation group after arriving in the crime scene or after receiving that call for a crime that has happening is ensuring that evidence and material prove found or can be found at that mentioned location. Documentation of the prove and evidence are important for the entire investigative process during all phases of criminal proceedings in general. Search, finding, photography, picking, packing, examination and presentation in court are the main steps regarding evidence, whether physical or real, whether they witnessed or en the form of statements. Given that evidence is calculated everything in crime scene, until argued the opposite, then for their management and required a cautious professional approach. This care for proper performance of the road that makes the testimony or evidence material ensures and guarantees the preservation of the chain of testimony. So this whole chain filed past the alignment of finding up to presentation trial.*

**Keywords:** scene, evidence and material evidence, chain of custody, criminal procedure

### The evidence, material evidence...

Evidence is something that legally filed with the court as a tool to prove the guilt or innocence of any particular issue. With the test means the actual data contained in the law according to the resources provided on the tests or their holders (people, animals, plants, objects, track) according to which, in a procedure regulated by positive laws, the competent authority determines the presence or not the offense, the form of guilt of a particular person and other circumstances relevant to the decision making merit. In the broad sense of the word, evidence can be defined as the established fact that serves to define the other facts (**Prof. dr. sc. Dushko Modly**, TEORITË BASHKËKOHORE KRIMINALISTIKE, Original title:“**Suvremene Kriminalističke Teorije**“ translating from croatian: prof. **Mustafë Reçica**, Sarajevë / **Prishtinë**, 15. 01. 2007, FSK/S - 14/06, page 120.)

The evidence, as evidence must be objective about the subject matter of argument. Cannot figure as proof not only the fact that present information, which enable the completion of the criminal offense and the offender (same).

The evidence must be relevant objective. These tests are born with planning, preparation, execution, and concealment and use "fruits" of the offense in a manner that came in correlation with the human consciousness (witness, blaming or objects). Evidence does not create procedural body with its actions, but it causes only the commission of the offense in the process of reciprocal action, coherence with the holder of evidence, the source of evidence, the information signal. The proof is always in the secondary relationship to the offense and the offender as perpetrators and primary element. Word is here to distinguish between the facts in dispute (thema probandi) and probation(same). Exhibits are items that have served as tools for the realization of the offense or on which there are traces or have been subjected to actions of the defendant, the product of the offense and any other property that allowed confiscated under article 36 of the Criminal Code of Republic of Albania and any other item that might help to clarify the circumstances of the case (Gentian Trenova, Interpretime gjyqësore të Kodit të Procedurës Penale (ripunim), fq. 220, neni 187, " DITA 200", Tiranë 2009)

### Collection of the evidence

Tracks and material evidence to be sought in some countries and individuals as follows:

- a. crime scene** - mostly where we encounter traces and evidence. Since the event has already occurred, then the scene has traces and material evidence related to the case or event. You take a professional approach of the team that conducts the examination, in research, fixing and making these trails and exhibits
- b. victim** - even to victims have traces and material evidence, related to the case. Regardless of what the case involved

evidence, traces or material evidence of the victim, the encounter almost always. In cases of murder, the trail that the victim may encounter is: the wounds caused by the weapon, bodily visible (if clashes or beating, etc)

**c. The suspect and his circle** - the suspect is also a potential source of evidence, trails and exhibits. Even here, as the case may encounter evidence of more diverse. With district suspects understand the place where the suspect has left (hidden) items or place used after the commission of the offense, whether to hide the means by which the offender, whether to hide evidence and testimony received by the crime scene (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, "Dëshmitë Fizike", Vushtri, Kosovo 2002)

During the inspection must be done carefully, tracks and physical evidence found there, gather, and prioritize trail will be collected first. The tracks are more sensitive to such: fingerprints, blood and other fluids, should take precedence over the meeting, but always taking care and maintaining the track and other material evidence. These traces and material evidence has advantages, precisely because it can break down more easily. Weather conditions: rain, snow, high temperatures are the main factor that affects the decay or contamination of this paradigm.

After fixation, photographing, measuring, these traces and material evidence collected need of care. To achieve a great amount of confidence in these tests, the investigator must be able to care for their collection. So, the investigator must know how to collect, mark, label, hold this evidence in order laboratory tests or examinations will follow and their presentation in court, to be valid and have high reliability (Criminal Investigations, Charles R. SWANSON, Neil C. CHAMELIN, Leonard TERRITO, 7th, ed .2000, page 52)

## **Some types of evidence**

### **probative evidence**

is it evidence which has the form of a declaration or given oath. This evidence is usually subject to questions and additional clarification.

Real physical evidence is any evidence that stability objective might be what dimension, size or form, hair (the rape) juice burning (cases of arson), vehicle (accidents)

### **Chain of custody**

Chain of custody shows all past evidence ranging from: finding, collection, packing, transportation, examination, preservation, presentation in court.

## **Reasons for Conservation of Physical Test**

### **Personality (individuality)**

It's what makes a thing different from all the others that are similar to it.

### **Categories Features**

Evidence which is identified with its setting in the special category. Example: hair, blood group, tracks shoes.

### **Rare Cases**

Perfecting the skill of perceiving things under inadequate time, place and circumstances accompanied me material evidence found near the scene.

### **Probability**

Probability of connection that may have with a given situation can be very high when there are a certain number of factors that correspond.

## **Transfer Theory**



The two objects in contact with each other; in this case becomes transfer (exchange) of a quantity of particulate material or from one object to another.

### Comparisons

Specific point of comparison between the two objects is clearly overlapping physical.

The crime scene technician should also compare the suspect to the crime scene or the suspect with the victim.

### The purpose of Physical Test

1. For to prove that an offense was committed or to form key elements of the offense.
2. To connect the suspect to the victim or the scene.
3. To form the identity of the persons dealing with the offense.
4. To the innocent is justified
5. The testimony of the victim confirmed
6. To make the suspect to confess, even to plead guilty
7. False evidence can help in finding the truth.
8. Physical evidence may be of greater importance than the testimony of an eyewitness

### The purpose of evidence, trails and exhibits

**1. To establish that an offense has been committed or to form key elements of the offense** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, " Dëshmitë Fizike", Vushtrri, Kosovo 2002)

- used trail and exhibits, visible or invisible, proving that certain criminal offense was committed at the scene. The presence of traces and material evidence confirms or establish key elements of the offense. The presence of the victim in cases of homicide, traces of blood, shells, etc., proves that there has been an event, which consequently have a victim shot and all the tracks or exhibits that we have encountered, we confirm that it is committing an offense.

**2. To display the suspect with the victim or the scene** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, " Dëshmitë Fizike", Vushtrri, Kosovo 2002)

The presence of traces of the blood of the suspect in the victim's body or clothes more clearly establishes their relationship. In cases of sexual assault, the presence of trace evidences (hairs, body fluids etc.) Shows the relationship or contact that had the suspect and the victim, at the time when it was committed or attempted to commit a criminal. Linking suspects to the scene is almost inevitable, since every scene is impossible that there is no trace or material evidence left by the suspect or the tools he used while conducting crime.

**3. To form the identity of the persons dealing with the offense** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, " Dëshmitë Fizike", Vushtrri, Kosovo 2002) - the presence of fingerprints, which were found at the scene, their examination along with other investigative actions, form the identity of the persons dealing with the offense committed. Finding and fingerprint examination also serves to eliminate the so-called (Eliminimi bëhet për të sqaruar prezencën e gjurmëve të gishtërinjve, që janë gjetur në një vend të caktuar, të cilat i përkasin pronarit të shtëpisë së vjedhur, në rastet e vjedhjeve), carried out during the initial phase of the investigation.

**4. exculpating the innocent** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, " Dëshmitë Fizike", Vushtrri, Kosovo 2002) - We must not forget the fact that traces and material evidence blame someone for an offense he committed, but the same steps of exhibits, exonerate the innocent. If the person against whom it is filed suspicion of having committed a particular offense, provides evidence that argue his statement that he was not participating in that work, and that at the time when the offense was committed, he was abroad and that the documents with stamps in his passport, then we can say that, based on evidence that has provided, he justified himself.

**5. To verify the testimony of the victim** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, " Dëshmitë Fizike", Vushtrri, Kosovo 2002) - During the examination of the different countries where

criminal offenses have been committed, ever shall determine the victim's testimony, because it can be fabricated by the victim or can be changed and enlarged. In cases of theft, it should be seen well from where it got the thing for which his statements. If necessary, they should consult experts of economic crime, to analyze data and collected all the necessary evidence to prove the victim's testimony. It may happen that, for the benefit of his / her victims to exaggerate claims, or declare if there was a case in point that would later bring various benefits (eg insurance companies, health, or other agencies etc.)

**6. Make the suspect to confess, even to plead guilty** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, "Dëshmitë Fizike", Vushtri, Kosovo 2002) - When the suspect confronted with facts that are presented by investigators, he can fall into a situation where states, even admits that he has committed or participated in the commission of that offense. All this is just confronted the suspect with evidence, material evidence which clearly show the presence or assistance given by him to commit a criminal, even if he himself has committed the offense in question.

**7. false evidence can help in finding the truth** (Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, "Dëshmitë Fizike", Vushtri, Kosovo 2002) - If the statement given by a particular person, which means that someone has set fire to his bar and that's not true, but is invented by him for personal gain, then collected evidence and physical evidence that the investigation team finds during the examination of the scene, and the statements of eyewitnesses. If they indicate that this person has set fire to himself, and then we can say that, trying to present false evidence, he has already helped in finding the truth.

**8. The physical evidence may be of greater importance than the testimony of an eyewitness** Basic Course of Forensics, Physical Evidence, Kursi Bazik i Teknikës Kriminalistike, "Dëshmitë Fizike", Vushtri, Kosovo 2002)

Testimony and evidence provided by the investigation team, which was collected during the investigation (either during the examination of the scene, or during the subsequent investigations) are of particular importance and are almost more important than the testimony of witness's eye. This is because, witnesses could not remember precisely how it happened, might be afraid to tell the truth, as I could also be threatened, and the evidence and material facts always speak for themselves, without fear from anyone.

The collection of these tests be done in the best possible way, crime scene investigator must be careful to:

- a. Evolution of traces and evidence and
- b. their description

### **Evaluation of tracks and material evidence**

The question that often arises from the scene investigators is: if the object is suspected as trace or evidence, is really a trace or evidence. Also required and detected traces of material evidence in the places where there are facilities justified the presence of the perpetrator of the crime, but in the case of the offense. The investigator determines that given the circumstances and conditions of the scene, making the right and professional evaluation. If you come to the conclusion that certain object is trace or material evidence, then it must be noted in the notes of evidence and what evidence should be taken properly. By no means should not rash to assess whether it is or not trace or material evidence, the assessment is done only after certain control and conclude that trace or evidence material to the circumstances, conditions and opportunities that allowed us to the scene (Protection and searching the crime scene. Vushtri Kosovo 2002) .

### **Description (Determination)**

That tracks and material evidence collected, to know exactly from where they were taken and collected, crime scene investigator should these traces and material evidence to identify later. To achieve this in the right way, should the investigator to mark and label the evidence so that, when necessary, he may be able to identify them. These notes and labels should be placed in evidence, etc. in their packaging, and all these must be recorded in the notes. In some type of packing material evidence, packaging paper, required some information as where evidence was found, by whom, when,

etc. Further, the placement of traces card or unknown latent prints, required information where it is found the way, when, by whom; even required, by the drawing, the present location where it was found.

### Marking the tracks and material evidence

Note the traces and material evidence becomes so investigator, later, to be able to know where the received trace or evidence and present it in the time that is required. Notes test placed in that position where non-perishable invisible features and tracks found in. These notes or signs are placed, if possible, in locations invisible (object, tool etc.) Or in the box or envelope, or paper, plastic bags, etc. and marked with signs that the investigator will identify in his record. Preferably metal pencil sharp, as with other colors can be deleted or lose later.

These tests should also have their labels. These must be recorded the date, time, place where the evidence is taken, the name of the investigator who obtained the description of distinguishing marks or their names. Each test must have own distinctive mark by other evidence, the same by appearance, in order not to join the other as a single test. This note can also be based on the numbers that were originally set during the processing of the scene. Note the clarity and full of traces and material evidence is also important to avoid any damage to their intentional or negligent.



Fig. 8 bar closing and packaging of evidence (photo by:  
[https://www.lynnpeavey.com/product\\_info.php?cPath=30&products\\_id=650](https://www.lynnpeavey.com/product_info.php?cPath=30&products_id=650))

**EVIDENCE**

Case No. \_\_\_\_\_ Inventory # \_\_\_\_\_  
Type of offense \_\_\_\_\_  
Description of evidence \_\_\_\_\_  
Suspect \_\_\_\_\_  
Victim \_\_\_\_\_  
Date and time of recovery \_\_\_\_\_  
Location of recovery \_\_\_\_\_  
Recovered by \_\_\_\_\_

**CHAIN OF POSSESSION**

Received from \_\_\_\_\_  
By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM  
Received from \_\_\_\_\_  
By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM  
Received from \_\_\_\_\_  
By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM


 LYNN PEAVEY COMPANY 800-255-6499

Fig. 9 Information on the packaging of evidence  
[https://www.lynnpeavey.com/product\\_info.php?cPath=30&products\\_id=581](https://www.lynnpeavey.com/product_info.php?cPath=30&products_id=581)

## The Genogram in Helping Relationship

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### Abstract

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

**Keywords:** genogram, helping, relationship

### Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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### Abstract

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

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

### Introduction

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

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

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



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

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

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

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

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

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

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

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

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

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

The Health Care Law assumes provision for citizens with the right to protect their health and provides access for all citizens to general preventive measures which should ensure healthy environment, systematic health examinations and other measures and activities to prevent diseases. That assumes health care for all citizens by taking measures and activities for preservation and promotion of health, preventive, diagnostic - therapeutic and rehabilitation measures based on principles

of: accessibility, rationality and continuity. Drug addiction as a complex social and health problem requires a long-term healing process and individual approach to persons by providing multi-professional teams for assistance.

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

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

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

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

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

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

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

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

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

## 1. HEALTH CARE FOR DRUG USERS

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

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

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

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

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

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

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

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

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

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

In Macedonia there is a complete absence of a specially designed program for the treatment of minors for drug addiction. Drug addicted persons who are younger than 18 years instead of being included in special treatment programs, are fully marginalized and discriminated. This current problem has been more increasingly emphasized by the civil sector and indicates the violation of the rights of children and their inability to be provided with adequate health services and health care.

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

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

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

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

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

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

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

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

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

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

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

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

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

The services of providing information, advice on treatment of addiction and referral to a competent institution that should be provided to children who use drugs are very limited. This category of children mainly receive assistance in kind such as food, clothing and hygienic supplies which indicates to the poor financial situation of these drug users. Part of the juvenile drug users received counseling and were referred to use services for homeless in the Shelter for homeless people in Skopje.

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

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

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

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

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

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

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

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

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

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

The process of social services begins with establishing contact with drug user, conducting personal needs assessment, planning services to mitigate the risks in his/her surrounding. Planning the support that will enable connection with the primary social network of beneficiary, planning development of the client in areas that will contribute to improvement of participative interaction in the surrounding. Social services may be administered as day care services in a community, advisory-therapeutic and social educative services as well as services for independent living. Offered services are

complimentary and related to other offered services. The services include a plan for continues monitoring and evaluation of planned and achieved goals and revision of the planned activities depending on the changes occurring at particular drug user and their environment.

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

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

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

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

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

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

The Ombudsman has identified:

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

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

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



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

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

## CONCLUSION

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

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

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

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

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

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

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

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

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

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## Regulation of Electronic Communications Market

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### Abstract

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

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

### Introduction

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

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

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

<sup>2</sup> Law no. 9121, dated 28.7.2003 "On Protection of Competition" amended;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such market its characteristics for entrepreneurs/entrepreneurs among others evaluated over the control infrastructure factors, over the technological advantages or individual superiority in relation to other competitors in the market, facilities for privileged access to the capital market and financial resources as well as countervailing power of purchasers. Considering the advantages of entrepreneur/entrepreneurs on their opportunities for diversification of products/services as

well as their weight and influencing factors stemming from economies of scale or advantages that have for development of network sales or supply chain.

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

### **Conclusions:**

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

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

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

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

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## Cases Where Soft Power is Being Ignored

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### Abstract

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

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

### Introduction

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

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

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

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

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

There is much criticism today about US overreliance on hard power which is not restoring the image of US as a power that knows how to exploit “political means like dialogue, respectful multilateralism, and the use of new media” (Lagon 2011), on the other hand efforts, military actions and logistic expenses to counter terrorism are not generating any bold perspective in understanding or digging more on the impetus, dynamics, social-economic and ideological factors that drive terrorist



organizations or groups to violent acts, and moreover factors that drive people to engage with terrorist organizations and such acts. All this would mean to go into the heart of the problem and "to address this problem has to begin by understanding its origins" (Walt 2015). There is "a vast counterterrorism industry, much bigger intelligence budgets, and more energetic government surveillance, but the basic counterterrorist playbook has evolved little over the past 20 years" (Ibid 2015) Even terrorist groups use soft power instruments and social media to attract people from different age groups, more specifically from the younger generation and spread their influence in different parts of the world. Admittedly, extremist groups know how to use soft power means and mechanisms. "These organizations deployed in different regions of the world spread their ideology thanks to the educational programs developed especially towards the youth. Soft power instruments used by states in combating terrorism are implemented more effectively by terrorist organizations like Al-Qaeda; schools and madrasas in countries such as Pakistan and Syria are put to use to brainwash the youngsters and these threats exist also in Saudi Arabia and Indonesia." (Blose 2014) Meanwhile in a time when "USA is losing the information war of ideas and that the international public is starting to express doubts about the war on terrorism" (Pešto 2010), media as well isn't playing a valuable role (since public diplomacy "is used for media consumption" (McEvoy-Levy 2001:2)) in facing or fighting terrorism by giving forehead news and publicity to the successive terrorists acts that continue to happen time after time, instead of doing more to "discredit, marginalize, spoof, and embarrass" (Walt 2015) these acts of violence. Social media could play a more constructive role in helping to fight these phenomena if they could use smart ways to describe and broadcast acts of violence like for instance "ways to discredit extremist movements" or "make them look ridiculous, so that joining or backing them is seen as stupid, uncool, or embarrassing". (Ibid 2015) In this case probably soft power-public diplomacy has been misguided in "portraying the Islamic State and its ilk as cruel, cunning, fanatical, dedicated, dangerous" instead of finding the right messages to convey regarding this phenomena in order to prohibit the young generation to engage with such groups or terrorist organizations. On the other side Europe has been facing hardships by massive migration and terrorism. Although EU is characterized by its soft power, the mass migration crises and the events and attacks that happened in Paris, Istanbul and Cologne are putting the Schengen agreement into question because of the immigrant influx and terrorism threats. The open-door policy that EU had toward the immigrants acted as a sort of "openness for assistance" or as an invitation for cultural approach in this globalization era of values, but the consecutive above mentioned acts are risking to shake the very foundations of the European Union. In this case the application of EU soft power policies would be meaningless if Europe risks to collapse because of these rapid and unpredicted crises. When EU German President Martin Schultz declares "Nobody knows what we are facing this year. We are threatened as never before"<sup>1</sup>, that means that an edifice established with lots of sacrifices for many decades is not only risking crumbling but is also fragile, therefore vision and solidarity is required to eliminate the consequences of a huge crises, now already inside the house of EU. Whether a combination of soft and hard power will be exploited<sup>2</sup> in order to deal with this crisis remains to be seen. At the moment "division and mistrust" (Hewitt 2016) is prevailing. The conflict in Syria has had a negative impact not only across the region but also for the EU. When there is friction and clash between great powers, tensions are reflected in other regions and countries related to these great powers. When Mustafa Kemal Atatürk first pronounced "Peace at home, peace in the world"<sup>3</sup>, it was as though he was ahead of his time, since the world has become a global village and so

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

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

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

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

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

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

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



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

## Conclusions

Today, in a world order made of growing complexities and "inter-connectedness" (Riordan 2004:8) soft power remains still the other face of the coin, to get the outcomes one wishes to obtain by exploiting values of example, influence and admiration. While some regions finds themselves in total dark and austerity, global powers have failed to tackle most

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

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

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

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

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

Msc. Blegina Bezo (Hasko)

### Abstract

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

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

### Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As mentioned earlier engagement in civic families, was actually carried out by parents, the girl was requested a formal opinion, or simply informed of the engagement. These kinds of connections, initiative and decision of the parents, made them carry a great responsibility for the further progress of the life of their children. In general, the engagement is respected

as "institution of the oldest" which meant the oldest children. To be engaged prior to the release queue was unlikely, children betrothed in order. Interviews show that this queue was sometimes unaffected by gender. However these were isolated cases, as the queue is usually respected only among girls. Also in certain areas it is a custom for the younger sister to get married before her brother. It happened not infrequently that any physical deformation of the oldest girl delayed the engagements of her younger sisters, until her partner was found as well.

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

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

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

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

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

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

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

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

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

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

Unlike today, the future of children in past centuries was decided not only by the close family but also the rest of the relatives. The boy's family answers: "Of course you will have to discuss, but do not take long." Here's where hope first

blossoms. In case of a negative response, which was never given at the moment, but the next morning the girl would've been promised to another family. For that all measures had been taken. Such was the honor, dignity and pride of Himara.

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

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

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

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

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

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

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

After the date of the engagement was set, began the visits between the couple's relatives, except for the couple itself. Various pretexts were used, such as randomly dropping by, request for help, or borrowing cattle. The day of the engagement the boy's family came to the bride's side. In this visit, all members of the family of the house of the girl were forced to wait outside the gate. Group hosts were composed by leading men of the family and tribe, and two or three married women who were older than the bride.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the past (previous generations), and nowadays as well, engagement in our current society is built on the basis of different interests that satisfy the needs and conditions that partners have set for each other as necessities of a possible marriage



in the future. Aforementioned qualities were once deemed necessary to develop a solid foundation for engagement, but nowadays these qualities and requirements are totally different and we can say with complete assurance that they are wrong. This has also caused more frequent divorces amongst young couples.

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

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

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

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

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

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

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

Today engagement is made with the consent of the young (boy and girl), which leads to think that young people have now been liberated from the habits and interests with weak motives based on tradition of the past, when engagements were arranged by the parents, not considering their children's will. But today, engagements, although happening with the consent of the young, is still not built based on the qualities and features mentioned above, as most of engagements occur mainly based on the economic situation of the partner without expecting any redeeming qualities from the partner. And it's a criteria on which most parents usually agree on.

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

## Components that Enhance Class Motivation in a Class Situation

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### Abstract

*This article states the Communicative Language Teaching (CLT). Furthermore, we studied the way; students learn a foreign language and also its impact on a class motivation. Initially, it is studied the literature regarding the Method of Communication and its advantages compared to other methods. Moreover, it was conducted a research by observing some of the schools in urban and rural areas, to see how this method is implemented in our schools. At the same time conducting a research that included in itself a motivation questionnaire in a teaching/class situation, in order to see which method was more effective in motivating students of English Language Teaching.*

**Keywords:** component; Communication Language Teaching - Method; Motivation; Teaching; Constructive theory

### Introduction

Students' motivation is one of the key elements in their performance. Authors made researches regarding different kind of motivation. They used different names of motivation since used different theories in their studies. At the same time methodologist studied motivation in different aspect and different situations.

In our research we used Communicative Language Teaching as a method of Constructivism, and application of this method with impact on motivation compared to other used methods in Republic of Kosovo.

At the same time we wanted to know the motivation in a teaching/class situation, the reason why we handled a questionnaire with the questions which had to do with course, teacher's and group specific components.

### Communicative Language Teaching

Speaking about CLT characteristics (Richards, 2006), emphasis that people learn one language when they use it to do things, rather than by studying its functions, we have a lot of different examples where students learned a second foreign language because of their needs for that kind of language. According to this, we can say that the students' motivation to learn a specific language was because of the need.

Communication method is a method which does not stress practicing the rules. According to scholars of this method it is important to speak a language but not to tell me how language works. There are a lot of people who use the language in real communication and most of them did not follow even a single foreign language course which means that they lack a significant structural and grammatical rules of the language but as Jack Richard points out, mistakes are not important so they are tolerated, the most important thing is to use communication or to speak a language and to understand each other in order to communicate.

English of twenty-first century should be the English of communication, where people want to be able to communicate among themselves and therefore researchers of English language when speaking about English language pronunciation and terminology, use different names for their English language speaking, such as: American English, British English, Chinese English, Albanian English, Russian English, etc. People are not interested in how they are stressing the word or a

sentence, they want to be understood. Therefore, (Richards, 2006) states that language competence is, its usage to the purposes and functions.

### **How do students learn a language?**

Most authors, stated that learning a foreign language in the past considered as mechanical. They also put emphasis on precision and accuracy of a language. This means that students had to compile grammatically correct sentences without even a single grammatical mistake in morphology and syntactic. My opinion is that this method makes student highly dependent from the teacher, not giving much opportunities to students to communicate in a relaxed way, among teachers and students, as well as students themselves. Students would learn things by heart, which they can be known at present but not to be able to produce knowledge at the moment they needed.

The constructive theory with the method of communication has a different point of view compared to some other methods where the student becomes the centre of the class and where the teacher is only a facilitator.

(Richards, 2006) describes learning through Communication method as follows:

- Interactivity between language learners and speakers.
- Creating a collaborative (cooperative) meaning.
- Establish a meaningful interactivity through a language.
- Learning through a student participation feedback when they learn or use a language.
- Being carefully about the language they hear (the input) and attempt to incorporate new forms with anyone who develops communicative competences.
- Attempt of using the language and experiment with various forms of the language.

The broad aim of CLT is to apply theoretical perspective of communicative approach making communicative competence a purpose of teaching and accepting interconnection of a language and communication (Diane, 2000).

(Richards, 2006) when speaking about his experience in a class where is used CLT, he speaks according to his class observations. Based on these observations he comes out with the following principles:

Whenever possible "authentic language" should be used – a language that is used in a real context.

Being able to convey the goals of speaker and writer, is part of being competent in communication.

English as (target language) is a tool for communication in the classroom, and not just the object of study.

A function may have different linguistic forms. Since the focus of the course is the real use of language, then it is presented along with a wide range of varieties of linguistic forms. We should emphasize the process of communication but not on language forms.

Games are important, as they have clear features, shared with real communicative events.

Also, the speaker takes immediate/instant feedback by the listener, no matter if he / she have made a successful communication.

As activity as a goal has the fluency of a language, the teacher does not correct the student but takes notes for the student's mistakes and later discusses with the class.

### **Motivation**

According to (Musai, "Psikologji Edukimi ( Zhvillimi, të nxënës, mësimdhënia)", 1999) "Motivation is the general process, from which starts behavior and later is directed towards a goal".

Motivation is defined as psychological composition as incentive (stimulus), the behavior or taken action (Della Chiesa, B., J. Scott and C. Hinton(eds.), 2012).

Talking about internal motivations, it is referred to personal motivation, which is a personal engagement in an activity, which has to do with pleasing, interesting or rewarding. (Della Chiesa, B., J. Scott and C. Hinton(eds.), 2012).

Motivated intrinsic behaviors are rewards which come from within, (satisfaction of doing a task, or the satisfaction of curiosity). (Deci, Edward L. & Richard M. Ryan, 1985), quoted by D. Zoltan indicate that intrinsic motivation is potentially the main motive of education processes. But extrinsic motivation is traditionally seen as something that undermines intrinsic motivation. According to the author, studies show that students lose their intrinsic interest in an activity if it has to do with Extrinsic (external) demand such as reading in school.

### Specific Motivation Components in Learning Situations

If we refer to Dorney, Z. we can see that there are three components of motivation.

- Specific motivational components of course, which include syllabus, teaching materials, teaching methodology and exercises.
- Specific motivational components of teachers, which has to do with teachers' personality, teaching style, feet back and relationship with the students.
- Specific motivational components of the group which has to do with dynamic teaching group (Dorney, 1994).

In our research we were interested in class motivation so we conducted a questionnaire which had to do with only specific components of course which include syllabus, teaching materials, teaching methodology and exercises.

### Results

According to our class observation, we came to a conclusion that Constructive theory with CLT as a teaching method is very attractive in English language teaching. As a result we have also our empirical study which shows the CLT impact on Class Motivation.

The data which are shown in the table 1. below include specific motivational components of course, such as syllabus, teaching materials, teaching methodology and exercises.

Table I.

	Q1		Q2		Q3		Q4		Q5	
	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	28.6	4.1	9.5	8.2	21.4	8.2	21.4	14.3	31.0	8.2
2.00	11.9	4.1	28.6	2.0	23.8	4.1	19.0	8.2	40.5	34.7
3.00	9.5	12.2	9.5	14.3	21.4	22.4	33.3	10.2	21.4	12.2
4.00	<b>40.5</b>	<b>30.6</b>	<b>45.2</b>	<b>53.1</b>	<b>19.0</b>	<b>30.6</b>	<b>23.8</b>	<b>34.7</b>	<b>7.1</b>	<b>24.5</b>
5.00	<b>9.5</b>	<b>49.0</b>	<b>7.1</b>	<b>22.4</b>	<b>14.3</b>	<b>34.7</b>	<b>2.4</b>	<b>32.7</b>	<b>0.0</b>	<b>20.4</b>

The numbers 1 to 5 are the categories of students' opinions presented in the methodology of this article above, and we have extracted the results for each question from Q1 to Q5 as you can see in "Table 1".

For question 1, we saw that over 49.0% of experimental students declared that they strongly agree with teaching methodology and 9.5% of the rest of the students declared that they agree with the methodology, compared to the control group where the percentage is very low for the 5<sup>th</sup> category.

We can say that almost the same positive results were gained for the rest of the questions for the experimental group as seen from the "Tab. 1".

Table II.

Q6	Q7	Q8	Q9	Q10
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	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	9.5	4.1	31.0	10.2	26.2	18.4	26.2	14.3	26.2	24.5
2.00	21.4	0.0	21.4	2.0	16.7	12.2	11.9	10.2	33.3	22.4
3.00	16.7	18.4	14.3	26.5	21.4	16.3	23.8	22.4	14.3	22.4
4.00	<b>40.5</b>	<b>44.9</b>	<b>21.4</b>	<b>34.7</b>	<b>19.0</b>	<b>16.3</b>	<b>26.2</b>	<b>32.7</b>	<b>11.9</b>	<b>18.4</b>
5.00	<b>11.9</b>	<b>32.7</b>	<b>11.9</b>	<b>26.5</b>	<b>16.7</b>	<b>36.7</b>	<b>11.9</b>	<b>20.4</b>	<b>14.3</b>	<b>12.2</b>

Numbers 6 to 10 are the categories of students' opinions presented in the methodology of this article for Specific Motivational Components of Teacher which has to do with the teacher's personality, teaching style, teacher's feedback and teacher – student relationship as seen in "Table 2".

For question 6: If the teacher is sensitive and helpful? We can conclude that experimental group is highly more motivated compared to control group. Respectively, the difference between the two groups is almost 2/1 for the category "fully agree".

Question 7: How independent are you without the teacher's interference? The data shows that the experimental group is highly better compared to control group.

Question 8: If teacher allows you to express the knowledge of what you learnt during the class? The statistics show that experimental group is slightly in a better condition in all categories compared to control group.

Question 9: If the teacher encourages you to speak with foreigners in English? We can see a very small difference between the two groups. The experimental groups with 53.1% in categories such as "fully agree" and "agree" compared to the control group with 38.1%.

Question 10: If your teacher speaks English all the time and if you use communication more than the textbooks? The data show that experimental group for the category "fully agree" and "agree" is slightly in a better position than a control group.

Table III.

	Q11		Q12		Q13		Q14		Q15	
	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	21.4	18.4	21.4	12.2	35.7	12.2	57.1	46.9	7.1	12.2
2.00	23.8	14.3	11.9	6.1	21.4	12.2	9.5	20.4	14.3	8.2
3.00	21.4	20.4	26.2	8.2	16.7	12.2	16.7	20.4	16.7	8.2
4.00	<b>23.8</b>	<b>18.4</b>	<b>26.2</b>	<b>22.4</b>	<b>19.0</b>	<b>40.8</b>	<b>11.9</b>	<b>6.1</b>	<b>19.0</b>	<b>32.7</b>
5.00	<b>9.5</b>	<b>28.6</b>	<b>14.3</b>	<b>51.0</b>	<b>7.1</b>	<b>22.4</b>	<b>4.8</b>	<b>6.1</b>	<b>42.9</b>	<b>38.8</b>

Referring to tab.3, questions 11 to 15 which have to do with the specific motivational components of the group which has to do with the dynamics of the learning group.

In general statistics show that specific motivational components of the group are better for the experimental group compared to control group.

### Discussion and Conclusion

After the empirical research about motivation and literature review that includes the CLT and other applied methods in our schools, we came to a conclusion that the class motivation using CLT is significantly higher using CLT compared other methods which are used in Kosovo schools.

The experiment shows that data for experimental groups in urban area are higher compared to control group.

The research shows that almost all specific motivational components such as course, teacher's and groups are increased using the CLT as teaching Method compared to standard methods used by teachers where the research was committed.

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## Direct Participation of Citizen in Democratic Decision Making at the Local Level

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### Abstract

*The Essence every proper democracy is characterized by the level of participation of citizens in decision-making for different local issues and affairs. The right of direct participation of citizens in decision-making on local issues proclaimed even by the norms prescribed by domestic legal frame (countries apart) but also internationally, which determine in an almost standardize form the participation of citizens in decision-making such as civic initiatives, gatherings of citizens, referendum, public audience, polls, surveys, petitions etc. Through these forms of participation citizens are directly involved in making decisions about local affairs and issues related to the life and the common interests of the local level. Therefore, people with their participation can influence in decision-making in various fields, such as, in the area of decision-making for local policies dealing with legal acts (regulations and other local acts), plans and programs, as well as concrete development projects at the local level. The object of this paper deals with the most common forms of citizen's participation in decision making at the local level which are illustrated with some concrete examples on how is regulated by legal norms and practically implemented in some countries with developed democracies: the USA, Great Britain, Switzerland and the countries of Central and Southeastern Europe such as Estonia, Hungary, Kosovo.*

**Keywords:** citizen, participation, establishment, law, local self-government, referendum.

### Introduction

The first level where the democracy begins and testes is exactly the local government, precisely the first level of local government. Local government is the first gate where the citizen has the chance to be active in local government unit and get the necessary experience to participate in higher levels and develop the democratic and political culture.

In order to achieve this, the citizen shall be provided these three basic conditions:

1. If the citizen is guaranteed the legal framework of the right to participate in decision-making on local character;
2. If the local authorities have the political will to implement the legal framework and
3. If there is awareness and readiness of the citizen for using his rights to affect local decision - making.

The right on local self-government or its participation whether direct or indirect citizens in deciding on public affairs of common interest it is provided not only by national legislation (Constitution<sup>1</sup>, law, statute) but also by the European Charter on local self-government<sup>2</sup>, which defines local self-government as a group of local institutions that have the right but also the obligation that certain citizens of the local community to enable, directly or through their representatives, to govern certain public affairs relatively in independent manner, in their own responsibility and for their own interests. The participatory approach of policymaking and lawmaking at EU and Member States also is rooted in the Lisbon Treaty<sup>3</sup>. More specifically, Article 10 provides that "every citizen has the right to 'participation in the democratic life of EU; decisions will be taken in the most transparent and as close to the citizen ".

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1 The Constitution of the Republic of Kosovo, Pristina, 2008 Section, 2,123,124.

2 European Charter of Local Self-Government, adopted by the Council of Europe in 1985, Strasbourg

3 The consolidated version of the Treaty on European Union; [http // eur-lex.europa.eu](http://eur-lex.europa.eu)

## **2. The forms of direct participation of citizens in the democratic decisions**

Every proper democratic system of local self-government to perform its functions and to meet the set out democratic principles is obliged to incorporate forms of direct participation of citizens in the decision-making process on local importance issues. Since citizens have no legal forum to decide on various issues, the possibility of their involvement in the process of establishing democratic forms and their participation in almost all systems of local self-government is regulated by the provisions of constitution, law and statute local self-government unit.

Since the regulation of local self-government system varies from one country to another, the framework of forms for democratic participation of citizens is changing, not only by their volume, but also the manner of organization, depends as required by legal regulations.

The most characteristic and frequent forms of participation of citizens in the process of direct democracy, which enable the participation in local affairs, to decide in the unit of local self-government, especially in the matters of meeting the daily needs are: public polls (surveys), civic initiative, public audience, gatherings of citizens referendum and also other forms, such as petition and complaint.

### **2.1. Public Polls (surveys)**

To decide on local issues there are several public opinion surveys organized on specific issues. Through these surveys for a certain issue, citizens are asked directly. Citizens' opinions can be expressed instantly, orally or in writing, for specific issues. This form of citizen participation in the process of decision is made in order to gather the opinions of citizens, ordinary or representative category, to clarify any political event, economic issues or other matters of general interest. For example, public opinion is required for the initiative, adoption, amendment or cancellation of a legal act of the municipal council or executive body of the municipality.

Usually, public opinion polls are organized via public media (newspapers, radio, television, electronic portals, but not ruled out other forms, such as specialized companies dealing with this activity.

The survey of public opinion as a form of citizen participation in the decision making process on local issues, practiced in almost all the countries with a developed democracy. Thus, for example, in Estonia this form is justified as: "To decide on local issues can be public opinion polls or a referendum. At least 1% of citizens of the local unit, but not more than 5% of its inhabitants, can vote, have the right of initiative for the approval, modification or cancelation of a legal act of the Council, or executive local government<sup>1</sup>. "It is common practice that the results of the survey are published, or presented in written (the report) to the relevant authority for the thoughts and decisions arising from the implementation of specific survey.

### **2.2. Civic Initiative (people)**

Civic Initiative (people), as a democratic institution, is old and known since ancient Greece, as *vox populi*- as the voice of the people as a form of democratic expression. Even though the range of involvement of the scope of functions and duties of local governments is large, for some cases with interest, bodies of this level of government cannot, or do not need to solve at certain moments, in cases when they are not in their competence, they are not included in the work plan, annual budget, or activity program, then these bodies pursue alternative way, for certain issues want to listen the voice of the people, which is their desire and determination of the matter.

The difference to the survey, which comes and reflects by the certain body of the relevant local government unit (the Council or the Executive Body), the initiative comes from the citizens, as a form of democratic expression. Initiative should be understood, primarily, as interest, which is a reflection and an opposite direction from the definition of local government; its purpose is to meet or conduct public affairs in the interest of the local population. People initiatives often can not be limited

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<sup>1</sup> Local governments in Central and Eastern Europe and in the community of independent states. Anthology of the Institute for Local Self-Government and public services, Budapest, 1994, p 83



to local boundaries, because sometimes it exceeds these limits. This primarily depends on the purpose of the request submitted and the level of its completion.

Civic initiatives as a form of democratic expression is known almost in all democratic countries, but it is more expressed in the USA, often known as a petition. Thus, "a group of people formulate a joint proposal, which convey a significant number of signatures also other people and address the representative body to decide on the proposal" <sup>1</sup>. Through this form, which in Anglo-Saxon countries, in particular in the USA, citizens regulate issues of local concern mainly in the cities, where the local administration (government) doesn't pay any special importance to certain issues, which remain to be initiated by the citizens.

People initiatives as a form of democratic expression and opportunity to achieve certain goals of citizens interest, among countries with developed democratic system, is practiced in all countries of Eastern Europe that passed the transition. This form of citizen participation is already a legal category as well, e.g. In Hungary, the people initiative is provided by the special provision, under which: "It is possible that people initiative to be submitted to the Council related to any matter of the scope of its authority. The electorate 5-10% of voters may file the people initiative to the mayor. It is his obligation to discuss and decide on the people initiative at his closest meeting" <sup>2</sup>. Even with the Law on Local Self-Government in Kosovo, the Citizens' Initiative is regulated by the Article 70. which allows citizens to take initiatives for local issues, but must be signed by 15% of the registered electorate in the certain municipality.

### 2.3. Public Audience

Public audience, as a new form of democratic expression, is mainly related to the corresponding activity and the way of solutions to numerous problems that concern citizens locally. It is the practice in almost all local governance systems; local government authorities (in most of the cases mayors) organize public audiences, where citizens and representatives of local organizations can ask questions and have proposals on issues of public interest.

This is a form of expression, where citizens can directly engage in the nomination process, but also the determination of the public interest issues. Thus, the public audience now cannot be understood only as a matter of politeness and courtesy, which at some time characterized spiritual leaders, or leaders. Public audience, as a democratic institution, has taken the form of a mandatory legal provision at the local level, not only in countries with developed democracy but also in other countries that successfully passed the democratic transition. Thus, by the law on municipalities in Hungary, there is a provision with special regard which regulates the form of organization and holding the public audiences. With this provision, "The Council, after being notified in advance, invites citizens in public audiences to local officials-mayor, which are mandatory required to be held once a year." <sup>3</sup>

Even with the Law on Local Self Government of Kosovo, the issue of public audience is regulated by Article 68 where the mayor is obliged twice a year to organize public meetings with citizens<sup>4</sup>, where they will be informed about projects and achievements and hearing the concerns and proposals of citizens on local issues.

### 2.4. Assemblies of citizens

The institution of the direct participation of citizens in the process of determination, is known since Ancient Greece (assemblies of polis), but as the most expressed form is still practiced in the Great Britain as "Town Assembly" which usually takes part once or twice a year in the parishes, which count under 300 residents, and do not have a chosen representative body (designated elders) <sup>5</sup>. In these assemblies, the citizens except making decisions on numerous issues, they also elect the chairman of the parish, which is usually the executive body.

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1 Same there

2 Same there . pg. 98

33 Same there. pg. 100

4 Law on Local Self-Government in Republic of Kosovo, 2008. Article 70

5 Vojislav Simovic, Municipal system and municipal politics, Prishtina, 1972, pg.86

Meanwhile, in the USA, the institution is known as "town meeting" This is in fact a special annual assembly of qualified electors. These electors gathered in the meeting, constitute the elected "legislator" body. The assembly approves basic decisions on the "politics" of the city, electing local officials, confirms the budget, approves the amount of fees, approves decisions on referendums etc.<sup>1</sup>

It is worth to underline that the decisions in the citizen's assembly are approved by majority in public form.

It is a practice that the forms of citizen's assemblies are regularly used for public discussion on the occasion of proposed projects and plans, as well as systemic ones, as well as development plans at the local level and beyond. This form of citizen participation in the decision-making process is the most common form practiced as a democratic form of direct self-government at the local level.

## 2.4. Referendum

The referendum is the most preferred among democratic forms where citizens directly decide important issues and specific problems of a self-government unit. The referendum is public, with the participation of all citizens which enjoy the right of vote. The rules of the referendum shall be determined by law<sup>2</sup>, depending on the issues raised and which have to be approved directly by citizens, members of an organization etc.

Legal and constitutional theory recognizes three forms of the referendum such as:

- State -Referendum
- Local -Referendum
- Consultative - optional Referendum

As for the matter of the issue to be decided by referendum we can distinguish: the constitutional referendum (approval of the constitution), the law referendum (approval of the law), local referendum - direct placement for any act or decision within the self-governing unit, or adoption of any document or act of an enterprise or organization (political, trade unions etc.) - institution, optional and consultative referendum.

Initiative and the decision on the referendum is taken by the competent authority for approval of the decision to go for the referendum (mostly Parliament), or by the request of citizens (a right that is recognized to a certain number), depending on how it is foreseen by the constitution or law.

Through the referendum, citizens by secret vote shall be determined **pro** or **contra** the preliminary submitted proposal. The decision taken by referendum is obligatory for the organ, which has declared the referendum. The question is what pushes representative bodies, or even its own citizens to undertake an initiative of organizing a referendum? The motives can be different and diverse. In this case we will mention three as the most common: **first**, if an issue cannot be resolved in regular procedure (e.g. In the municipal councils-City), but the question remains open (contest open). This contest is followed in arbitration solution to all citizens of certain territory, then through a referendum; **Secondly**, if an issue is too important for local government and with the risk of failure of the decision by the representative organ, then this issue is forwarded for the referendum and **thirdly**, the motive may be of political nature which is more often when resolving any vital but also sensitive issues (national aspect, religious, gender, etc.) to certain citizens of the local unit, or even wider. Also, the results of the referendum are often exploited and use as political guidelines for the serving leader to make decisions of a political nature, for example the announcement of early elections.

With the referendum can be raised all the issues with economic character, legal and political, and the final decision is whether the majority voted "pro" the proposal, actually over 50% of the total number of citizens eligible to vote in the referendum. It is the practice of many countries that by law is foreseen a series cases, where a referendum may be required.

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1 Same there. pg.87

2 In Referendum is decided by the absolute majority of voters who have been in a referendum, provided that in referendum has participated majority of the voters registered in the local government unit.

Regarding the organization and holding of referendums, especially for local issues, Switzerland and the Scandinavian countries are more well-known in this matter.

## 2.5. Other forms of participation of citizens

Through the forms of direct determination and declaration, the citizens can participate in local self-government through signature of lists for candidates (independent) of citizens in local elections, petitions, proposals and complaints. These forms of participation or declaration of citizens are regulated by law or other acts of local self-government units (statute, regulation).

**The lists of candidates (independent) of citizens for local elections** - is a more frequent form and in increasing trend of participation of citizens or groups of citizens to participate in local elections for representative bodies or candidates for the Executive Body (head union-mayor), in local self-government systems, which is elected by direct elections. Through this form of participation and determining the election of their candidates, rather than political parties, citizens are justified by the fact that their candidates represent their interest better towards local authority than candidates who hold the guise of a political party, which represents in these bodies, where on their decisions, quite often they have justification conform their political entity status.

**Petition-** is a form of reaction or "protest in writing" through which citizens ask the competent authority to take necessary measures in order to solve the problem determined at the local level. The petition is usually filed-arranged by a certain group of people, which organizes the activity of collecting signatures for it. The procedure of filing a petition is provided by law or the statute of self-government unit. The law also defines the time limits within the petition is organized and the body who is obliged to take the decision and give the response to the applicants of the petition.

**Complained-** is an individual or collective action where a citizen or group of citizens can complain about providing or not providing proper quality of public services. Every citizen has the right to complain to the competent authority at the local government unit. The procedure of filing complaint is regulated by law or municipal normative act. After filing the complaint, the body to which the complaint is filed is obliged to examine and decide (within 30 days) and return the answer to the complainant or group of complainants about its decision on the issue that was the subject of complaint

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## Personal Data Protection and the Empowerment of Civil Liberty, Justice and Security: Universal Value of Globalization

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### Abstract

*Protection of personal data and the privacy, at the time of final approval of the New Regulation on the protection of personal data, for the subjects of personal data brings hope; however, it is to believe that "in a world with protected privacy." Despite the challenge of protection of personal data in the era of colossal development of communication technology, the Internet and the major inventions of smart portable mobile devices, some new legal provisions are put in the Regulation of the EC, EU and the Parliament, in the future strengthens the protection of personal data; Freedom, justice and security, as notions that are spread in our country Kosovo, are the constitutional and legal obligations to provide stability to the country. However, the institutional strengthening of the law in this regard, with compact action (interaction) between the competent authorities within the country, our region and the competent authorities of the segment of rights and freedoms, justice and security of the EU, the EC and the European Parliament will undoubtedly bring success in the overcoming of challenges, through which the personal protection of data is going through. Strengthening of the National Authorities of personal data protection and freedom of information, is, and remains, the main input of justice, freedoms and security, now as standard globalist values.*

**Keywords:** Protection of personal data, human rights, civil liberties and security

### Introduction

In the conception of thinking and in today's living, the circumstances have completely changed in every country of the globe. This is because the speed of the individual, speed of penetration of information and speed of movement of capital. These developments are much larger in quantity and quality, compared with the time before the computers are found in the seventies. Also "discovery of the airplane in 1903, the discovery of TV 1925, discovery of computers and the Internet from 1970 to 1980", taken from [http://old.zeri.info/artikulli/8836/disa-nqa-zbulimet-me-te-medha-ne-bote\\_\(December\\_24,2015\)](http://old.zeri.info/artikulli/8836/disa-nqa-zbulimet-me-te-medha-ne-bote_(December_24,2015)); are considered epochal discoveries to humanity. Those discoveries along with the phone discovery of 1860s, and mobile phones and internet in 2000s, taken from [https://sq.wikipedia.org/wiki/Telefoni\\_\(December\\_24,\\_2015\)](https://sq.wikipedia.org/wiki/Telefoni_(December_24,_2015)), has given a new opportunity to the humanity and new approaches of development

We freely conclude that; man of this century is under the complete digitized world and his behavior now resembles the world in which he lives. In everyday's life, in an effort to achieve high standards for the man of the (XXI) century, obviously, it is very interesting, so he can control the digitized technology in order to overcome the challenges of times which he lives in. This development for the individual, in terms of violation of privacy, has two sides: that of improving of the quality of life, in terms of reaching of a quickest way of profiting, and of capital development; and that of intervention on daily basis and violation of freedoms and rights of his private life.

But what does this mean? Is there a violation of human rights in this regard? Is it jeopardized the security of the individual and the collective one? Why is it important to protect citizens' personal data? Why are important rules and knowledge on the protection of personal data? In verse of many other questions, they are almost the most frequent questions that may arise in everyday life tonnes, to be overcome-d.

We will try in continuance of this work, somehow bring to the reader: new developments, challenges that must be overcome-d, in times already the new Rules for the Protection of Personal Data of EU is moving towards approval of its final and when

in many countries on all continents have approved laws and new institutions that have begun the work of the management and supervision of the implementation of these laws.

Of course, from this view, at the end will come also the results, of an interest to all of us that can be satisfied by access of points of view other of various experts, but success will undoubtedly be our common goal of all of us the ruling of law, human rights and fundamental freedoms, protection of personal data and security in general. For the best times, we should work together in the field of data protection. Anyways, marking the International Privacy Day, 28<sup>th</sup> of January 2016, will mark the positive curves and the best day for the protection of personal data.

## Methods

We oriented work of this thesis are used methods: Empirical, Analytical and Inductive

## Challenges in the field of protection of personal data

Discoveries in the field of digital technology continue in unstoppable ways of filling of our markets. Functionalization of new computer equipments of different sizes to those of the pocket portable ones, with possible connection to the internet search of huge engine capacity, our world has become an integral part of all areas of work and of human life's. Therefore, the challenge for the protection of data is growing, so it requires our attention and preoccupation to set priority objectives in this area, at the international level. To understand how and how much we are endangered due to interference and possible misuse? In the following we give a brief overview of concerns in the data privacy and protection of personal data in various fields of life and work in different countries:

In an article posted on December 19, 2013, over 46 recommendations for changing the US surveillance practices of article "The White House publishes a report on interception", to bring release from Day newspaper; it is a clear harassment and preoccupation of the US, which says: "The Obama administration has said it is considering how to best use its ability to gather information in the national security interest of the United States, without unnecessarily encroaching on civil liberties and personal privacy." Taken from the: <http://www.gazetadita.al/shtepia-e-bardhe-publikon-raportin-mpi-pergjimet> (seen on 29.12.2015).

Meanwhile, the function of safety when we are all witnesses of the terrorist attacks in November 2015 in Paris, France, where the ISIS terrorists have killed 130 innocent civilians, protection of individual and collective and public property is and remains a main concern. But, namely personal data and their violation, was and is the main focus of the evildoers.

Working across in processing of their rights also legal rights, will narrow the possibility of misuse, by groups of individual hacking into personal information for terrorist purposes called as "Terrorist Cyber Crimes" ("Cyber terrorism").

In this regard for the first time we have seen the case, that by use of computer equipments the terrorist organizations were supported. So, in October 2015 has happened the arrest of Ardit Ferizi in Malaysia, a young man originally from Kosovo, due to abuse of cyber theft of personal data of US service members, most had that data transferred to a hacker in the Islamic State, where according to the Washington Post, as reported by Telegraph, this is the first time that US prosecutors have charged a suspected cyber terrorism in plains of hacker, taken from the <http://www.telegرافي.com/lajme/ardit-ferizi-personi-i-pare-qe-akuzohet-per-terrorizem-kibernetik-ne-shba-2-77775.html> (December 26, 2015)

Cyber attacks and various interventions in the official websites of banking systems have also become, almost, an everyday occurrence. Cyber attacks on the banking system are causing losses of hundreds of millions of euros. Improvement of digital bank services and their advance has made progress, where the services of hundreds - millions of clients are performed through mobile phones as so called the "online services". Therefore, this service at this time is greatly challenged and remains the target of cyber attacks, hackers and abusers of informational technology. Thus, according to the news, "Hurriyet Daily News" the newspaper Express, brings an information about the biweekly cyber attack, by a group of hackers which has culminated on December 24, 2015, causing serious problems in digital banking services of Turkey, resulting in the blocking of access to online banking services to some of the financial institutions with a large number of clients, taken from [Follow @gazetaexpress](http://www.gazetaexpress.com) (December 26, 2015:18.00h). Digital banking services in Turkey reaches their transactions around 2 millions of Turkish lira, where 85 percent of them are made from mobile phone services.

According to the daily information and reports to the institutions of the rule of law, interference and infringements of privacy of banking system, we have in many different countries of the globe. In this regard do not stand any better neither countries within the EU and OECD.

Use of search engines in the so-called "the mine the data" is a global electronic market, where has globalized the world in this direction and there are no differences, on age, sex, social, nor such as education and science, racial, language or religion, regardless of geographic distance.

Above were superficially affected only two sectors, with specific examples, but the access to personal data is now possible, and done in different systems that are also very important as the health system, education, trade, manufacturing, media, public administration, political electoral systems, tourism, internet of things, marketing .... etc., to the use and receipt of personal data through the maritime traffic communications, terrestrial and aquatic (i.e. may be noted as a phenomenon of new use of drones for surveillance purposes other than study, research etc.).

By the way, forms of processing and types of personal data depend on the height of the possibility of jeopardizing their access to the outlawed in our records. But even to this day, it remains as a serious threat to the processing of personal data in social networks. In reference to the article "Russian Hackers steal half of data of the Internet users in the world", published on the official Deutsche Welle website in section, *Focus/ Science and Education*; It's states that: A group of hackers from Russia has stolen more than 1.2 billion records of various online profiles. According to the accounts, affected were half of Internet users in the world, taken out of [Http://www.dw.de/hakerat-rusë-vjedhin-të-dhënat-e-gjysmës-së-përdoruesve-të-internetit, faqe 1.\(July 8, 2014, 18:00h\)](http://www.dw.de/hakerat-rusë-vjedhin-të-dhënat-e-gjysmës-së-përdoruesve-të-internetit, faqe 1.(July 8, 2014, 18:00h).

As we see the man's life is put in danger, where through the computer virus can cause death of the patient, where his condition, or the condition after surgery is followed by the internet sites ". Or even by a computer virus, hackers can cause a car accident. This is evidenced by the researchers. Taken from the Deutsche Welle official site, [Http:// www.dw.de, Focus /Science and education \(July 8, 2014, page 3\)](http://www.dw.de, Focus /Science and education (July 8, 2014, page 3)

In processing of personal data, its collection, transfer, disposal and storing them; we know that we already have in continuous use automated technology, mobile technology (smart mobile equipment) servers / hardware device; combined with video surveillance equipment, laser remote control and search engines (Internet) and telecommunications; We understand that the challenge for the protection of personal data undoubtedly becomes one of the serious concerns in each country; ranging from our country (Kosovo), our region (the Balkans), the European continent and internationally.

### **Protection of Personal Data in Block of Justice, Freedom and Security**

Subject of personal data in terms of the realization of its rights, when considers that they are violated or misused by controllers (institutions, associations of various organs) of public or private sector, in all the states of the EU already the justice system has legal frameworks that guarantees legal protection and supervision of its rights to personal data. Above all, with the filed legislations in all countries, institutions that oversee the implementation of the legislations.

Now there is an evidence's almost in every country, there are administrative measures against violators of law institutions. Even the justice system (courts) in Kosovo, the lawful processing of personal data, in 2015, the first has pronounced the administrative measures to KEDS (Power Distribution System in Kosovo); *AMDP- State Agency for Protection of Personal Data*, taken from [http // www.amdp-rks.net \(December 31 2015,15.30h\)](http // www.amdp-rks.net (December 31 2015,15.30h).Administrative measures, the justice system (courts) in the year of 2015 have decided also towards the other controllers, to the mobile phone operators, to ascertain as violators of personal data, during an unauthorized marketing, with the distributing of SMS-s, during the election campaign of political parties (held in 2014).

Even the European Court of Justice in respect of the European Convention on Human Rights, particularly in Article (8) guarantees privacy rights of the individual and other legislation relevant to the legal framework of the European Union and the EC, and has issued a significant number of decisions and opinions in favor of the complainants.

Development of major cyber technology and information's, has set in motion the need to develop other rights as constituents of legal rules, such as: Establishment of legal rules during the Internet use, the right to be forgotten, the establishment of legal rules during use of portals to different legal rules to various other websites. Otherwise, the rule of law through the justice system for citizens meant a relaxation and increase confidence in state institutions, on the one hand,

while on the other hand exercise the powers and duties received institutions and society human, in welfare of citizens including, personal dignity and its privacy.

In an effort to concretize the universal principles of safety, we find different approaches, different concepts and principles that directly affect the collective local security, regional, continental and the global one. Even poverty, contagious diseases, financial stability, extreme nationalists, assimilating actions and repressive dictatorship, efforts of movements of the ethnic groups for liberation in different regions of the world, efforts for domination of various powers are considered as key factors of security in a country which in a form of a coil brings to the regional instability with the impact of even global security violation.

The advancement of human rights and freedoms implies a very broad range in many areas of life and work, in all categories of society, regardless of nationality, age and social group; rights which are guaranteed from birth of the individual, such as: employment, education, children's rights, political organization, syndicalism, religion, property rights, health care, free movement, the right to know, to the rights, such as those for further information, the right to transparency, access to public documents, the protection of privacy, etc., which together give a value to the value system of democracy. These rights are in progress, every day, on the basis of technological development, to meet the obligations arising from the principal documents on the universal rights of human freedoms.

The expansion of the legal framework in this regard is a requirement of the time. Humanity globally goes with the secured steps towards the modern theory of a otherwise so called "Globalization". By the fact of the efforts of all nations for the unique platforms: the protection of privacy, the right to information, cyber security, the security of citizens, etc., these are the unifying aspirations to freely give us the right of a conclusion that; We are dealing with the development of the general welfare of citizens and are of unique "global" value of modern society in the era of the Internet.

Justice, security and human rights in Kosovo have a special connotation in regards to the fact that within the Kosovo Progress Report in 2012-2015, for visa liberalization, drafted by the European Commission, Protection of personal data has been placed in block of "Justice, Liberty and Security" of the required standards, to be met, and that institution for the protection of personal data has always shown responsibility and has reflected positively in the fulfillment of all recommendations in this area .

Justice, security and the rights and freedoms in the world today are universal values that give credibility, cultural progress, economic development, peace and stability, confidence in the institutions of justice and in general; are the values of the modern world in the New World Order, in terms of the development of the free global market.

At the international level, the main attribute of generating these legal values, obviously belongs to the West, respectively to the European institutions: the European Council, European Commission and European Parliament.

January 28<sup>th</sup> 1981, is the day of the approval of the 108 Convent, *EC- European Council, Strasbourg, (Convent 108:28 january 1981)*. This day of adoption of this Convention, originally was celebrated as a day of European privacy, but now has received the title of the International Day of privacy, which manifests marking of the first Convention in a global level, approved for the protection of personal data during the automatic processing of data.

Marking of this day now is remembered by the messages already in the institutions of international significance, which is not specifically linked with professional competence, but undoubtedly touches the actual signal to the global challenges for humans. At the World Economic Forum in Davos on 27 January 2012, the Vice-President of the European Commission; Viviane Reding and Secretary General of the European Council, Thorbjorn Jagland in their speech, among others had declared "Communication on the Internet should work hand to hand, with the protection of privacy on the Internet. The protection of personal data is a fundamental right. Technology of Information offers enormous economic and social potential, which will be fully realized if citizens trust that their personal data on the Internet are protected." WEF - World Economic Forum, taken from

[http://europa.eu/rapid/press-release MEMO-12-50\\_en.htm](http://europa.eu/rapid/press-release_MEMO-12-50_en.htm) Data Protection Day: safeguarding privacy rights, (January 22<sup>nd</sup>, 2016, 18:30h)

## **Advancements in the field of protection of personal data in the EU**



Compared with other countries in the overall international level, in terms of specific regulatory aspects, observation is freely standing; that Europe is a leader in the field of protection of personal data. In support of the Universal Declaration of Human Rights, initially in Europe will enter into force the European Convention of Human Rights and Fundamental Freedoms (1953), which for the signatory state members specifically requires, an acceptance of the obligations with the constitutional and legal frameworks, to clearly specify rights and freedoms, thus clearly guaranteeing the right to respect the private life, housing and privacy of correspondence during communication's (Article 8) ECHR (KEDLNJ) - European Convention of Human Rights and Freedoms, *approved in Rome, (November 4<sup>th</sup>, 1950)*.

While several decades later such obligations we will also see in the International Covenant on Civil and Political Rights of the United Nations (approved in 1966 entered into power in 1976), *Gruda, Z. (2013), THE INTERNATIONAL PUBLIC RIGHT, Pristine, p. 426*. Later such advancement where the human dignity and protection of his privacy will also be seen in the American Convention on Human Rights: "Pact of San José", - November 22<sup>nd</sup>, 1969, *Gruda, Z.(2001). International Protection of Human Rights, Documents II, University of Prishtina, Pristine, p.102-127*; Then, the Cairo Declaration on Human Rights in Islam, adopted in Cairo on August 5, 1990, *Gruda, Z.(2001) International Protection of Human Rights, Documents II, University of Prishtina, Pristine, p.138-144* etc. Besides the last year's initiative to African countries for the processing of a convention on the protection of privacy, in no other continent nor in the international level, has not occurred to have a specific Convention as the one of the Council of Europe, 1981, which is specifically in step with the great development of technological information, automation and telecommunications, gives a specific legally binding in the protection of personal data, during the automatic processing, while watching the convention to the publication: CPDP (KMDP) - *Commissioner for Personal Data Protection (2012)*

*LEGAL SUMMARY OF THE COMMISSIONER FOR PROTECTION OF PERSONAL DATA, Tirana, p.50*. This obligation for state members of the EU becomes an obligation, while to accede in this Convention are also the member countries from other continents (Africa, Latin America). European leadership goes on, so in terms of practical regulatory, the year of 1985, marks the radical curves in terms of transposition of the Convention 108, the legislation of EU member states on the occasion of the issuance of the European Directive 95/46 on the protection of personal data and privacy. *EC Directive of the EP and the Council of Europe, Strasbourg: (October 24, 1995)*.

The United States of America due to the protection of tax evasion, in the state of financial system respectively the banking system, have initiated and signed the bilateral agreements with several countries in Europe, the EU and abroad, to ensure acquisition of information regarding flows in accounts of its citizens. Such agreements made the subject of discussion for the authorities and the experts of personal data protection, where the issue will go to the ECJ (GJED).

According to the reports from Out-Law.com ECJ (GJED) has decided that "a framework which allowed companies to move personal data across the Atlantic, in a way that was in accordance with the laws of data protection to EU" under the "safe harbor" EU-USA, it was invalid ". Court raised concerns about the transfer of data from the EU, under the question of whether there are sufficient guarantees of privacy in this regard, taken from <http://www.out-law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/> (seen 29:12:2015; 22.00h)

While under Article 29 working groups, of Directive 95/46, had recommended that the issue of safe protection of personal data across the Atlantic for the European citizens should be in accordance with the framework of European legislations for the protection of personal data and by article "Protecting Authorities", German authorities of data protection, set the limits on possibilities to the companies to transfer data to US", brought (written by) from posts Out-Law.com authorities contracting Parties to the agreements to transfer personal data, respectively agreement "safe harbor" to be reviewed by the end of January 2016 in accordance with European law of protection of personal data, taken from <http://www.out-law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/> (seen 29:12:2015; 22.00 h)

Undoubtedly, these highlights in any ways are advancing on the path towards aims of protection of personal data, in lights of increased pressure from public opinion and the great pressure the same one in terms of technological development of telecommunication equipments and information. However, the current legal framework (Convention 108), supplemented by the additional protocol, year 2001, Directives 95/46 of 1995, the 2008 Framework Decision on the protection of personal



data during transfer and cross-border flow of personal data, a large number of recommendations in various sectors issued by the European Commission and the Council, at this stage of developments requires rules and frames much more empowered to ensure the adequate protection in fulfillment of rights and freedoms, values that are proclaimed by the western democracies.

Therefore; in the above mentioned context, the new Rules of the European Union and the European Commission has collected the recommendations, received warnings during the organizing of numerous debating tables, discussions, organized in a time of four years, has already passed the voting procedures of the instances, before the decision-making bodies of the three institutions: The Committee of Civil Liberties, the Standing Committee and the Council with an absolute majority. "On December 15, the three European institutions agreed on a historic reform of the rules on data protection, creating a modern and harmonized framework for data protection across the EU", *EU-European Commission, taken from <http://ec.europa.eu/justice/newsroom/data-protection/news/> (20th January 2016, 22.20:h)*. So, 2016 will give final approval of the regulation, which undoubtedly will bring benefits in the interest of big controllers, in the interest of the business world and in particular will have more tight provisions of austerity in the interests of data protection and privacy of citizens, demands of rights and fundamental human freedoms.

### **Mechanisms operating in protection of personal data**

In relation to the developments and demands of the time, since 2012 in the bodies of the Council of Europe, European Parliament and EU is proceeded New Regulation of the European Union for the Protection of Personal Data. While in the European area, are operating large numbers of bodies and organizations, such as: Spring Conference of Protection of Personal Data, attended by authorities of protection of personal data of European Union and Council of Europe, usually gathering every two years and address various topics on PPD (MDHP) and privacy issues, decision making, recommendations, resolutions, tips etc., for the bodies of the Council of Europe and the EU.

Authorities of Francophone Conference, which brings together the mdhp (PPD) authorities of francophone countries even beyond the EU. Also issues recommendations, treating the aspects of the protection of personal data, treating aspects of professional and legal developments of mdhp (PPD) etc.

The GPEN- Networking authorities of protection of personal data, which aims to have a mutual approaches for solution of various problems, joint inspections to big controllers etc., It has an international character. This mechanism is lead by the British authority of Protection of Personal Data.

AMDHPEQL (PAPDCEE)-protection authorities of personal data of Central and Eastern Europe. This mechanism is lead by Polish mdhp (PPD) authority-that deals with topics in the field of personal data and privacy, makes recommendations, proposals, raises issues of concern for the authorities to gather and the same one, in terms of this does; recommendations for instances of the EC and the EU in their respective field.

In addition, on the basis of Convention 108 and Directive 95/46, specified are the mechanisms arising from these documents as are the 108 Consulting Committee and Working Group 29.As acting mechanisms specifically deal with the protection of personal data and privacy, and institutionally report through Secretary of the Council of Europe to the European Commission.

It is worth mentioning that every January (26 -January) in Brussels, the bodies of the Council of Europe in co-organization with Scientific Institutions, Universities and Academic Authorities, organize its specific annual scientific conference, *CPDP – Computers Privacy Data Protection, taken from <http://www.cpdconferences.org/>, (January 20, 2016, 21.00h)*, Whereby in the scientific point of view, from different points of view, derived are works and the alternatives and provided are new knowledge`s in this field, by different researchers.

Initiatives do not end, so in June 5, 2014 in Strasbourg is organized the Specific Conference, in support of these institutions of justice and human rights of the EU, European Commission, Group of Labor 29 and French authorities to PPD (MDHP), which brought together all PPD (MDHP) authorities of the European Union, with the only topic to find a common platform of an action to overcome the great challenge of breach of privacy by digital technology of big processors of personal data called "BIG DATA".

Violation of privacy is already an international and challenging problem in this regard every year, for decades has begun with the KNMDHP organization, which gathers authorities of mdhp (PPD) of member countries global. The conference addresses the topic of privacy, issues resolution, designs strategies, take's recommendations, issue statements and decisions in the interest of protecting personal data in the mdhp (PPD) global. Mdhp (PPD) mechanisms of the European Commission as well as participating as an observer, by having a European experience in this field, and give their valuable contribution in the context of these conferences.

The State Agency for the Protection of Personal Data of the Republic of Kosovo, has successfully joined n these mechanisms and shall move to get work experience and to give its contribution in this regard, NAPDP (SAPPD) State Agency for the Protection of Personal Data, taken from [http:// www.Amdp - rks.org](http://www.Amdp - rks.org), (18 January 2016, 18.30:h

### **What needs to be done for the protection of personal data?**

As is mentioned above, towards successful protection and advanced personal data, must meet certain actions ranging from:

- Continuous increase of civic awareness and awarding of systematic knowledge unified with harmonized standards within the legal area of the European Union, the education system, building curricula specific to the education of the younger generation in all states of the European Union and wide.
- The unifying actions of the authorities to protect the personal data in the field of inspection, with the possibility of joint inspections of powerful controllers, and that their work headquarters and actions that have outside of countries, which have committed abuse of personal data. Moreover, in this case we are dealing with powerful companies of the Internet, where the radius of operation extends to many continents globally and invasion of privacy is possible at all levels of society, regardless of age and invades billions of people.
- In the spirit of the recommendations of the Resolution of the International Conference held in Amsterdam, the Netherlands in October 2015, which requires the reporting inclusion on the state of privacy in reporting its annual human rights by the Special Representative of the General Assembly of the United Nations; (KNKMDhP) ICCPPD- International Commissioners Conference on the Protection of Personal Data, Amsterdam, taken from [http // secure.edps.europa.eu /EDPSWEB/edps/site](http://secure.edps.europa.eu/EDPSWEB/edps/site), (January 21, 2016, 23.00 h), such a practice to be transferred to all ombudsmen, who in their reporting on human rights bring specific reports on the state of privacy and derive their recommendations regarding the raised issues.
- As soon as possible, all computer automated equipment related to the websites that process personal data, to install tools that evidence all traces of approaches and interventions in databases.
- Software equipment should be certified to safety standards in the field of protection of personal data.
- The sooner to occur the unification of the laws and structures of authorities on the European soil and wider, with the unified standards and mandates of acting.

There are many other aspects of recommendations, but accordingly to this study and basic elementary action needs, think that these action criteria, give its own effects in relation to the developmental requirements of society in our time with positive effects in terms of the future.

While to give oxygen to democracy and to advance in security, justice and universal human freedoms, today, everywhere must work in professional grow of supervisory authorities, that at the same time to manage and oversee *Freedom of Information and Protection of Personal Data*,

which at the same time is considered as a global challenge of this century. To determine the boundary, between of that where public interest ends, and where and when can access their privacy because the line is very thin in between these two rights.

### **Abbreviations**

AMDHP/APPD- Authority for the Protection of Personal Data

AShMDHP/SAPPD- State Agency for the Protection of Personal Data,

AFDP/AFPPD-The Francophone Authorities for Protection of Personal Data  
AMDHPEQL/APPDCEE-Authority for the Protection of Personal Data of Central and Eastern Europe  
BE/EC-European Community  
BN /IC- The international community  
"BIG DATA"- The so called big data  
CE- European Commission  
CPDP- Computer`s Privacy Data Protection  
EU- European Union  
FBE/WEF- World's foremost Economic Forum  
GIPEN- The International Network Group of Authorities for Protection of Personal Data  
KEDLNJ/ECHRF- European Convention of Human Rights and Freedoms,  
KNKMDhP/ICCDP- International Conference of Commissioners of Data Protection  
KE/EC- European Council  
MDHP/PPD-Protection of Personal Data  
OKB/UNO-United Nations Organization  
PE- European Parliament  
PDP-Privacy Data Protection  
SHBA/USA-United States of America  
GJED /ECJ- The European Court of Justice  
mdhp /PPD- protection of personal data  
Imdh / LPPD- Law on protection of personal data

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## Tourism Policy and Enabling Conditions; A Comparative Analysis Related to Mediterranean Destinations

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### Abstract

*On the study, competitive position of eight destinations on Mediterranean Basin (Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco) related to Tourism Policy and Enabling Conditions were analyzed as comparative in terms of both index wide and also sub-factors as Data of Travel and Tourism Competition Index (TTCI) which was published by World Economic Forum in 2015 was used. According to analysis' s findings, most competitive first three destinations are respectively Spain, Greece and Tunisia in terms of general index of Tourism Policy and Enabling Conditions. Destinations' competitive positions' order changes in terms of sub-factors. Five point likert scale was used to make meaningful country's competitive position by points that it got from criteria belonging to countries' sub-factors. Accordingly, the following points which countries got from criteria express competitive positions: 5= Very well, 4=Well, 3=Medium, 2=Bad, 1=Very bad. Moreover, when eight destinations on Mediterranean Basin are evaluated, there is a significant relation between Tourism Policy and Enabling Conditions and Tourism Income and Number of Tourist in terms of statistics.*

**Keywords:** Tourism Policy and Enabling Conditions, Prioritization of Travel, International Openness, Price Competition, Environmental Sustainability

### 1. Introduction

Number of company increased, number of employee people increased, income of exportation increased and sub-structure developed as relying on formation of new destination areas world wide on tourism sector and increase in investment amount which was made on tourism area. Thus tourism became an important impulse power on socio-economical development. In recent years, tourism sector has become one of economical sectors which grewed and developed quickly over world. Despite of occasional shocks, tourism sector has showed nearly nonstop development for years. Number of international tourist reached 1 billion 133 thousands in 2014. In the same year, international tourism incomes of destinations world wide reached 1.246 billion USA dollar. It is expected that number of international tourist is to reach 1.8 billion in 2030 (UNWTO, 2015).

Many tourism destinations world wide try to take a share from such a large industry. But tourism destinations face to interser competition today than one in past (Ozturk, Usakli, 2013,2). In recent years, that specific policies related to tourism sector are formed and facilitators are provided have become a factor which is evaluated in terms of competitive supremacy (World Economic Forum WEF, 2015). So it is first necessary work in the way to competitive supremacy that destinations strengths and weaknesses related to tourism policies and facilitators are determined as then they make strategie. From this viewpoint, a comparative competitive position analysis related to eight destinations on Mediterranean Basin (Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco) was made as data of Tourism Policy and Enabling Conditions from indexes of World Economic Forum (WEF)' s Travel and Tourism Competition Index (TTCI) was used on the study. Relevant destinations were chosen as the logic "competition group" which was revealed by Kozak and Rimmington was used (Kozak, Rimmington,1999). There are three goals of the study : a) to review relevant destinations' Tourism Policy and Enabling Conditions, b) to determine relevant destinations' strength and weaknesses of Tourism Policy and Enabling Conditions, c) to review whether there a relation between destinations' international tourism incomes and number of tourist with points of Tourism Policy and Enabling Conditions (TPEC).

## 2. Literature

TPEC's Index is mostly related to evaluate specific policies and strategic appearance on tourism sector (Crotti, Misrahi, 2015). Provisions related to TPEC are evaluated by determiner sub-factors which were prepared as specific to the sector. Sub-factors of this factor are Prioritization of Tourism, International Openness, Price Competition, Environmental Sustainability (WEF,2015).

These sub-factors and their criteria were explained in terms of making a theoretical back ground on the study . Moreover, data related to criteria on various international reports were given on the section.

### 2.1.Prioritization of Tourism;

That governments prioritise tourism to what extent has important effect on a country's competition of tourism sector. In other saying, that government accept the sector as primary sector and can transfer fund and can coordinate necessary elements and sources to develop the sector increase competition power of the sector. Stability on government policies contributes positively to the sector ' s capability to get private investment. Moreover, governments can take important roles on national marketing campaigns in order to attract tourist (Crotti, Misrahi, 2015, 7). Subjects such as *State's Travel and Tourism Expenses, Marketing and Branding Efforts Related to Attract Tourist, Availability of Monthly /Three-Month/Annual Travel and Tourism in Time, Country Brand Strategies etc.* are evaluated on these sub-factors (WEF,2015).

**State's view on tourism and scaling it.** How much prior the development of tourism sector is for a government in a country is evaluated by this criteria (WEF, 2015).

**Share which is separated from state's budget to tourism.** Amount (%) which is separated to tourism from state's total budget in a country is evaluated by this criteria (WEF,2015). According to data which was published by World Travel and Tourism Council (WTTC) in 2015, the budget that the state separated to tourism in countries and their ratio on total budget which were given on the study were showed at Table 1.

**Tablo.1.Government Individual Travel & Tourism Spending**

Unit	Country	2015	2010
% share	Turkey	0.100	0.100
	France	0.500	0.500
	Greece	7.900	8.000
	Italy	0.700	0.700
	Spain	1.400	1.400
	Egypt	6.800	6.700
	Morocco	3.600	3.500
	Tunisia	7.400	7.300
US\$ bn	Turkey	0.090	0.070
	France	2.414	2.465
	Greece	0.030	0.050
	Italy	1.738	1.977
	Spain	1.961	2.477
	Egypt	0.311	0.204
	Morocco	0.090	0.070

	<b>Tunisia</b>	0.080	0.070
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**Source:** (Knoema,2016)

As it is seen at Table 1, order of monetary (USA Dollar) that countries separated to tourism from their total budgets and weight (%) of budget which was separated to tourism from total budget differ from each other. Countries " Ratio (%) of total state budget which was separated to tourism" was considered on TCI report of WEF.

**Activity of Marketing and Branding Studies to Attract Tourist :** Marketing and branding campaigns activity which a country conducts to attract tourist is scales within the concept of this criteria (WEF,2015). That main elements are in effort to market only their own products on tourism sector is not sufficient for country's marketing and branding activity. Marketing and branding efforts should be main duty of each part involved in tourism sector. If tourist is wanted to be attracted to a destination, promotion of destination is completely required. Destination marketing , especially a country's marketing is a common problem especially. Marketing studies related to provide visit of tourists to a country are in responsible of government which governs the country in large scale. There is synergic potential while a country is marketed as both touristic destination and also business investment area. Coordination and collaboration of instruments that state has got them are important for revealing of this synergy (AALEP,2015).

**Extensivity of Data on Tourism :** Tourism data is evaluated by national information source which has got formal quality within the concept of this criteria (WEF,2015). Tourism data is an important source for tourism management, marketing and planning. Data is used as a helpful tool in the event that countries and tourism organisations foresee about tourism in long term and goals are made. Statistical data is very important on development of information related to tourism sector, following developments in sector, supporting management focused on result, determination of strategic terms on political decisions .

**Currency of Data on Tourism:** Currency of tourism data expresses the time between the end of reference term that data belongs to and the end of term that data is announced to public and is valid. Thus , currency changes as relying on length of this period. Data currency is closely related to existence of a calender related to publication of data. Sharers of public and private sector require to access statistical information related to tendencies and changes in regular and time in order to manage tourism economy actively in level of local, regional and national (UN,2008,81).

**Country's Brand Strategy:** Products may have got brands on geographical positions as they are. Thanks to branding, people are aware of certain geografies and so intended awareness are gotten. A destination can be defined as a name , symbol, logo , word or other terms which define destination and make it different. Destination brand bids unforgettable travel experience. At the same time, it services to remember travel experiences related to destination, pleased memories. Branding of destination has become very important in the event that certain destinations (city, region, country etc.) are positioned as their differencies are provided in terms of receivers and sharers today (Damnjanoic, Kravic and AbdulRazek, 2009).

## 2.2. International Openness

That a competitive tourism sector is made requires foreign spread in a certain scale and applications to facilitate travel. Restriction policies such as aggravated visa demands cam decrease touristic demand to country. Sub-factor International Openness involves terms such as bilateral air services contracts which would affect air transportation, regional trade contracts which would make possible to service tourism on world standards etc. (Crotti, Misrahi,2015, 7).

**Visa Requirements :** Visa policies involves in most important state arrangements which affect on international tourism. Developing policies and procedures related to facilitate travel procedures such as visa and passport are related closely to development of tourism. Those who travel see visa procedures as a formality which increases expense. If necessary visa expenses to travel to a destination is high, potential tourists may tend to alternative destinations which they meet less difficulties on visa procedures (UNWTO, 2016, 7).

**Bilateral Air Services Contracts :** More than half of international tourists reach to destinations that they choose , by airlines and more than 23 million tourists will attend in those who travel by airlines in each year in that period up to 2030 according to UNWTO. Thus , forming policies about air services and developing bilateral contracts, connections with other countries can seen as a tool related to more competitive tourism sector (Rifai, 2011,4).

**Valid Regional Trade Contracts** : Regional trade contracts are defined as mutual trade contracts between two or more parties. Free trade regions and customs unity contracts are involved in these contracts. Countries may make better conditions to access market and provide security as party to trade contracts that World Trade Organisation foresees for tourism service provider and investments.

### 3. Price Competition

Low expenses are factor to make attractive that tourists travel a country and also incite investment on the sector. Within the concept of price competition; Taxes which are taken from airplane tickets, Airport Prices, Comparative Hotel Accommodation Expenses, Parity of Purchasing Power, Other Expenses Records Which Affect on Travel Expenses are included (Crotti, Misrahi, 2015, 7). Price Competition is accepted as one of most important terms of competition power generally for a certain destination (Falzon,2012).

**Ticket Taxes and Airport Prices:** Tourism and aviation are two contract subjects to each other. In another saying, Taxes which are implemented on services of air transportation would affect negatively on tourism which is vital for many countries' economy. Many studies have showed that those who travel among all traveling persons consist most sensitive part to price. Thus, large decreases will occur in demand in the event that an expense increase occur in aviation services. For example, a price increase as 10% will cause a decrease as 15% supposedly on travels with touristic purpose. As a result, demand will be affected negatively in large scale. Even if income which is obtained from these taxes is assigned to tourism 's promotion to foreign countries, these promotion campaigns will not be used for anything but for returning number of tourists who visit country previously but do not come due to aviation prices and ticket taxes , to a previous condition (IATA).

**Price of Hotel:** Expense of touristic travel to a tourist involves expenses such as transportation services' expense on arrival on destination and returning from it, accommodation, tour services, food and beverages, entertainment. These expenditure items are related closely to travel desicion. Relative expense increase on middle and long terms can cause losses of market share on a certain destination and contrastly, decrease in relative expenses can cause increase in market share also (Dwyer, Forsyth and Rao,2001,3). If hotel prices have important place among touristic expenditure items, it can be said that Hotel'de relative price levels would affect on taking decision for travel to a certain destination.

**Parity of Purchasing Power** : Parity of Purchasing Power (PPP) is an exchange ratio which makes equal purchasing power of different currency as it removes different price levels among countries. PPP is counted as ratio in sum of national money which requires that a certain good and service basket are bought. Expenses which are turned to different currency as using this ratio provide comparable data in real meaning among countries as expenses reflect differencies in good which is bought and service volume (TUIK, 2008,1). Relative change of certain destination 's expenses to other destinations and changes in Parity of purchasing power are accepted as most important factors which have got effect on destination shares of total abroad travels (Dwyer, Forsyth and Rao,2001,3) .

**Price Level of Fuel:** Change in fuel prices ( in transportation, production expenses, economic process ) may damage tourism events due to expenditure effect. Researches conducted have showed that high fuel price has got negative effect on tourism. High fuel price may affect negatively on some parts (airline, tourist navigation etc.) more than others (Chatziantoniou et all,2013).

### 4. Environmental Sustainability

Importance of natural environment can not be ignored on attractiveness of touristic destinations. So policies and relevant factors which are developed for continuity of environmental sustainability will continue natural attraction of a country and also in the future, they are important on protection of attraction as touristic destination and obtaining competition advantage (Crotti, Misrahi,2015, 7). This sub-factor includes sub-itles such as Environment Legislation and Application, Sustainability of Developments Related to Travel and Tourism Sector , Certifying Environmental Contracts, Species under Treat (WEF,2015).

**Frequency of Environmental Arrangement and Application of Environment Legislation** : It causes productivity growth as environmental arrangements have got impulse on cleaner environment and novations . Moreover, early adaptation to eco-friendly technologies and early investments of countries would provide comparative advantages on industries which are sensitive to environment . Adapting strict environment legislation arrangements may guide about structural adaptation especially for developing countries (Ratnayake, 1998, 77-78).



**Sustainability of Tourism's Development:** Sustainable Tourism may be stayed as 'tourism events which meets needs of visitors, people who are host, sector and environment and consider exactly tourism's economic, social and environmental effects today and in future'. (UNEP and UNWTO, 2005). Sustainability of Tourism Development is possible with the case that sustainable tourism development terms and management applications can be applied in all type of tourism and destinations as to involve mass tourism and various niche tourism segments. Terms of sustainability states tourism development in terms of environmental, economic and socio-culture and a balance should be made among these three sizes in order to guarantee sustainability of tourism in long term. Sustainable Tourism development requires a powerful leadership in order to establish a wide participation and agreement besides informed attendancy of all relevant sharers. Sustainable Tourism development is a process which requires to have continuity and to be followed constantly. It is a process which requires to be preventive and /or corrective precautions taken (UNEP and UNWTO,2005, 11-12).

**Particles Substance Concentration:** This criteria is also stated as Population Weighted Exposition to Environment Pollution (2.5PM) and it is defined as country population's exposition average to air-hung particles concentration. Within the concept of this criteria, particles substance concentration which its aerodynamic diameter is at least 2.5 microns which would cause heavy health problems as diffusing in deeps in respiratory tract should be considered (World Bank). Harmful substances which occur during industrial and agricultural production and other economic events have revealed significant weather, water and soil pollutions. People who live in large cities and industrial areas where their environments are significantly destroyed want to take a rest in unsoiled beauties out of work and on holidays. So clean weather is an important natural tourism source (Anze,Yunting and Young, 2015, 75).

**Environment Contracts:** This criteria measures how many international environment contracts of total 27 contracts a country is member (WEF,2015).

**Water Stress:** Baseline water stress is available annual total renewable failure rate of annual total water use in industry, agriculture and for municipal water services. This rate is an important sign to evaluate risks related to water. Baseline water stress provides information about competition level among users (industry, agriculture and municipalities) and source decrease rates(Gassert,et al, 2013, 3).

**Species Under Threat:** This criteria uses the reference "The International Union for Conservation of Nature (IUCN), Red List of Threatened Species"and and is calculated at the rate of species which are under critical threat, under threat and unguarded to total mamals, birds and amphibians (WEF,2015).

**Refinement of Waste Water:** This criteria states waste water rates refined before re-oscillation into eco-system. Waste water refinement rate expresses civic waste gathering and refinement systems in large scale (WEF,2015).

### 3. Theoretical Frame

One of four main indexes which constitute TTCl is Tourism Policy and Enabling Conditions. This index has got 4 sub-factors as to be Prioritization of Tourism, International Openness, Price Competition, Environmental Sustainability. These factors are related to evaluate specific policies and strategic appearance mostly about tourism sector. TPEC Index and sub-factors which are considered on the study are showed at Figure-1 with information which is involved in literature.

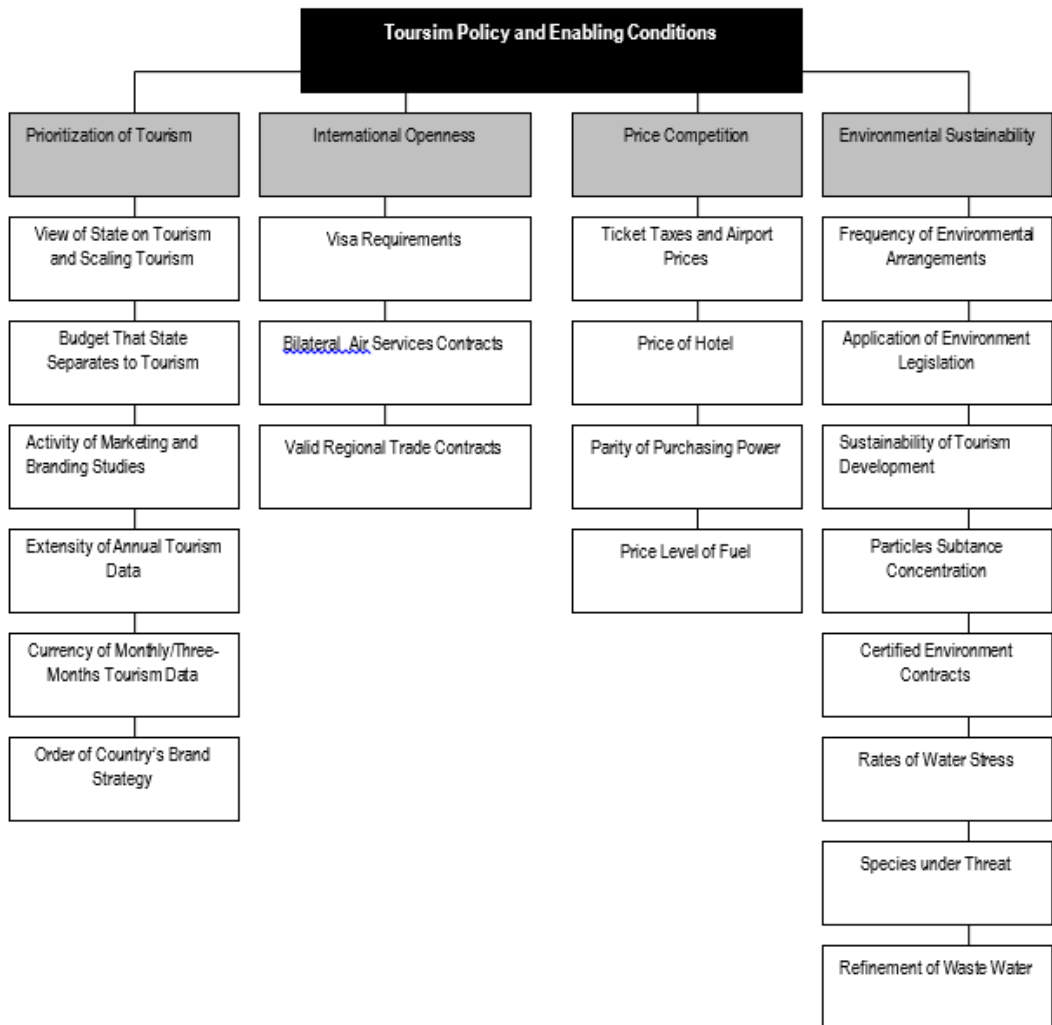


Figure.1. Index of Tourism Policy and Enabling Conditions (TPEC)

#### 4. Research Methodology

Data and information related to data gathering method from secondary source have been reached on this study. Information and data are based on the report of Travel and Tourism Competition Index which was published by World Economic Forum in 2015, in large scale. Furthermore, other national and international reports and publications have been utilized. It is a study that important industry and think tanks is involved in WEF's report and it involves deep analysis related to tourism 's future and countries ' competition. Information on the report is based on data related to 141 countries' tourism and travel sector and a survey study which was made to people who work as high level. Information and survey studies were evaluated with total 4 main groups, 14 sub-groups and total 90 scales belonging to these sub-groups (WEF,2015). On this study, competitive position of eight destinations on Mediterranean Basin ( Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco ) related to TPEC index was analyzed as comparative in terms of both index general and also sub-factors ( Prioritization of Tourism, International Openness , Price Competition, Environmental Sustainability ) as using WEF's Travel and Tourism Competition Index data.

Moreover, five point likert scale was used as to make country's competitive position as meaningful by points that countries got from criteria belonging to sub-factors. Accordingly, points that countries got from criteria were turned into five-items system. On the scale , 5 is for very well, 4 is for well, 3 is for medium, 2 is for bad and 1 is for very bad to state competitive positions.

On the study, it is also evaluated whether there is a relation between competitive positions and international tourism income of destinations on Mediterranean Basin and number of tourist within TPEC or not.

## 5. Findings

### 5.1. Comparison of Destinations ' Competitive Positions

As it is seen at Table 1, while Spain which is from Mediterranean Basin has got **Very Well** competitive position by general grading of Tourism Competitiveness Index, TPEC Index, other countries have got **Well** competitive position.

**Table.1. Index General of Tourism Policy and Enabling Conditions**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	4,66				
Greece	2		4,39			
Tunisia	3		4,28			
France	4		4,25			
Egypt	5		4,23			
Morocco	6		4,21			
Italy	7		4,14			
Turkey	8		3,98			

First one of sub-factors related to TPEC Index is **Prioritization of Tourism**. Comparative cases of destinations are at following in terms of these sub-factor;

As it is seen at Table 2, Morocco, Spain, Greece and Tunisia have got **Very Well** competitive position in terms of sub-factors in Prioritization of Tourism. Egypt has got **Medium** competitive position. Other destinations have also got **Well** competitive position.

**Table 2. Sub-factor Prioritization of Tourism**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Spain	2	4,92				

Greece	3	4,69				
Tunisia	4	4,69				
France	5		4,46			
Turkey	6		4,15			
Italy	7		3,85			
Egypt	8			3,38		

There are five criteria related to sub-factors of Prioritization of Tourism. Comparative cases of destinations are at the following in terms of these criteria;

As it is seen at Table 3 , Greece and Tunisia have got **Very Well** competitive position rather than other destinations for Part of Total State's Budget which is separated to tourism. Contrastly, Spain, Italy, France and Turkey have got **Bad** competitive position.

**Table 3. The Share of Total State's Budget Which Is Separated to Tourism (%)**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Greece	1	5				
Tunisia	2	4,68				
Egypt	3		4,37			
Morocco	4				2,34	
Spain	5					0,89
Italy	6					0,44
France	7					0,32
Turkey	8					0,06

Results of Evaluation for Activity of Marketing and Branding Campaigns That Countries Make to Attract Tourist are involved in Table 4. According to it, Spain, Morocco, France and Turkey have got **Very Well** competitive position rather than other destinations for marketing and branding efforts that they make to attract tourist.

**Table 4. Activity of Marketing and Branding Campaigns**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
Morocco	2	5				
France	3	4,72				

Turkey	4	4,53				
Greece	5		4,34			
Tunisia	6		4,15			
Italy	7			3,40		
Egypt	8			3,11		

At Table 5 , Values related to Extensivity of Annual Tourism Data of destinations are involved by national information source which has got formal quality. According to it, Spain and Turkey have got **Very Well** competitive position in terms of extensivity of annual tourism data.

**Table 5. Extensivity of Annual Tourism Data**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
Turkey	2	4,66				
Fransa	3		4,14			
Italy	4		3,97			
Morocco	5		3,92			
Egypt	6		3,79			
Greece	7			3,10		
Tunisia	8			2,76		

At Table 6, Values of destinations belonging to the criteria Supplying Monthly /Three-Month Tourism Data in Time are involved by national source which has got formal quality. According to it, while Egypt has got **Well** position to supply data in time , other destinations are seen to be at **Very Well** position.

**Table 6. Supplying Data in Time**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Turkey	1	5				
Morocco	2	5				
Spain	3	4,87				
Tunisia	4	4,87				
France	5	4,74				
Italy	6	4,62				
Greece	7	4,62				

Egypt	8		4,49			
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At Table 7 , National Tourism Organisation Strategies' Truth Level belonging to destinations is involved. According to it, Spain and France have got **Very Well** competitive position when they are compared with other destinations about strategies that national tourism organisation applies them.

**Table 7. Truth Level of National Tourism Organisation Strategies**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
France	2	4,95				
Italy	3		4,42			
Morocco	4		4,22			
Greece	5		3,72			
Egypt	6			3,17		
Turkey	7			3,02		
Tunisia	8				2,21	

Second sub-factor related to TPEC Index is **International Openness**. Comparative cases of destinations are at the following in terms of these sub-factors;

As it is seen at Table 8, Morocco , Tunisia and Egypt have got **Medium** competitive position, Turkey has got **Well** competitive position and other destinations have got **Very Well** competitive position in terms of sub-factors in International Openness.

**Table 8. International Openness**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Greece	2	4,85				
Italy	3	4,85				
Spain	4	4,66				
Turkey	5		3,96			
Morocco	6			3,04		
Tunisia	7			2,82		
Egypt	8			2,57		

There are three criteria related to sub-factors of International Openness. Comparative Cases of destinations are at the following in terms of these criteria;

At Table 9, Visa Requirements for Entry to Destination Country was evaluated. After the evaluation was made as 100= visa is required for all countries, 0= visa condition is not required for all countries (WEF,2015), it was turned into five point likert scale. According to it, Morocco and Turkey have got **Very Well** competitive position, other destinations can be said to have **Well** competitive position in terms of visa requirements.

**Table 9. Visa Requirements**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Turkey	2	4,67				
France	3		3,83			
Spain	4		3,83			
Greece	5		3,83			
Tunisia	6		3,83			
Italy	7		3,67			
Egypt	8		3,67			

At Table 10, destinations' Bilateral Air Services Contracts' Case is evaluated. According to it, France has got **Very Well** competitive position in terms of bilateral air services contracts.

**Table 10. Bilateral Air Services Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Italy	2		4,26			
Turkey	3		4,15			
Greece	4		4,12			
Tunisia	5		3,75			
Morocco	6		3,68			
Spain	7			3,05		
Egypt	8			2,57		

At Table 11, destinations are evaluated by "Regional Trade Contracts " that they make. According to it, Morocco, Egypt and Tunisia have got **Very Bad** competitive position , Turkey has got **Bad** competitive position and France, Spain, Italy and Greece can be said to have got **Very Well** competitive position in terms of regional trade contracts.

**Table 11. Regional Trade Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Spain	2	5				
Italy	3	5				
Greece	4	5				

Turkey	5				2,17	
Morocco	6					0,76
Egypt	7					0,65
Tunisia	8					0,65

Third of sub-factors related to TPEC Index is **Price Competition**. Comparative cases of destinations are at the following in terms of these sub-factors.

At Table 12, destinations' competitive positions were evaluated in terms of Price Competition. According to it, it can be said that most disadvantageous is France in terms of Price competition, most advantageous is Egypt and Tunisia, in terms of price competition.

**Table 12. Price Competition**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2	4,53				
Morocco	3		3,99			
Turkey	4		3,53			
Spain	5			3,41		
Greece	6			3,17		
Italy	7			2,82		
France	8				2,38	

There are four criteria related to sub-factors of price competition. Comparative cases of destinations are at the following in terms of these criteria;

At Table 13, values related to Ticket Taxes and Airport Prices for destinations are seen. According to it, it can be said that most disadvantageous destination is France in terms of ticket taxes and airport destination.

**Table 13. Ticket Taxes and Airport Price**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Turkey	1	5				
Egypt	2	4,72				
Tunisia	3	4,68				
Spain	4	4,65				
Morocco	5	4,57				
Greece	6	4,54				
Italy	7		4,23			
France	8			3,48		

At Table 14, comparison of competitive position is involved in terms of Average Room Prices Which Is Calculated for First Class Brand Hotel related to destinations. According to it, while Egypt has got **Very Well** competitive position, it is seen that Italy and France have got **Bad** competitive position in terms of hotel room prices.

**Table 14. Prices for Hotel Rooms**



	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2		3,88			
Spain	3			3,21		
Morocco	4			3,18		
Turkey	5			2,93		
Greece	6			2,77		
Italy	7				2,07	
France	8				1,67	

At Table 15, destinations' competitive positions are evaluated by the criteria Dollar-denominated Purchasing Parity. According to it, it can be said that France has got **Very Bad** competitive position and Greece, Spain and Italy have got **Bad** competitive position in terms of conversion rate of formal exchange rate purchasing power parity (PPP). Other destinations have got **Well** and **Very Well** competitive positions.

**Table 15. Parity of Purchasing**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2	4,55				
Morocco	3		4,09			
Turkey	4		3,64			
Greece	5				2,27	
Spain	6				1,82	
Italy	7				1,82	
France	8					1,36

At Table 16, evaluation of destinations' competitive positions for Price Level of Fuel is involved. According to it, Italy has got **Very Well** competitive position in terms of fuel prices. Turkey has got **Bad** competitive position. Contrastly, it can be said that Egypt and Tunisia have got **Very Well** competitive position.

**Table 16. Price Level of Fuel**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Tunisia	2	4,73				
Morocco	3		4,05			
Spain	4		4,05			
France	5		3,86			
Greece	6			2,76		
Turkey	7				1,69	
Italy	8					0,62

Fourth of sub-factors related to TPEC Index is **Environmental Sustainability**. Comparative cases of destinations are at the following in terms of these sub-factors;

At Table 17, competitive positions of destinations are evaluated in terms of Environmental Sustainability. According to it, it can be said that destinations have not got competitive supremacy difference which would be accepted as important in terms of environmental sustainability.

**Table 17. Environmental Sustainability**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Spain	2	4,93				
Italy	3	4,65				
Tunisia	4	4,52				
Greece	5		4,49			
Morocco	6		4,38			
Egypt	7		4,27			
Turkey	8		4,10			

7 criteria related to sub-factors of Environmental Sustainability were received for consideration. Comparative cases of destinations are at the following in terms of these criteria;

At Table 18, Strict Controls on Applications of Environment Arrangements of destinations are evaluated. According to it, France applies more strict control on environment arrangements applications rather than other destinations. Egypt shows **Bad** performance on this subject rather than other destinations.

**Table 18. Applications for Environment Arrangement**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Spain	2		4,42			
Italy	3		4,33			
Greece	4		3,85			
Turkey	5		3,85			
Tunisia	6		3,75			
Morocco	7		3,65			
Egypt	8				2,12	

At Table 19, evaluation results related to how governments' efforts are seen for Tourism Sustainability on destinations are involved. According to it, Government's efforts about sustainability of sector development are evaluated as **Very Well** in Morocco, France, Spain and Turkey.

**Table 19. Sustainability of Tourism Development**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
France	2	4,71				
Spain	3	4,71				
Turkey	4	4,61				
Greece	5		4,22			

Tunisia	6		4,22			
Egypt	7		3,53			
Italy	8			3,04		

At Table 20, evaluation of competitive position related to weather pollution on destinations is involved. According to it, while Morocco has got **Very Well** competitive position on evaluation related to weather pollution, Turkey , Italy and Egypt have got **Bad** competitive position.

**Table 20. Particles Substance Concentration**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Tunisia	2		3,80			
Spain	3			3,46		
France	4			3,31		
Greece	5			3,06		
Turkey	6				2,26	
Italy	7				2,20	
Egypt	8				2,09	

At Table 21, evaluation of competitive position is involved by Number of Environment Contracts That countries as subject to the study are Certified. According to it, Turkey has got worst competitive position among countries on Mediterranean Basin in terms of environment contracts that it signs.

**Table 21. Number of Certified Environment Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
France	2	4,80				
Greece	3	4,60				
Italy	4		4,40			
Morocco	5		4,40			
Egypt	6		4,20			
Tunisia	7		3,80			
Turkey	8			3,20		

At Table 22, destinations' competitive positions related to Baseline Water Stress are evaluated. Baseline water stress provides information about competition level among users of water ( industry, agriculture and municipalities ) and decrease rate related to water sources. According to it, Spain and Morocco have got **Bad** competitive position in terms of water sources. Egypt has got **Very Well** , other destinations have got **Well** competitive position.

**Table 22. Baseline Water Stress**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
France	2		4,40			
Turkey	3		4,05			
Greece	4		4,05			
Italy	5		3,93			
Tunisia	6		3,57			

Spain	7				2,14	
Morocco	8				1,55	

At Table 23, destinations' competitive positions are evaluated in terms of Species under Threat. This evaluation is made as rate of species which are under critical threat, under threat and unguarded to total mammals, birds and amphibians. According to it, France has got **Very Well**, Turkey has got **Bad** competitive position.

**Table 23. Species Under Threat**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Italy	2		4,22			
Tunisia	3		4,03			
Greece	4		3,77			
Egypt	5		3,70			
Spain	6			3,44		
Fas	7			3,31		
Turkey	8				2,40	

At Table 24, destinations' competitive positions are evaluated by waste water refinement criteria. According to it, when Spain, Italy, France and Greece are compared with other destinations subject to the study, they have got **Very Well** competitive performance about waste water refinement.

**Table 24. Refinement of Waste Water**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very bad
Spain	1	5				
Italy	2	4,92				
France	3	4,52				
Greece	4	4,70				
Egypt	5			2,67		
Turkey	6			2,63		
Morocco	7				2,12	
Tunisia	8				1,50	

## 5.2. The Relation between Tourism Policy and Enabling Conditions Index and Number of Tourist, Income of Tourism

Destinations' 2014 year international tourism incomes and tourist numbers with TPEC Index values which are examined within the examination are seen at Table 26.

**Table 26. Counties' TPEC, Number of Tourist and Income of Tourism**

Countries	TPEC.	Number of Tourist (million)	Income of Tourism (thousand \$)
Egypt	4,23	9.174	6.047
Greece	4,39	17.920	16.139
Italy	4,14	47.704	43.912
Spain	4,66	60.661	62.565
France	4,25	84.726	56.686
Tunisia	4,28	6.269	2.190

Turkey	3,98	37.795	27.997
Morocco	4,21	10.046	6.850

Source: (WEF,2015)

Correlation analysis was made as to evaluate the relation between TPEC Index and Number of Tourist , Tourism Income. Correlation analysis is a statistical method which reveal direction, degree and importance of the relation among variances. Variances were obtained by proportional or interval scales and if it is suitable to normal distributors, Pearson correlation analysis is made. Variances were obtained by proportional or interval scales but if it does not suitable to normal distribution, Spearman correlation analysis is made. Results of normality test which was made were given at Table 27.

**Table 27. Normality Test Results**

	Kolmogorov-Smirnov <sup>a</sup>			Shapiro-Wilk	
	Statistic	df	Sig.	Statistic	df
Number of Tourist and TPEC	,217	8	,200*	,896	8
	,226	8	,200*	,927	8
Income of Tourism and TPEC	,187	8	,200*	,890	8
	,226	8	,200*	,927	8

\*. This is a lower bound of the true significance  
 a. Lilliefors Significance Correction

According to these results, TPEC with International Tourist Number and TPEC with International Tourism Income variances are suitable to normal distribution. In this case, Pearson correlation analysis can be applied.

**Table 28. The Relation between TPEC and Number of Tourist and Income of Tourism**

TPEC	Number of Tourist	Income of Tourism
r	,341	,169
Sig.	,409*	,689*

\*p>0,05

Analysis result related to whether a relation is or not among variances were given at Table 28. According to it, there is not a statistical relation between TPEC with International Tourist Number and TPEC with International Tourism Income.

## 6. Conclusion

On this study, competitive position of eight destinations on Mediterranean Basin ( Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco ) was compared within 4 main criteria ( Prioritization of Tourism, International Openness, Price Competition and Environmental Sustainability ) as data of Tourism Policy and Enabling Conditions Index of World Economic Forum Travel and Tourism Competitiveness Index was used. Moreover, on the study, it was examined whether there is a relation between international tourism incomes and tourist number with TPEC.

Most competitive first three destinations are respectively Spain, Greece and Tunisia in terms of TPEC general evaluation. Moreover, competitive positions of destinations which were examined within the concept of the study differ in 4 sub-factors. Furthermore, when eight destinations on Mediterranean Basin are evaluated, there is not a relation between TPEC and Tourism Income and Tourist Number. Moreover, when total 141 countries' TPEC and Tourism Income and Tourist Number involved in WEF's 2015 report were analyzed, it is seen that there is a relation as meaningful in terms of statistical and in positive direction among variances.

This study is important as it defines Travel and Tourism Competitiveness Index and it shows how to analyze secondary data which are obtained from index and connected sub-indexes for active comparative analysis. Further researchers can

make evaluations related to different destinations as following and developing method and evaluations which were used on the study.

Restriction which requires to be considered about the study is that reliability and validity of findings revealed on this study are based on reliability and validity of data on Travel and Tourism Competitiveness Index as World Economic Forum 's data was used on this study.

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## Roads and Railway Lines in Serbia after the Balkan Wars

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### Abstract

*This paper deals with Kingdom of Serbia's plans on roads and railways construction in the regions annexed 1913, after the Balkan Wars. Plans are presented in detail, as well as achievements until 1915, when the country was occupied by enemy forces in the World War One. It is shown that plans for future roads and railways network were made according to the changed geopolitical conditions in the Balkan Peninsula, created as the consequence of the Balkan Wars 1912-1913. The paper draws mainly on unpublished archival sources of Serbian origin.*

**Keywords:** Balkan Wars 1912-1913, Serbia, Macedonia, Kosovo, roads, railways.

The victory in the Balkan Wars (1912-1913) against the Ottoman Empire and then Bulgaria caused enlargement of the Serbian territory for 39,309 km<sup>2</sup> (81.4 % of its pre-war area). The new territories were in administrative sense divided in twelve districts – five in the north of the Šar Mountains (Prijepolje, Raška, Zvečan, Priština and Prizren), and seven in the south (Tetovo, Skoplje, Kumanovo, Tikveš, Ohrid, Bitolj and Bregalnica). According to the census in 1913, on the whole newly acquired territory there were 1,481,614 inhabitants (approximately 51% of the population in the pre-war Serbia). The population in the new territories was heterogeneous in religious, ethnic and national aspect (Jagodić 2013, 103-152).

Integration of the territories annexed to Serbia after the Balkan wars presented a significant and vital task for the Serbian Government. One of its aspects referred to roads and railways construction. Country's prewar area was poorly connected with its recent acquisitions, only by one dirt road, suitable for year round carriage traffic, and one railway. Both were leading from the Morava into the Vardar valley, connecting Vranje and Skoplje via Kumanovo. On the other hand, delimitation between Balkans states, established in 1913, created new strategic environment that had to be taken into consideration. Therefore, creation of suitable land traffic network in the new regions was an imperative for military and economic reasons. Aim of this paper is to determine what Serbia had done and what were its plans on that matter during the short three years period, from the outbreak of Balkan wars in 1912 until the occupation of the country during the First World War in the autumn of 1915.

### Roads

Serbia's Constitution and legislation were not fully implemented in the new regions after the annexation for political and practical reasons. Some legal issues were regulated by Governmental decrees. Construction and maintenance of roads in the new regions was regulated by the Government's Decree on constructions, issued in September 1913 and amended in April 1914. Its provisions were slightly different from the "Law on public and land roads", which has been in effect in prewar Serbia since 1910. According to the Decree, all roads were divided into two categories: 1) national roads and 2) local roads. The former comprised roads of state, county, district and military importance, while the latter referred only to roads of community significance. Ministries or local (county, district or community) officials could require construction of a road. However, final decision was made by the Minister of Constructions. Ministry of Constructions and its county branches conducted technical preparations. "Larger artificial works", like cutting ways through the rocks, building bridges, diverting river flows etc, could be funded by the country's budget. All the other, "simple", works like digging, pebbling, transporting tools etc. were to be done by people's labor. Taxpayers were obliged to perform road constructing labor themselves, or to provide an adequate replacement. This was the main difference between the Decree and the Law. According to the latter,

people's labor could be ordered only in case of general mobilization or war; otherwise, road building was financed by national or county funds and executed by private contractors. However, since the money was scarce after the Balkan wars and necessity for roads was quite urgent, the Government has decided not to implement the mentioned provision of the Law in the new regions, but to resort to an unpopular measure, such as people's labor (Jagodić 2013, 58-61).

Serbia did not inherit many pebbled roads, suitable for year round carriage traffic, from the Ottoman Empire. Network of such roads, according to data collected by the Ministry of Constructions in exile in 1916, is presented in the following table.

Table 1: Pebbled carriage roads in the new regions of Serbia inherited from the Ottoman Empire.<sup>1</sup>

Pebbled carriage roads in the new regions of Serbia			
Road	Section	km	Usability
Skoplje- Kičevo	Skoplje-Tetovo	45	Good; for automobiles
	Tetovo-Gostivar	25	
	Gostivar-Kičevo	42	
	Aggregate	112	
Skoplje- Bulgarian border	Skoplje-Kumanovo	36	Good; for automobiles
	Kumanovo-Kriva Palanka	72	
	Kriva Palanka-Bulgarian Border	12	
	Aggregate	120	
Kumanovo-Tabanovci-Preševo- Bujanovac- Ristovac		54	Good; for automobiles
Veles- Bulgarian border	Veles-Štip	42	Good; for automobiles
	Štip-Kočane	54	
	Kočane-Carevo Selo	30	
	C. Selo-Bulgarian border	15	
	Aggregate	141	
Veles-Sveti Nikola		26	Good; for carriages
Strumica-Radovište		42	Good; for automobiles
Strumica-Pehčevo		66	Bad
Štip- Strumica	Štip-Negotin	48	Good; for automobiles
	Negotin-Strumica	72	
	Aggregate	120	
Veles- Bitolj	Veles-Prilep	66	Good; for automobiles
	Prilep-Bitolj	40	
	Aggregate	106	

<sup>1</sup> Stated distances are approximate. AS, MG, F 5, 1914-1916, *Narodni putevi u novim oblastima prema izveštaju inženjera G. L. Zisića (Public roads in the new regions according to the engineer's G. L. Zisić's report)*, 11/24. 4. 1916, Nica (Nice).



Prilep-Kavadar-Negotin		61	Very good; for automobiles
Bitolj-Kičevo	Bitolj-Žvan	40	Verz good; for automobiles
	Žvan-Kičevo	42	
	Aggregate	82	
Prilep-Brod-Kičevo		84	Good; for carriages
Bitolj-Greek border (towards Florin)		14	Excellent; for automobiles
Bitolj-Struga	Bitolj-Resen	35	Verz good; for automobiles
	Resen-Ohrid	39	
	Ohrid-Struga	14	
	Aggregate	88	
Struga-Debar (partially through Albania)		54	Good; for carriages
Bitolj-Novaci		12	Good; for carriages
Prilep-Kruševo		30	Good; for carriages
Resen-Stenje (Greek border)		30	Good; for carriages
<b>Total south of the Šar Mountain</b>		<b>1242</b>	
Prizren-Uroševac		56	Very good; for automobiles
Lipljan-Priština-Podujevo-Merdare		63	Good
Mitrovica-Prijepolje	Mitrovica-Novi Pazar	45	
	Novi Pazar-Sjenica	48	
	Sjenica-Prijepolje	33	
	Aggregate	126	
<b>Total north of the Šar Mountain</b>		<b>245</b>	
<b>Sum</b>		<b>1487</b>	

The existing roads were more west-east oriented, like the Ottoman Empire, than north - south, like Serbia. County and district centers were connected by the road network up to a certain point. Pebbled carriage roads had exits to the main Mitrovica-Thessaloniki railway in cities Mitrovica, Uroševac, Kumanovo, Skopje, Veles and Negotin. The road network was the densest in the Bitolj County while it was quite sparse in the Counties north of the Šar Mountain.

The Ottoman Government signed a contract with the French consortium "Société Générale d'Enterprises dans l'Empire Ottoman" in 1910, referring to carriage roads construction in the whole Empire. Until the outbreak of the Balkan wars, the consortium has completed these sections on the territory ceded to Serbia: Bitolj-Resen-Ohrid-Struga-Debar; Resen-Stenje (on the Prespa lake's bank), leading to Korča; Bitolj-Kenali, leading to Florin and Bitolj-Prilep. All of them were, in fact, parts of the planned Drač-Thessaloniki road with accompanying tangential sections.<sup>1</sup> The Ottomans constructed the other roads, stated in the *Table 1*, themselves.<sup>2</sup>

1 AS, S/F, microfilm 62, N. S. Serbie, vol. 19, 1911-1919, Société générale d'Enterprises dans l' Empire Ottoman à Ministère des Affaires étrangères Française, 8. 11. 1913, Paris; Société générale d'Enterprises dans l' Empire Ottoman à Ministère d'Economie Serbe, 15. 10. 1913. with road map attached.

2 *Ibid*, Empire Ottoman, Ministère du Commerce et des Travaux publics, *Routes d'État*, Constantinople 1913.

Maintenance, renovation and construction of roads in the new regions have commenced immediately after battles of 1912. The works have been organized by military and civil officials and conducted by engineer corps units and local inhabitants. Priority was given to roads of military and strategic importance, in accordance with the existing war conditions. The following new roads have been cut through, built and put in use until the end of 1913: Mitrovica – Raška, Novi Pazar – Raška, Sjenica – Javor, Kokin Brod – Nova Varoš, Gnjilane – Bujanovac, Gnjilane – Preševo, Preševo – Vranje, Prizren – Vranište, Kumanovo – Sveti Nikola, Kumanovo – Kratovo and Skoplje – Veles, along the Vardar's right bank. Thus, connections have been established between the prewar Serbian territory and the new regions, mainly in Prijepolje and Raška counties, as well as between certain county and district centers. Construction of some roads has only begun during the Balkan wars, among which the section from Debar to Mavrovi Hanovi and Gostivar, along the river Radika valley, has been considered as particularly significant; it was, in fact, the missing link between Bitolj – Debar and Skoplje – Gostivar roads. Construction of the new section Debar – Lukovo – Struga, on the right bank of the Crni Drim, was initiated by the end of 1913, for the existing one, on the opposite side of the river, remained in Albania.<sup>1</sup>

Road building labor has doubtlessly been hard and unpleasant obligation for the local population. In the Mitrovica district, for instance, where whole capable adult male population has been building the road towards Raška, the labor had to be aborted in the summer of 1913 so people could harvest their crops. Both Christians and Muslims have been equally engaged in roads constructing labor. However, the Muslim workers had been temporarily released from labor duty on the Mavrovi Hanovi – Debar road, during the first three days of Kurban Bairam holiday in November 1913. Still, the newly built roads were useful primarily to the local population, who was quite aware of that fact (Тодоровски 1979, 94-95, 105, 120-122, 165-166).<sup>2</sup>

There were other roads in the new regions of Serbia, besides the previously mentioned pebbled ones. However, they were not suitable for carriage traffic. For instance, sources claim that the road Peć-Djakovica-Prizren had existed only by name, while Podrimlje and Metohija districts did not have any road connection with their county center, Prizren, whatsoever. The road from Struga to Debar along the right bank of the Crni Drim was nothing more than a mere horse track. Average horseback ride from Ohrid to Debar lasted for two days in spring of 1914.<sup>3</sup> Therefore, people and goods were transported more by caravans, on donkeys and horses, than by ox carts or carriages (Тодоровски 1979, 89, 94, 120-122, 130-131, 165-166, 226-227, 311-313, 391-392).<sup>4</sup> According to a census carried out by the army at the end of 1913, there were 26969 ox carts and carriages and only 452 horse carriages in the new regions.<sup>5</sup> Therefore, transportation infrastructure was unsuitable for economic development and it obviously required improvements. Minister of economy Velizar Janković correctly emphasized in December 1913 that any economic policy in the new regions should start with broadening of the road network.<sup>6</sup>

Automobiles traffic was virtually nonexistent in the new regions. There were only few privately owned cars in Bitolj in June 1913 (Тодоровски 1979, 226-227).<sup>7</sup> Still, private entrepreneurs have regarded the automobile transport as a potential lucrative investment opportunity. A stock company, named "Serbian transport society", was established in Skoplje in February 1914, with founding capital of 250 000 dinars. Its aim was to introduce automobile traffic between main cities in the new regions, wherever possible. Ćeda Jovanović, a merchant from Skoplje conducted the subscription of shares.<sup>8</sup> Another similar company, "Society for automobile transport", was founded in Bitolj two months later. The company's goal was to organize transport lines from Bitolj to Veles, Kičevo and Struga on a regular basis. Its representatives have addressed to the British and French Consulates in Bitolj, enquiring about purchase of two cars and ten lorries in the respective countries. They have expected a vehicle manufacturer to send drivers, mechanics and sufficient garage equipment. The transport should have begun in August 1914.<sup>9</sup> These examples clearly show that the private entrepreneurs have gained enough faith in their new country by the early 1914, although their plans have not been effectuated because

1 AS, MID-PO, 1913, microfilm 410, R/6-8, Minister of Interior to Minister of Foreign Affairs, official, 18. 11/1. 12. 1913.

2 VA, P 2, K 19, F 14, № 1; K 22, F 36, № 1; F 44, № 2; K 52, F 20, № 2; K 59, F 2, № 23, 38; K 81, F 40, № 1, 2, 3; F 46, № 12; P 6, K 614, F 3, № 30/9; AS, MUD-P, 1913, F 15 R 41; 1914, F 4 R 97.

3 AS, MUD-P, 1913, F 15 R 41; MNP-P, 1915, M. Petrović to Minister of Economy, e№. 130, 14/27. 4. 1914; MID-SPA, 1914, 819.

4 AS, MUD-P, 1913, F 15 R 41.

5 VA, P 3, K 73, F 2, № 61.

6 Politika, 20. 11/3. 12. 1913.

7 AS, MUD-P, 1913, F 15 R 41.

8 Politika, 5/18. 2. 1914.

9 S/GB, microfilm 186, FO 368/1115, Greg to Krekenthorp, 23. 3. 1914, Monastir, S/F 62, N. S. Serbie, vol. 19, 1911-1919, viceconsul dans Monastir à Ministère des Affaires étrangères №. 12, 6. 6. 1914; Politika, 14/27. 4. 1914.

of the outbreak of the First World War. They must have been confident that Government would secure much needed law and order and take appropriate steps to improve and broaden the road network. Had they have a different impression, the entrepreneurs would not have been willing to invest.

Since the planning of a road network was an issue of high military and strategic significance, Serbian General Staff created a comprehensive proposal for construction of new roads in March 1914, at the request of the Minister of Defense. The study encompassed the road network in the whole country and categorized certain sections according to preference. The General Staff suggested the construction of sections in the new regions in the following order: 1) Skopje – along the Treska river – Brod – Kruševo – Bitolj; 2) Mavrovi Hanovi – Debar, as the extension of the Skopje – Tetovo – Gostivar – Mavrovi Hanovi road; 3) Kičevo – Slivovo – Novo Selo – Ohrid, thus connecting Gostivar and Ohrid via Kičevo; 4) Skopje – Veles – Djevdjelija, along the Vardar's right bank, parallel with the existing railroad track; 5) Štip – Radovište; 6) Skopje – Uroševac – Priština – Mitrovica (part of the road between Skopje and Uroševac through the Kačanik gorge was specially emphasized); 7) Kičevo – Dolenci – Bitolj; 8) Mitrovica – Rudnik – Peć; 9) Sjenica – Bijelo Polje; 10) Gnjilane – Uroševac; 11) Prizren – Djakovica – Peć.<sup>1</sup> Obviously, the proposed sections were mainly of north – south orientation. Most of them should have been placed in the southwest of the country. This choice was predictable since the alternative communications for the movement of troops should have been secured, in case that the main traffic artery, the Vardar railway was cut. The General Staff's reasoning was based on the presumption of a Bulgarian attack. In fact, the komitas gangs, infiltrated from Bulgaria, have been trying to sabotage the railway since late 1913. Besides that, Skopje and Bitolj should have been connected by the shortest route, along the Treska valley, through Poreče area and via Kruševo. Thus, the fast transfer of troops through the middle of western Povardarje area would have become possible.

As previously mentioned, the state should fund "larger artificial works" in road building. Serbia's 1914 state budget provided 1, 2 million dinars for "constructions on land and water" in the new regions, including roads (Ministarstvo finansija 1914, 180). According to the already cited report made by the Ministry of Constructions in 1916, building of the sections presented in the following table has commenced until the autumn of 1915.

Table 2: Pebbled carriage roads in construction.<sup>2</sup>

Road	km	Usability	Notice
Mitrovica-Peć	54	Not for automobiles	Assigned to private contractors
Gostivar-Mavrovi-Hanovi-Debar	65	Not for automobiles	Assigned to private contractors
Kičevo-Jama-Debar	58	For automobiles	Assigned to private contractors
Kičevo-Klasnovac-Ohrid	70	Not for automobiles	Construction has just begun
Aggregate	247		

From May to December 1914, 60 000 dinars were spent on financing works on the Mavrovi Hanovi – Debar road. Sources also mention that in November 1914 10 000 dinars were approved for the construction of the Štip – Radovište road. A contractor was supposed to be engaged by direct settlement, rather than by public tender, for the project was urgent. However, available sources do not reveal what, if anything, has been done on that matter.<sup>3</sup> Jovan Marković, a construction entrepreneur from Skopje has completed the strengthening of bridges on the Skopje – Veles road just before the evacuation from Skopje in the autumn of 1915.<sup>4</sup>

Construction of some local roads, mainly in the Prizren, Zvečan and Kosovo counties, which has been considered during 1914, could not have been achieved for the lack of resources and available engineers. These roads were the following:

1 VA, P 3, K 1, F 1a, № 1, 25. 2/10. 3. 1914. and 26. 2/11. 3. 1914.

2 Stated distances are approximate. AS, MG, F 5, 1914-1916, *Narodni putevi u novim oblastima prema izveštaju inženjera G. L. Zisića (Public roads in the new regions according to the engineer's G. L. Zisić's report)*, 11/24. 4. 1916, Nica (Nice).

3 AS, GKo, 1914, F 40 R 52; F 41 R 14.

4 AC, MG, F 6, 1916, J. P. Marković to Minister of constructions 4/17. 4. 1916, Rim (Rome).

Suva Reka – Orahovac – Velika Kruša; Prizren – Tetovo; Priština – through Drenica area – Kijevo; Lipljan – Štimlje; Priština – Gnjilane and Priština – Papaštica.<sup>1</sup>

Since July 1915, construction efforts have been primarily focused on the section leading from Čafa San (a place on the south border between Serbia and Albania), via Elbasan and Tirana to Drač. It should have been an extension of the Bitolj – Struga road. The Serbian High Command expected Bulgaria to enter the war at that time. Thus, the prospect of cutting the Vardar railway seemed imminent. Therefore, the High Command considered the establishment of secure connection between southern parts of the country and the Adriatic coast as necessary. Works have begun immediately, as a joint Serbian and Albanian enterprise. However, providing and keeping sufficient labor force have proved to be difficult. Therefore, on September 30<sup>th</sup> 1915 the Serbian Government decided to use 250 000 dinars of the budget funds for financing the section from Čafa San to Elbasan; the amount included money for workers salaries. The Albanian side should have completed the rest of the road. Of course, the project has remained unfinished because the Serbian army was soon forced to retreat and eventually leave the Serbian soil (Janković, Hrabak 1976, 141).<sup>2</sup>

### Railways

There were three railway lines in the new regions of Serbia. The main was the Mitrovica – Thessaloniki line, i.e. its section from Mitrovica to Djevdjelija (286 km). It extended across Kosovo (through cities Vučitrn, Priština, Lipljan and Uroševac), through the Kačanik gorge, via Skoplje and along the Vardar's right bank to the Greek border; only 14 km long part of the railway was placed on the opposite side of the river in Serbia, south of Veles, between Demir Kapija and a village called Davidovo. Other two lines were: 1) Zibevče (old Serbian – Turkish border) – Skoplje (93 km), which was passing through Bujanovac, Preševo and Kumanovo and 2) Bitolj – Kenali, i.e. Greek border (a short part of the Bitolj – Thessaloniki railway). The first line (Mitrovica – Thessaloniki) began to operate in 1874, second (Zibevče – Skoplje) in 1888 and the third (Bitolj – Thessaloniki) in 1894 (Mitrova 2011, 555-556, 559; Šematizam 1914).

The Mitrovica – Thessaloniki and Zibevče – Skoplje railways were owned by the Eastern Railways Company, with predominantly Austrian and French capital involved. The Company has had a concession for their exploitation, valid until 1958. Serbian High Command has been in control of all railways in the new regions during the Balkan wars. After demobilization and annexation of the new territories, the railways were put under temporary jurisdiction of the Serbian State Railways Directorate. In other words, they were kept in full Serbian control. Such decision was motivated by strong national, i.e. military and economic, interests. Since the railways represented the only Serbian commercial, although indirect, outlet to the sea and a connection with its ally, Greece, the Government was not prepared to abandon control over them. On the other hand, The Eastern Railways Company has begun to demand the return of the railways since the autumn of 1913. Thus, a legal and financial dispute has emerged and soon gained a diplomatic dimension as well, since Austria – Hungary has supported the Company's claim. Other Great Powers got involved in the bilateral negotiations between Serbia and Austria – Hungary over the railways in the beginning of 1914, so the issue became internationalized. Compromises were made by both sides, and a solution was reached. Austria – Hungary has agreed that, under certain conditions Serbia could purchase the railways from the Company. Serbian Government has estimated their value somewhere between 26, 5 and 31 million dinars, based on a calculation made by the State Railways Directorate's experts. The negotiations about the exact price and the manner of payment have proceeded during the spring of 1914, but they were aborted immediately after the assassination of Archduke Franz Ferdinand and his wife in Sarajevo. The railways were eventually bought by the Kingdom of Serbs, Croats and Slovenes from the Eastern Railways Company in 1923 (Čorović 1990, 551-558; Aleksić-Pejković 1965, 737-803).<sup>3</sup>

Since the prewar and new Serbian territories were connected by just one railway (Belgrade – Niš – Vranje – Kumanovo – Skoplje – Djevdjelija), construction of more lines was necessary. "Law on construction of new railways" was passed on

1 VA, P 2, K 77, F 1, Operativni delovodni protokol Kosovske divizijske oblasti (Operation's Protocol of Kosovo division) 17/30. 9. 1913. - 3/16. 6. 1914, № 195, 4/17. 2. 1914; № 252, 25. 2/10. 3. 1914; № 275, 4/17. 3. 1914; № 384, 26. 3/8. 4. 1914.

2 VA, P 7, K 59, F 6, № 21/27, № 21/28; AS, MID-SPA, 1915, 1892, 1915, 1930, 1935.

3 AS, MID-PO, 1913, microfilm 409, R/6-8, Minister of Constructions to Prime Minister № 26699/13, 3/16. 9. 1913; The Eastern Railways Company to Minister of Constructions, 31. 8/13. 9. 1913, Vienna; acting Minister of Foreign Affairs to envoy to Paris, 3/16. 9. 1913; Army Ministry to Minister of Foreign Affairs is № 1383, 4/17. 9. 1913; envoy to Paris to acting Minister of Foreign Affairs № 462, 7/20. 9. 1913; Minister of Foreign Affairs to Austria-Hungary's envoy to Belgrade, 4/17. 12. 1913; microfilm 410, R/6-8, Minister of Constructions to Minister of Foreign Affairs, 2/15. 10. 1913; MG, F 14, Minister of Constructions to Minister of Finances, confidential, 20. 2/5. 3. 1914.

May 8<sup>th</sup> 1913. According to the law, construction of the normal track railways Niš – Prokuplje – Merdare, Kragujevac – Kraljevo – Raška and Kruševac – Jankova Klisura – to the point of connection with the Niš – Merdare line should begin. These lines have been planned before the Balkan wars, and they were all leading to certain points along the prewar border between Serbia and the Ottoman Empire. The enterprise was assigned to the company, named “French – Serbian Society for Industrial and Public Works”. The Law also authorized the Government to conduct studies for the normal track railways Raška – Mitrovica, Raška – Uvac (Bosnian border), Merdare – Priština and for the narrow track line Požega – Ivanjica – Sjenica. Thus, more railway connections between the prewar Serbian territory and the new regions should have been created (Milenković 1936, 250-262).

Before it has considered the road network, Serbian General Staff had defined desirable railway policy from the military and strategic perspective in November and December 1913, at the request of the Defense Minister. The General Staff made a thorough proposal about construction and the construction's dynamic of new railways. It was aimed at covering the whole country with railways network, which would allow fast and efficient transfer of troops from one potential borderline front to another. The Defense Minister initially requested the General Staff to propose the most suitable railway route between Skoplje and Bitolj. The latter concluded that it would have been unsafe to rely on the existing Skoplje – Djevdjelija railway, which could have been connected with Bitolj by construction of a line from Veles, via Prilep to Bitolj. In the General Staff's opinion, the Skoplje – Djevdjelija line was too close to the eastern border and thus overexposed to a possible attack or sabotage. It held that a new normal track railway, centrally positioned in the country, should be built instead and suggested the following route: Kruševac – Tulari – Merdare – Priština – Skoplje – Tetovo – Gostivar – Kičevo – Brod – Prilep – Bitolj. This line was given priority in the future construction. How detrimental was the absence of a railway for the southwest parts of Serbia can be clearly illustrated by the following example. A prominent commander of the comitadjis' units (*vojvoda*), Vasilije Trbić, who lived in the Brailovo village near Prilep, paid in 1914 more for transport of a mechanical thresher by an ox cart from Veles to Prilep, than from Bohemia, where he had purchased it, to Veles by railway (Trbić 1996, 41). Besides the former, the General Staff proposed construction of several others normal track railways in the new regions. They were sequenced according to priority in four categories as follows: 1) Mitrovica – Raška – Novi Pazar – Sjenica; Prilep – Pletvar – Gradsko – Štip – Kočani; 2) Prizren – Lipljan; Priština along the Drenica river – Lapušnik – the Montenegrin border at Dolac village or alternatively Mitrovica – Ribarić – Rožaj; Uroševac – Gnjilane – through the Končulj gorge – Bujanovac; Kumanovo – Kriva Palanka; 3) Bitolj – Resen – Ohrid – Struga; Požega – Ivanjica – Sjenica; Priština – Tenezdol – along the Brvenica, Tularska and Medvedjska rivers – Lebane – Leskovac – Vlasotince – Babušnica – Piroć; 4) Sjenica – Prijepolje – along the Lim or Uvac river – village Uvac on the border with Bosnia; Gostivar – Debar and Kočani – Carevo Selo.<sup>1</sup>

Marking out the Merdare – Priština and Raška – Mitrovica routes and the Raška – Novi Pazar – Sjenica – Prijepolje – Uvac route was assigned to the “French – Serbian Society for Industrial and Public Works” in November 1913 and April 1914, respectively. The company commenced construction of the Niš – Prokuplje – Kuršumlija – Merdare railway in April 1914 with a modest ceremony. The line should have been extended to Priština afterwards (Milenković 1936, 180-181).<sup>2</sup> In the next month, the Government allocated the general marking out of the Priština – Prizren and Bitolj – Ohrid routes to “Lentz” company from Berlin and the Prilep – Kavadar – Gradsko – Štip – Kočani route to a certain financial group from London. The overwhelming dependence on the French capital in the railway construction enterprises was clearly undesired (Milenković 1936, 181).<sup>3</sup>

Planning of railways' construction in the new regions was not entirely abandoned when the World War One broke out. On December 3<sup>rd</sup> 1914, while the battle of Kolubara has been fought, Prime Minister Nikola Pašić sent a proposal of the “Law on new railways construction” to members of the State Council (*Državni Savet*) for urgent discussion. It was based on the previously mentioned General Staff's plan. The bill authorized the Government to commence construction of the following railways: 1) Merdare – Priština; 2) Raška – Mitrovica; 3) Skoplje – Tetovo – Gostivar – Kičevo – Brod – Prilep – Bitolj or alternatively Skoplje – through the Treska river valley – Brod – Prilep – Bitolj and Skoplje – Tetovo – Gostivar; 4) Priština – Štimlje – Prizren. The total amount provided for these railways was 103, 8 million dinars. According to the bill, construction the Raška – Novi Pazar – Sjenica – Prijepolje – Uvac and Prilep – Kavadar – Gradsko – Štip railways could have begun after the previously mentioned ones; the expense was estimated at 64, 8 million dinars.<sup>4</sup> The bill has not been passed in

1 VA, P 3, K 1, F 1a, № 1, 20. 10/2. 11. 1913; 21. 10/3. 11. 1913; 24. 11/7. 12. 1913.

2 Politika 4/17. 11. 1913; 12/25. 1. 1914; 21. 1/3. 2. 1914; 13/26. 4. 1914; AS, MUD-P, 1914, Ф 8 P 101.

3 Politika 18. 4/1. 5. 1914; 29. 4/12. 5. 1914; AS, S/GB microfilm 186, FO 368/1115, Krekenthorp to Grey, confidential № 5, 6. 3. 1914, Belgrade.

4 AS, MID-PMS, 1914, Prime Minister to State Council 20. 11/3. 12. 1914.

Parliament until the occupation of Serbia in 1915, for reasons which cannot be determined. Just before the evacuation, the Government decided on September 17<sup>th</sup> 1915 that, after the completion of works on the Niš – Knjaževac railway, available labor force (i.e. prisoners of war) should be transferred and used for construction of the Skoplje – Gostivar and Užice – Vardište railway lines (Janković, Hrabak 1976, 131; Milenković 1936, 183-186).

During the occupation, the enemy has built, for its own military purposes, narrow track railways Skoplje – Gostivar – Kičevo – Ohrid and Gradsko – Prilep – Bitolj. The former was repaired after the war and extended via Struga to Moronište, a village on the Crni Drim's right bank; the latter was initially also repaired, but it was later replaced with a normal track railway. During the interwar period, some of the railways planned after the Balkan wars have been constructed (Milenković 1936, 295-296, 320-328, 364-366, 369-374, 417, 419).

The Serbian State Railways possessed 129 locomotives and around 3500 wagons in 1911. Since the number of wagons was insufficient to meet demand within the country, Serbia had to hire large quantity of wagons, mostly from Hungary. Number of locomotives and wagons has decreased during the Balkan wars, for some were heavily damaged and thus became unusable. Therefore, an increase of trains was obviously necessary for the enlarged Serbia. However, the state budget for 1914 did not provide any assets for purchasing new locomotives or wagons (Ministarstvo narodne privrede 1914, 41-42; Ministarstvo finansija 1914, 181-213).

The Serbian State Railways Directorate reduced railway fees for passengers in 1914, on the request made by the Ministry of Economy. This measure was expected to endorse and facilitate trade between the old and the new Serbian territories (Šematizam 1914, 267-268).<sup>1</sup> Railway tariffs, as well as passenger's ticket fees for certain routes, effective in 1913 and 1914, are presented in the following table.

Table 3: Railway tariffs and one way ticket fees in 1913 and 1914 (Šematizam 1914, 267-268 and appendix).

Train	Passenger's ticket fee per person and per km in dinars						Dinars per 10 kg of luggage per 1 km
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	0.135	0.11	0.09	0.08	0.06	0.05	0.003
Local	0.09	0.09	0.06	0.06	0.04	0.04	
Train	Passenger's ticket fee for the Belgrade - Djevdjelija route (629 km)						Dinars per 10 kg of luggage
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	84.915	69.19	56.61	50.32	37.74	31.45	1.887
Local	56.61	56.61	37.74	37.74	25.16	25.16	
Train	Passenger's ticket fee for the Mitrovica - Djevdjelija route (286 km)						Dinars per 10 kg of luggage
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	38.61	31.46	25.74	22.88	17.16	14.3	0.858
Local	25.74	25.74	17.16	17.16	11.44	11.44	
Train	Passenger's ticket fee for the Belgrade - Skoplje route (463 km)						Dinars per 10 kg
	First class		Second class		Third class		

<sup>1</sup> AS, MNP-T, 1913, varia, Minister of Economy to Minister of Constructions, t№ 7495, 29. 11/12. 12. 1913.

	1913	1914	1913	1914	1913	1914	of luggage
Express	62.505	50.93	41.67	37.04	27.78	23.15	1.389
Local	41.67	41.67	27.78	27.78	18.52	18.52	

The railway journeys were quite expensive. An express train's luxurious first class journey from Belgrade to Djevdjelija cost as much as a better cow; the same ride, taken in a third class, was equally priced as two or three sheep (Ministarstvo narodne privrede 1914, 307). Therefore, a discount was introduced for seasonal workers who travelled around the country. They could get tickets at the rate of 0, 02 dinars per person and per kilometer under certain conditions. The workers had to travel from and to the same station, and in a group of at least ten persons; they also had to present certificates of Serbian citizenship to a railway official. This tariff was twice lower than the third class tariff. However, the workers were allowed to travel in freight cars only (Šematizam 1914, 267-268 and appendix).

Serbian Government was well aware after the Treaty of Bucharest that the annexed territories could not be fully integrated with the rest of the country without the appropriate land communication lines. Inherited roads and railways were insufficient and suitable for the Ottoman, not Serbian, needs. Some counties of the new regions hardly had any decent roads whatsoever. Therefore, the General Staff made elaborate plans on the construction of roads and railways by the end of 1913. They were based primarily on military and strategic interests. However, due to the unfavorable circumstances, little has actually been achieved. Only few new roads and none of the conceived railways have been constructed between 1912 and 1915. The plans remained postponed until the end of the First World War.

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## **Comparative Perception Among Minority Communities on the Knowledge of UN Convention of the Rights of Child, Institutional Responsibilities and Child Participation in Decision Making Processes**

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### **Executive summary**

The survey document is mandated to address two issues in Republic of Kosova as following:

- I. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection in 5 Kosovo regions: Peja Gjakova, Ferizaj, Prizren and Fushe Kosovo
- II. Evaluation of the communities knowledge on existing services in case of violations of the children rights in 5 Kosovo regions: Peja Gjakova, Ferizaj, Prizren and Fushe Kosovo

Specifically we attempt to answer the following questions by the Roma, Ashkali and Egyptians Children, parents and team leaders from the communities:

### **Questionnaire for the children of RAE communities is as following:**

1. What rights do you think people should have?
2. What rights do you think Children should have?
3. What rights are most important for you?
4. What rights do you think you do not get?
5. Which people do not respect your rights? Can you give me an example?
6. Have you been told what your rights are and told them to you?
7. Have you told someone if your rights have not been respected? Whom did you tell in that situation? Which person you told? Whom would you tell in the future?
8. What more information would you like to know about your rights are?
9. What people do you know of that can help you in case your rights are violated?
10. What worries or issues do you have today?
11. What do you think should be done about this?
12. If you or your friends are/is abused / beaten, what would you do?
13. Is there anything else you would like to say?

### **Questionnaire for the Team Leaders of RAE communities are as following:**

1. What do you understand with human rights?
2. What do you understand with children rights?
3. What is the basic human rights (how do you understand them) ?
4. What do you think your responsibility is in the community?
5. Do you think that your rights are violated and by whom? (Please give an example when do you think your right is violated and by whom)?
6. Do you think as a Team Leader in the community has violated the right of you citizens (if yes please give an example)?
7. Have you ever heard about the rights of the Roma, Ashkali and Egyptians Communities? If yes, what legal documents you know that protects the rights of community and human rights in general?
8. Do you know what are your rights and responsibilities towards citizens? (Please list them with examples)?
9. If your right is ever violated from the community or the institutions do you know where you should ask for the support?

10. What are your rights in decision-making aspect in your community?
11. Did ever happened that your rights are violated, in health, education, court, social welfare issues etc, (Please give an example)?
12. Do you know the institutions that protect human rights?
13. Did you ever heard about the UN Convention for the Rights of the Child?
14. If yes, do you know what it is?
15. If yes, do you know what the rights of child are? Can you list them some of the rights)?
16. What are your responsibilities as \_\_\_\_\_?
17. Do you think that protection of the rights of the child at your community is at the satisfactory level?
18. What can be done do get improved/ change the situation?
19. Do the children know how to contact you in case they need your help?
20. What methods you apply when you work with children?
21. Do you have anything else that you might like to add?

**Questionnaire for the parents of RAE communities are as following:**

2. What do you understand with human rights?
3. What do you understand with children rights?
4. What is the basic human rights (how do you understand them) ?
5. Do you think that your rights are violated and by whom? (Please give an example when do you think your right is violated and by whom)?
6. Do you think as a parent in the community has violated the right of you citizens (if yes please give an example)?
7. Have you ever heard about the rights of the Roma, Ashkali and Egyptians Communities? If yes, what legal documents you know that protects the rights of community and human rights in general?
8. Do you know what are the rights and responsibilities of your child? (List them with examples)
9. If your right is ever violated from any institutions, do you know where you should ask for the support?
10. What are your rights in decision-making aspect and what are the rights of your child in decision making?
11. Did ever happened that your rights are violated, in health, education, court, social welfare issues etc, (Please give an example)?
12. Do you know the institutions that protect human rights?
13. Do you think that children should have their rights?
14. Did you ever hear about the UN Convention for the Rights of the Child
15. If yes, do you know what it is?
16. If yes, do you know what the rights of child are? Can you list them some of the rights)?
17. What are your responsibilities towards your child?
18. Do you think that you are doing your best for your child?
19. What do you think is the most successful to discipline your child?
20. Do you know why your child is worried now?
21. Do you know what their wishes are?
22. If your child is abused/ beaten from an adult, how would you act?
23. Do you think that education is important? Why?
24. Do you have anything else you would like to say?

**Our methodology included the following:**

- a. Analysis of written resources: Laws and regulations, communications, published articles, policy papers from official and unofficial sources.
- b. Interviews with children, parents and team leaders from the RAE communities in 5 Kosovo regions: Peja, Gjakova, Ferizaj, Prizren and Fushe Kosovo

The first chapter of the this report discusses the political and legal context of the RAE communities in Kosovo, engagement of the international and national organizations central and local government of Kosova in the implementation of legal policies that protects and promotes the Roma, Ashkali and Egyptian communities , their education and social inclusion.

Second chapter contains evaluation of the three target groups of children, parents and team leaders of Roma, Ashkali and Egyptians communities parents and leaders and children with specific focus on the knowledge of the UN Convention for the Rights of the child, knowledge of the children on basic human rights, institutions that protect their rights and service delivery including child participation and decision making, whilst from the children is asked to know the mindset and knowledge on their rights, their practical approach to the institutions in charge . Also it is required by the team leaders and the youth to see their engagement in the community, their support towards community and the children rights protection from the ground.

## Introduction

*Whatever you aspire, whatever you may do –*

*First feed the face and then talk right and wrong.*

*For even saintly folk may act like sinners*

*Unless they've had their customary dinners.*

## Berthold Brecht, Die Dreigroschenoper



Fig 1. Kosovo map<sup>1</sup>

## I Chapter

The context of the minority rights and the engagement of government of Kosovo to implement the human rights legal framework and policies for the communities are considered quite necessary, and responsibilities of the local government are one of the key factors towards its implementation on the ground. Whilst the need for social integration of RAE

<sup>1</sup> Map of Kosovo <https://www.cia.gov/library/publications/the-world-factbook/graphics/maps/kv-map.gif>

communities was a political requirement of the EU to create the needed legal documents in power and designed in order to support proper implementation of the National and International legal policies and strategies for RAE inclusion in Kosovo, to be able to start the process of EU accession.

European Union, apart from dealing with economic issues, trade and prosperity it is also dealing with human rights in general. The concept of the human rights entered in the tractate of the establishment of EU. Therefore, human rights were elaborated in the tractate of the convention on the human rights and the basic rights which entered in to force in 1953.

In the all mentioned human rights forms, the most risked community in Kosovo society are (RAE) communities' 35,000-40,000 members of Roma, Ashkali and Egyptians. Historical injustice deeply were applied while the damages of the infrastructure resulted from the war conflict 1999, created uncertain support for the communities, in health and social life. From the statistics of the year 2004 it showed that RAE communities of age 15-24 years old about 75 % of men and 90% of woman were unemployed. Illiteracy was evaluated to be at 16%. And one in 2 children lived with only 2 euros per day. EU Commission and Foundation for the Open Society has implemented a project on the integration of RAE communities in education, social and cultural society.<sup>1</sup>

### **Political and legal context**

The Strategy for the Integration of RAE Roma Ashkali and Egyptians Communities, 2009-2015, was approved by the government of Kosova in December 24, 2008. The Kosovo Action Plan<sup>2</sup> for the implementation of the Strategy was presented in March 2010. In the introduction the Strategy is considered by the government as important instrument to achieve the fundamental goals, central to the realization of minority rights- participation, inclusion and fulfilling obligation.

In the context of the legal and policy developments for RAE communities, the Constitution of Kosovo was drafted, including specific measures of the Ahtisaari package. In addition to incorporating the international human rights documents within the Constitution, the Government of Kosova is pledged to use the affirmative measures in order to quickly improve the situation of the three communities. From the position of the European Union, implementation of the Strategy is the key element of the EU criteria for Kosovo to be able to start the process of EU accession. The REA Strategy was seen as important document for the implementation of the community rights in all related fields, education, child protection, cultural and social inclusion, as a feedback from the ministries in line with mandatory obligations to improve the social inclusion of the RAE communities.

### **Responsibilities**

As the government of Kosova has taken on the overall responsibility to integrate Roma, Ashkali and Egyptian communities it follows that specific agencies of the government would be tasked with seeing to the realization of this objective. In fact there are a number of agencies tasked<sup>3</sup>. The specifics are divided between the ministries and municipalities. At the central level the responsibilities are divided between the local levels that directly are mandatory to work in line with the central level under responsibility of the Prime Minister's office, Office for Good Governance, Equal Opportunities, Human Rights and Gender Issues OGG, leading the Strategy technical Working group with the role to coordinate, share information's, formulate and prioritize the policies. Including in these goals are harmonizing government and donor investments, solving budget issues and preparing the biannual report on strategy implementation. This group includes senior civil servants and several agencies as European Commission liaison office, KFOS, From the local level- municipality level there are human rights units responsible to work with communities in the ground and try to solve the concerns of the communities from bottom level, in cooperation with Office for communities at the municipality level and other municipality level departments as education, health and social department.

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1 Assistance of the EU for Kosovo, ( Assistance to the people in need)-www.delprn.ec.europa.eu

2 [http:// www.aktion302.de/fileadmin/aktion302/kosovo-integration-RAE-2009-2015.pdf](http://www.aktion302.de/fileadmin/aktion302/kosovo-integration-RAE-2009-2015.pdf)

3 [http://www.ecmi-map.com/map/index.php?option=com\\_content&view=category&layout=blog&did=35&itemid=62@lang=en](http://www.ecmi-map.com/map/index.php?option=com_content&view=category&layout=blog&did=35&itemid=62@lang=en)

In the year 2010 EU has given the effort and proper support to ensure the education for all children of the communities in Kosovo and from the survey only 20% of the RAE communities do not have a single year of education. Only 4% finished obligatory elementary school of 9 nine years of schooling and 33% of RAE woman do not attend schooling at all.<sup>1</sup>

Even the Ministries from government of Kosova are committed to protect and promote the rights of the RAE communities, however obstacles and the concerns are presented among the children of the communities as the rights and the obligations by the government institutions itself are not applied to the community children. The institutions itself and Human Rights Units existing at the level of the municipalities and the main central level ones at the central level of ministries are obligated to monitor the communities in the regions and perform their obligations through the informative sessions either collaborate with the community Units at the municipality level and close collaboration should be applied also with the parents of the children from RAE communities and youth and the community leaders in general.

Finally, the Article 42 of the UN Convention for the Rights of the Child states that every individual should know for his rights according to this Convention, child or adult and the government should inform people about this Convention, whilst the articles 43-54 of the Convention state that governments and international institutions are obliged to work closely in order to implement the rights of the child.

### Key community issues

- I. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection
- II. Evaluation of the communities knowledge on existing services in case of violation of the children rights

## II Chapter

### **Evaluation of the questionnaire of Children communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.**

During the Survey with RAE- Roma, Ashkali and Egyptian children, it resulted that Convention for Children Rights is not known by the children from communities except some articles that will be described below. The survey shows that Convention for Rights of the Child is not implemented in terms of the knowledge, rising awareness, children participation and information's, by the institutional responsibility that protects and promotes their rights.

With the children from RAE communities of the age 8-14 the survey has been done starting with questions on the children rights, their importance in general asking from the children to describe through examples, what are the rights they don't have, whilst we got an answer from the child respondents that in 89% of the answers they consider that the rights of the child are only „*learning process and playing*“, whilst from 11% of the child respondents answers are that they „*do not know what are their rights*“. In the questions for what do they think about the rights they do not have, in 78% the child respondents answered that, their economy's situation as food, clothing, housing, etc. is something that they do not have whilst 22% of them don't know. In the question about the people whom they think they did violate their rights, in 53% of the child respondents answered that, „*parents, friends or the others from the community did violate their rights*“, whilst 10% responded that, „*this did not happened to them that the rights are violated*“ and 37% among them say „*they don't know who has violated their rights*“. In the question who informed children about their rights and what are their rights, the response was that 90% of the children are informed about their rights from their teachers, whilst 8% among them are informed from their parents, whilst 2% of them have been informed from the „*others in the community, as leaders, neighborhoods etc.*“ regarding the question about what are the children rights and can they list them any, 89 % among them answered that „*the child rights are schooling and play*“ and 11% of them „*they don't know at all*“. In the question whom they told in case they rights are violated 74% of the respondents answered that they told to their „*friends, and parents*“, 3% they say their „*teachers, directors*“ and 23% of them they „*don't know*“. In the question what they want to know about their rights, in 82 % the answer was „*to have good and improved economic life, including food, house, toys etc.*“, whilst 16% they did not answered to this question and 2% among them wanted „*to know more about their rights*“. In the question about what people do they know to tell them in case their rights are violated, 89% of them they tell to their „*parents*“, 3% to their „*friends*“ and

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<sup>1</sup> Assistance of the EU for Kosovo, ( Assistance to the people in need)-[www.delprn.ec.europa.eu](http://www.delprn.ec.europa.eu)

8% they “don’t know”. In the question that what are the issues that occupy the children at the day they were interviewed, they answered in 96% they “want to play with their friends and other relatives” but they don’t explain anything more whilst, 3% of them they don’t know and 1% among children declare that their “rights are violated”. In the question if they have been abused or beaten ever or any of their friends is, how they will act, the response among the child respondents was that in 78% they “tried to stop the friends from the conflict”, whilst 20% answered they “were not beaten or been in the conflict ever” and 2% among them they say that they “have invited the parents to solve the conflict”. In the final question regarding their any wish they want to add at the end of questionnaires’ they expressed their wishes as they wanted to have economic life improvements as: proper food, house, toys, dress and creative centers for children.

Questions for the children	Answers with %
<b>What are the rights they don't have?</b>	89% learning process and playing 11% do not know what are their rights
<b>What do you think about the rights you don't have?</b>	78% economy's situation as food, clothing, housing 22% they don't know
<b>Whom they think they did violated their rights?</b>	53% parents, friends or the others from the community did violated their rights 10% this did not happened to them that the rights are violated 37% they don't know who has violated their rights
<b>who informed children about their rights and what are their rights</b>	90% teachers 8% parents 2% others in the community, as leaders, neighborhoods etc
<b>what are the children rights and can they list them any</b>	89% the child rights are schooling and play 11% they don't know at all
<b>whom they told in case they rights are violated</b>	74% friends, and parents 3% their teachers, directors 23% don't know
<b>what they want to know about their rights</b>	82% to have good and improved economic life, including food, house, toys 16% not answered 2% wants to know more about their rights
<b>what people do they know to tell them in case their rights are violated</b>	89% parents 3% friends 8% don't know
<b>what are the issues that occupy the children at the day they were interviewed</b>	96% want to play with their friends and other relatives 3% don't know 1% declare that their rights are violated
<b>if they have been abused or beaten ever or any of their friends is, how they will act</b>	78% tried to stop the friends from the conflict 20% were not beaten or been in the conflict ever 2% have invited the parents to solve the conflict
<b>any wish they want to add at the end of questionaries</b>	they expressed their wishes as they wanted to have economic life improvements as: proper food, house, toys, dress and creative centers for children

Table 1. Questions for the children and answers in %

## Final conclusions

From the evaluation perspective of the child questionnaire from Roma, Ashkali and Egyptian communities, we come up to the conclusions that Children Rights in the communities of Roma, Ashkali and Egyptians are not known in accordance to the UN Convention of the Rights of the Child. Children from these communities represent the issues as the important one, the needs for the improvement of the social economy, the proper food, housing and clothing, including the needs for play and toys.

After the rights for playing, children’s focus was in the importance of education process as a very important one for their development. Requesting adequate services for their development was one the major approach of the RAE children. During the presentation of their knowledge usually children presented the human rights incorrectly and mostly mixing up with responsibilities. So they were not clear what a right is and what responsibility is, so mostly these were not clearly defined

concepts in their minds. During the evaluation among the RAE children is noticed that children are not aware about the institutions at the local municipality level, considering all the time that parents are the ones who should know in terms of following and protecting their rights.

According to the UN Convention for the Rights of the Child, by the children respondents from the communities, the article 27 of the Convention is known. This article states the rights for creating sufficient living conditions for the satisfactory child development. Children from the communities have knowledge for the article 28 and 29 of the Convention as well, speaking for the education and their development through education, whilst the Convention states that the rights to education tries to develop the child identity and his capabilities as much as possible and to encourage children in respecting the rights and values of the other people. Children mention in the questionnaire that education is most important and everything related to the performance and questions brings up that the education is very important for them and their development. Children from the mostly known article of the convention have practically talked about the article 31 of the UN Convention for the Rights of Child. They mostly like playing and having creative centers in the communities and having desirable toys they always liked. This is relevant to the article 31 as it states that children have the right for fun, play and creative activities and free time. Apart from three articles mentioned above which are known by the children from the communities, other articles from 1-42 are completely unknown to children and they are not aware of them.

Children are also not aware about the responsibilities of government and international organizations that are bounded to closely work, in order to offer those rights to the children as is stated in the UN Convention for the Rights of the Child. Children are not aware about any central governmental level and responsibilities or local municipality level, whilst they have never had chance to meet people in charge to human rights protection and promotion, except in some cases at the Office for communities at the municipality level and international organization that closely works with communities.

In conclusion, children need to get educated accordingly and become familiar with all articles of the UN Convention on the Rights of the Child. This is a mandatory obligation for international organizations in collaboration with central and local levels of government to offer these children, proper education, knowledge on human rights and responsibilities through systematic and interactive education from pre-primary education and elementary schooling. The human rights education should be offered through pedagogical context in consultation with the authors who designed the materials for pre-primary and elementary education to include articles of the UN Convention for the Rights of the Child. It would be excellent approach to apply mandatory subject in children rights education in schools through the subject of choice. Materials for children rights education should be evaluated by experts and are suitable for the age of the children that they're dedicated to. Children should also be taught and get familiarized about the institutions that protect their rights in case of their endangerment, give children access and include child participation accordingly.

### **Evaluation of the questionnaire of parents in the communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.**

Parents of the children in the Roma, Ashkali and Egyptian (RAE) communities have been surveyed through the questionnaire that target's two above mentioned objectives of the survey. Due to evaluation parents are questioned about their knowledge on human rights and the answer among questioned parents in 92% responded that are "*economic conditions as stated and mentioned food, clothing, home and employment*" whilst in 6% they respond that the human rights are "*education and schooling*" and in 2% they think that "*life without violence and problems*" is basic rights of all human beings. Among parent respondents on the question that what are the rights of the child 98% responded that the children rights are: "*education*" and 2% responded that the rights of the child are "*life without problems and violence*". In the question regarding that "*what are the basic human rights*" the answer was in 92% saying that it is "*food, clothing and housing (good economic conditions)*" whilst in 8% they responded that are "*schooling and education*". In the question made to the parents regarding that, if ever their rights are being violated and if yes by whom, mostly the general answer was from schools, teachers, people from the working place, from their family relatives, husbands, mother in law, neighbor's etc. From this perspective we see that as children also the parents are occupied with economic rights and the above mentioned articles as stated for the children evaluation. Mostly are occupied with living conditions of life asking for improvement and considering that all of the rights are included in the above mentioned. In the question to the parents have they ever violated the rights of their child? 96% of parents responded that they "*did not violate the rights of their child*", whilst 3% considered that "*maybe they violated the rights of their child in the occasions were the economic living conditions were poor*". In the 1% of respondents of the parents responded that they "*don't know*" if they have ever violated the rights of their child. We



do understand that from this point of survey there is a trust in the parent's conscience that mostly they did not violate the right of their child, but being not aware about the other articles of the UN Convention for the Rights of the Child, we cannot consider this tolerance as a truth, when from the parents response we see a poor knowledge for the rights of child. When in the other question about the knowledge for minority rights and the documents in power that protects the rights of minorities, from the parent respondents in 99% of cases they "never heard", whilst 1% "heard about it, but they have no idea about the documents in power that protects minority rights". In the question for parents what are the rights of the child responsibilities the answer were listed as following: 98% of parents think that "the rights of the child is schooling and they have no ideas about responsibilities", whilst in 2% think that "education is responsibility". Here we have a mixing of roles of rights and responsibilities; these two concepts should be divided and elaborated. This can be done through methodology of teaching human rights through the manual for parents and the clear picture can be framed in the way that it will later help parents in conceptualizing the rights and responsibilities and will be able to follow the changes of the attitudes of their child as well. In the question "where would parents search for support if their rights are violated by any institution", the answer was 77% they "will seek support from the police", 14% they "don't know", 5% "will seek for help from municipality" and 4% that "it never happened that any institution violated their right". In the question that what are the rights in the decision making aspect, the answer from the parent respondent's was that 87% is the husband who decides and 13% is the whole family were the children have their participatory approach in decision making. This is a psychosocial question, the rights and responsibilities are not clear to the parents and their role is how they are used for the joint collaboration and participatory approach in the family. But, this does not give precise picture as there is no explanation or listed points either, the knowledge for human rights by the parents in general is limited. In the question were parents are asked for any violation ever happened by the any institution as health, court, education or social welfare (questions supposed to be listed in the row) but the answer was that 97% never happened, 2% has happened in education by the teachers, directors, and 1% from the court, social beneficiary application. In the question about the knowledge for the institutions that protect human rights, the answers were listed as following; 70 % they don't know about the institutions, 12 % think that is police, 6% think the office for communities in the municipality and 2% think that is ombudsman. In the question for the parents what do they think, are they doing the rights and the best thing for their child, the answer was that 78% think that they can't do the best for their child because of the poor economic conditions, whilst 6% they declare, that they do the best for their children but the economic situation made them dependent in realizing the wishes of their children. But 16 % among them they are not aware if they doing the best thing for their children. In the question for the children in what do they think is the best to discipline their child 98% think that schooling and education is the best, whilst 2% think that communication and conversation with children help them to become more disciplined. In the questions for the parents in what do they think what for instance their children are worried about, the answer from parent respondents was that 97% think that their children worried about the proper food, clothing, home (economic situation in general), 2% worried about the nondiscrimination in schools, mentioning still stereotypes and pre judgments etc and 1% to avoid problems between their parents. In the question if the child is beaten or abused from the adult the situation would be solved by the parents through communication between them and abuser in 98% and if the relations are not established will try to find help with the police and 2% will be trying to find support in the office for communities at the municipality level. In the final questioned opinion by the parents why they think the school is important the answer was that the school is the only thing that can develop and oversee the brilliant future for their child. And finally parents added that improvement of economic situation is one of the important things to change those living conditions and lifestyle in the communities.

Questions for the parents	Answers in %
<b>Knowledge on human rights?</b>	92% responded that are economic conditions as stated and mentioned food, clothing, home and employment 6% education and schooling 2% life without violence and problems
<b>What are the rights of the child?</b>	98% education 2% life without problems and violence
<b>What are the basic human rights?</b>	92% food, clothing and housing (good economic conditions) 8% schooling and education
<b>Have they ever have violated the rights of their child?</b>	96% did not violate the rights of their child 3% maybe they violated the rights of their child in the occasions were the economic living conditions were poor 1% do not know
<b>Knowledge for minority rights and the documents in power that protects the rights of minorities</b>	99% never heard



	1% heard about it, but they have no idea about the documents in power that protects minority rights
<b>What are the rights of the child responsibilities</b>	98% think that the rights of the child is schooling and they have no ideas about responsibilities 2% education is responsibility
<b>Where the parents would search for the support if they rights is violated by any institution</b>	77% will seek support from the police 14% don't know 5% will seek for help from municipality 4% it never happened that any institution violated their right
<b>what are the rights in the decision making aspect</b>	87% it's the husband who decides 13% whole family were the children have their participatory approach in decision making
<b>any violation aver happened by the any institution as health, court, education or social welfare</b>	97% never happened 2% has happened in education by the teachers, directors 1% from the court, social beneficiary application
<b>knowledge for the institutions that protect human rights</b>	70% don't know about the institutions 12% it's the police 6% the office for communities in the municipality 2% ombudsman
<b>are they doing the rights and the best thing for their child</b>	78% can't do the best for their child because of the poor economic conditions 6% that they do the best for their children but the economic situation made them dependent in realizing the wishes of their children 16% are not aware if they doing the best thing for their children
<b>what do they think is the best to discipline their child</b>	98% schooling and education is the best 2% communication and conversation with children help them to become more disciplined
<b>what for instance their children are worried about</b>	97% children worried about the proper food, clothing, home (economic situation in general) 2% nondiscrimination in schools, mentioning still stereotypes and pre judgments 1% avoid problems between their parents
<b>if the child is beaten or abused from the adult the situation would be solved by the parents through communication between them and abuser</b>	98% if the relations are not established will try to find help with the police 2% find support in the office for communities at the municipality level
<b>why they think the school is important the answer</b>	the school is the only thing that can develop and oversee the brilliant future for their child improvement of economic situation is one of the important things to change those living conditions and lifestyle in the communities

Table 2. Question for the parents and their answers in %

### **Evaluation of the questionnaire of Team leaders in the communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.**

In the evaluation of the questionnaire by the Team leaders in the communities, we brought opinions of the team leaders knowledge on UN Convention for the Rights of the Child, their collaboration with institution, child engagement and participation in decision making processes as well as their access to communities', exploratory ideas for the networking skills and mediation and other cross activities that could be applied by the Team leader work support in the communities.

In the questions made to the Team leaders about what are human and children rights in general and what are the rights of the child the answer is in 86% answered that it's *the democratic element of the equal opportunity of all human beings*, whilst 14% responded that human and children rights are *the freedom of thought, freedom of movement, freedom of expression, gender equality, right to religion*, etc. In the question to the Team leader for what are their responsibilities toward Roma, Ashkali and Egyptian (RAE) communities all of them in 100% of the respondents responded *it's their responsibility in promoting the rights of community is respecting equal opportunities in the community, and the promotion and protection of*

*the right of community through the human rights legislation in power.* In the question if the Team leader right is violated ever and by whom, the response was mostly that *now while there are documents and legislation on human and minority rights in power the discrimination facts are less and less, but till the legislation was not well established especially before and after the war of 1999 have had discrimination in the community.* In the question if ever happened that team leaders have ever violated the right of citizen's, the response was that by the matter of awareness, they never violated the rights of their citizen's and among all respondents responded equally in 100% saying that they *did not violated the right of their citizen's.* In the questions asking Team leader about their knowledge of the human rights policies for the rights of minorities they declared that they *heard about RAE Strategy and Action Plan 2009-2015.* They heard about the Constitution of Kosova and Ahtisari package that protects rights of minorities. In the question if the rights of the people from communities are violated, do the Team leaders know where they can direct the issue to support the communities in terms of minority rights, the answer is that they all know to *direct issue to the community office at the municipality level, if issues are not solved they continue with other institutions as police, courts, ombudsperson.* Whilst in the questions if it happened if the right is violated in health, education, court, social wellbeing and the answer among Team Leaders is that it usually did not happen but if it happens in some occasions such as the rights of children on education, the rights of minorities in the court or social beneficiary income, the Team leaders supported the communities when ever asked. When the Team leaders are asked about their knowledge on the UN Convention for the Rights of the Child the response was that in *100 % they heard about this convention but they are not aware about the knowledge of the articles for the rights of the child* either about any specific information regarding this convention except mentioning that this Convention protects all the rights of the child without precision in specifics and also consider that they were not been yet familiar about what the convention document contains. About their rights as Leader in the community they declared in 100% of respondent's that *their role in the community is to protect the rights of the child rights of communities in general and toward education, equal opportunities for all, better life, social integration of communities.* Regarding the question are they satisfied about the protection of the rights of the child in the community the answer was that *partially are satisfied but it can be better,* but they did not specified the obstacles and gaps. In the question for the Team leader about the knowledge of the children for their role in the community and do they call them for support in any asked situation, the answer was that, *they all know about them and about they supportive role in the community.* About the question in what methodology of action they apply to support children the answer among all leaders was that *it depends on the situation or the problem they have but always bearing in mind that with children we apply pedagogical methodology from the level they belong* but not being able to specify what are the methods they apply while working with children. The finally what the leaders would add for the end of the survey they committed themselves as moral obligation to support, promote and improve the community rights.

Questions for the Team leaders	Answers in %
<b>what are human and children rights in general and what are the rights of the child</b>	86% democratic element of the equal opportunity of all human beings 14% the freedom of thought, freedom of movement, freedom of expression, gender equality, right to religion
<b>what are their responsibilities toward Roma, Ashkali and Egyptian (RAE) communities</b>	100% it's their responsibility in promoting the rights of community is respecting equal opportunities in the community, and the promotion and protection of the right of community through the human rights legislation in power
<b>question if the Team leader right is violated ever and by whom</b>	now while there are documents and legislation on human and minority rights in power the discrimination facts are less and less, but till the legislation was not well established especially before and after the war of 1999 have had discrimination in the community
<b>if ever happened that team leaders have ever violated the right of citizen's</b>	100% did not violated the right of their citizen's
<b>knowledge of the human rights policies for the rights of minorities</b>	heard about RAE Strategy and Action Plan 2009-2015, heard about the Constitution of Kosova and Ahtisari package that protects rights of minorities
<b>if the rights of the people from communities are violated, do the Team leaders know where they can direct the issue to support the communities in terms of minority rights</b>	direct issue to the community office at the municipality level, if issues are not solved they continue with other institutions as police, courts, ombudsperson
<b>if the right is violated in health, education, court, social wellbeing</b>	it usually did not happen

<b>knowledge on the UN Convention for the Rights of the Child</b>	100 % they heard about this convention but they are not aware about the knowledge of the articles for the rights of the child
<b>Rights as Leader in the community</b>	100% their role in the community is to protect the rights of the child rights of communities in general and toward education, equal opportunities for all, better life, social integration of communities
<b>satisfied about the protection of the rights of the child in the community</b>	partially are satisfied but it can be better
<b>knowledge of the children for their role in the community and do they call them for support in any asked situation</b>	they all know about them and about they supportive role in the community
<b>what methodology of action they apply to support children</b>	it depends on the situation or the problem they have but always bearing in mind that with children we apply pedagogical methodology from the level they belong
<b>what the leaders would add for the end of the survey</b>	

Table 3. Question for the Team leaders and their answers in %

### Final conclusions

From the point of the survey for the Team leaders and their role in the community, we came to the conclusion that leaders are willing to support the community in any given occasion, mostly whenever asked. We cannot say that the self-conscience is not built, but the responsibilities toward children and communities in general should be brought and expanded in all related fields, starting from education, child protection, decision making processes and child participation. The limited knowledge for the UN convention for the Rights of the Child is an obstacle knowing that they heard about them but they don't know the articles and responsibilities of the children. Increasing the limited knowledge about the collaboration with networking activities, with human rights units at the municipality level, unit for communities and directorates for all related fields at the municipalities and government is needed and these are mandatory mechanisms established to integrate and protect the rights of communities.

Besides, the chain of links between children, parents and team leaders and youth it is the education process that needs to be explored and rights through education can be promoted smoothly.

**Comparative perception among children, parents and team leaders in the Roma, Ashkali and Egyptian communities for the knowledge about the UN Convention of the rights of child and, knowledge on the institutional responsibilities and cooperation between the communities and child participation in decision making processes.**

### Key community issues overall evaluation

- III. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection
- IV. Evaluation of the communities' knowledge on existing services in case of violations of the children rights

**Comparative evaluation of the children, parents and team leaders in the communities referring to the Chapter I and II key issues: - Their knowledge about the UN convention for the rights of the child and its articles.**

- Their knowledge about an institution and services that protects and promotes community rights.

### Knowledge about the UN Convention of Rights of the Child and its articles



Fig 2. Knowledge about the UN convention for the rights of the child and its articles

In detail the figure above shows that all participants: children, parents and community have the same knowledge about the UN convention on the Rights of the Child and its articles and that knowledge is just hearing about it. They lack the knowledge of its articles, duties and responsibilities at the same level. They have no knowledge about the responsibilities that the international organizations and government have to protect their rights.

### When children rights are violated who do they turn to

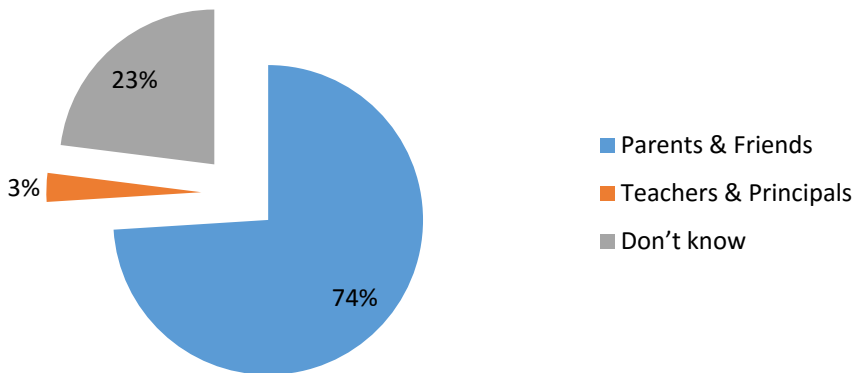


Fig 3. When children rights are violated they turn to ?

**When parents rights are violated they turn to**

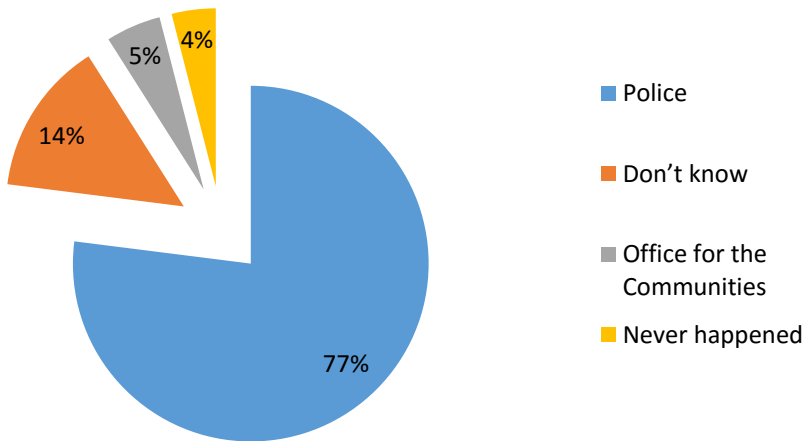


Fig 4. When parents rights are violated they turn to ?

**When Team leader detect violations of community rights they turn to ?**

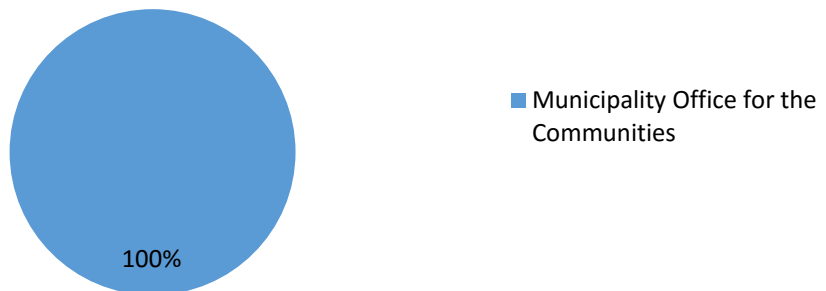


Fig 5. When Team leaders detect violations of community rights they turn to ?

Children's knowledge about the institution that protects and promotes the human, children and minority rights.

## Children's knowledge about the institution that protects their rights



Fig 6. Children's knowledge about the institution that protects their rights

Children believe that only their parents know about their rights, and parents only know the Office for the Communities at the municipal level.

### Final recommendations

The survey of the three targeted groups, the RAE children, parents and Team Leaders from the communities, brought a clear picture regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights. During the survey all perspectives on the UN Convention of Children rights, are being evaluated in the quantitative manner bringing out there analyses on how children make a perception of parents and Team leaders in the communities. From the tables we could measure the exact approach of all three targeted groups in daily life. We could see their attitudes, their participation in decision-making and also their knowledge about the institutions that protect and promote children rights. From the evaluation we brought out the final conclusions that are required, measured that should be applied in order to change the way of thinking for all three targeted groups in terms of children rights and minority rights.

The gaps and obstacles presented in the survey brought in the clear picture of the situation and presented needs for the change will empower communities to work closely with institutions and respect the rights of the child in participation and decision-making processes. The UN convention for the Rights of the Child and its articles should be taught to all involved targeted groups, children, parents and team leaders and their engagement will bring positive climate in the minority integration in general. A number of recommendations has been requested in order to make positive changes in communities in above mentioned regions. The actions and activities will reach direct impact on changes and this will be easy measured by the end of activities that will be delivered by the national institutions, local ngo's and International organization's through different projects.

1. Provide basic trainings for the RAE children community on children rights and responsibilities through the materials designed for the children rights, while the articles of the UN Convention for the rights of the child are treated and developed through at the level of child's age. What is important in this context is that the books should be designed on behalf of the course- subject of choice that is free to be chosen from the regular schooling and this depends on the will of children and teachers. But considering the need for education on children rights and responsibilities the materials and the course can be recommended as well as a general course in accordance to the plan-programs and strategies for pre and primary education developed by the Ministry of Education.

2. Engage a professional teacher expert on children rights and responsibilities for the ages 6-12 who will lecture to the children in the communities after school sessions in the community centers in regular basis. The authors of the books should be teachers also, who can provide training courses for children and parents of RAE communities.

3. Deliver basic trainings for the teachers and parents of the REA community on the human rights community rights in general and children rights and responsibilities in specific.
4. Design of 2 manuals, one for the teachers and one for the parents on the legislation package that protects the rights of the RAE communities. Considering the importance of the child education on children rights perspective, the knowledge on the rights and responsibilities cannot be taught only by teachers in the pedagogical way through the lecturing process but the whole education should be delivered also at home in order to create the sustained change in children's attitude towards knowing the rights and their responsibilities. Whilst, the manual for teachers is quite different as the professional capacities in delivering the human rights course needs considerable professional and pedagogical preparation in advance of the subject as currently we do not correspond with a such materials as they exist in other European countries. Since the books for education of children rights and responsibilities are in place and applicable only in some schools and preschool education in different regions of Kosova, applying it in the entire school system would be highly beneficial because it is a subject of choice in regular schools. The manuals can be designed by the same experts who already have applied for children rights education and responsibilities in line with the UN Convention for the Rights of the Child in these book materials. Considering that manual for teachers for teaching process is quite different from the one for the children, two manuals with different methodical approach should be designed in order to reach the overall goal for the community in awareness rising for the children rights and responsibilities. The one for lecturing process is quite different from the one for the parents.
5. Rising awareness activities with children from REA community through games, different artistic activities, etc, on the children rights and responsibilities.
6. Provide rising awareness campaigns about the legislation that protects RAE communities.
7. After the designed manuals, a voice recorded manuals should be provided on community rights on the legislation package that protects the rights of the RAE community to the parents of REA community that are illiterate in order to deliver the information among all RAE communities.
8. Basic trainings for the community leaders on human rights and the minority rights in specific. The importance of delivering those trainings are to empower the community leaders and the youth working closely with community, protecting their rights and being more closer to community in the support to their concerns on human rights violations. The importance of their closer collaboration and support to the community in any accrued situation is quite important as the lessons learned practices will be a greater support for the community at the advisory purpose. Knowledge on the human rights policies and minority rights in specific will increase the awareness for the community as well. Mediation activities are also of great importance between the community leaders, youth and the institutions and will establish closer networking for example with human rights units that are operational at the municipality level.
9. Cross line activities for the RAE children on the hygienic and sanitary principles and reproductive health care and health aid that can be delivered through the games on children rights and responsibilities.
10. Provide networking sessions between the human rights units at the municipality departments, community units at the local level and REA community NGO level with the course on the human rights in general and in specific about the rights for the communities.
11. Trainings for the task forces on human rights monitoring tools in support to REA communities.

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## Classroom Management

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### Abstract

*This paper aims to reflect an effort to identify the problems associated with the educational learning process, as well as its function to express some inherent considerations to the most effective forms of the classroom management. Mentioned in this discussion are ways of management for various categories of students, not only from an intellectual level, but also by their behavior. Also, in the elaboration of this theme I was considering that in addition to other development directions of the country, an important place is occupied by the education of the younger generation in our school environments and especially in adopting the methods of teaching and learning management with a view to enable this generation to be competitive in the European labor market. This, of course, can be achieved by giving this generation the best values of behavior, cultural level, professional level and ethics one of an European family which we belong to, not just geographically. On such foundations, we have tried to develop this study, always improving the reality of the prolonged transition in the field of children's education. Likewise, we have considered the factors that have left their mark on the structure, cultural level and general education level of children, such as high demographic turnover associated with migration from rural and urban areas, in the capacity of our educational institutions to cope with new situations etc. In the conclusions of this study is shown that there is required a substantial reform even in the pro-university educational system to ensure a significant improvement in the behavior of children, relations between them and the sound quality of their preparation. Used literature for this purpose has not been lacking, due to the fact that such problems are usually treated by different scholars. Likewise, we found it appropriate to use the ideas and issues discussed by the foreign literature that deals directly with classroom management problems. All the following treatise is intended to reflect the way of an effective classroom management.*

**Keywords:** Classroom, Management

### 1. Introduction

Supporting the theory of learning or didactic, there are included the management aspects, which are vital to the development of the learning process. This was the reason that actually prompted me to optimize the treatment of the subject, trying to do an anthology selection of topics as well as the most important points, which relate to the current practice in our schools. This theoretical treatment includes basic criteria related to classroom management which should be possessed and applied by each teacher in the nowadays schools. Study deals with the running of the class, the formation of groups, the beginning and completion of the lesson, class' ecology, the class' climate, student's motivation, characteristics of teachers, their communication with the students, maintaining discipline in the classroom and other treatises that can be derived during the elaboration of this paper. Classroom management is a very broad topic and interesting to be studied. Management is the way how the class is organized and how it affects in the entire class' climate and student's behavior. The purpose of this paper is to understand what does an effective class management means and to identify which are the techniques that make it an effective organization of the class. The word "management" means leading, direction, organization, in this context, as part of the learning process. Theoretical treatment on classroom management and effective methodology for reflection about practical application in the classroom, are fundamental provisions which successfully teaching can be implemented with. It is true that the teacher faces every day of surprises, which happen out of blue, but the way how these problems can be avoided, which impede the normal development of the learning process, it depends on how he possesses the required skills and knowledge for managing the class, how does he coordinate and stabilize the object as an entirety of the development of learning. Of course, these problems are psychological, practical, objective and subjective properties which are treated by the teacher during the teaching process. Classroom management describes the process for the provision of regularly being in the classroom teaching, despite the

attitude of the students. Classroom management means the learning management, time management, especially, time management for successful learning. In the classroom management exist some aspects, such as:

- creation an atmosphere in the classroom,
- personality of the teacher in the classroom atmosphere and
- the teacher-student ratio.

To place a report, the teacher should be an expert of knowing the name of the students as soon as possible. In some other words, it is initially thought that the teacher should recognize a student's name rapidly. The teacher must work with a principle, there are no bad students, but good, better and much better. "Management" can be defined as the ability of teachers to collaborate, manage time, space, resources, roles of students, student's behavior and to ensure a climate that encourages learning. As we said before, it is true that the teacher faces daily surprises, although he did not foresee such cases, but the way how can he avoid these problems, which impede the normal development of the learning process depends on how he possesses the skills and class management knowledge, how does it coordinate and stabilize the objects as an entirety of the development of learning. Sometimes teachers and students have some inconsistencies in their perception related to the disciplinary problems. Mainly differences have their origin outside the classroom and this has its effect on student's own relationship with the teacher. In order to reduce these differences teacher must have the qualities of effective teachers and good students to learn. "Also in order to be effective, teachers must be active facilitators, managers imaginative class."<sup>1</sup>

Theoretical interpretations of "teaching methodology" define management in this way: "Management of teaching deals with the management and organization of such learning, aiming to maximize the productive involvement of students in learning." Let's materialize this issue, reflecting the current situation in our schools, especially in the cities' ones. In the 9-year and secondary schools, the number of students in classrooms is the norm. According to the current situation, each class consists of 35-40 students at least, and there are rare times when a class has up to 45 students. In these classes the teacher happens to encounter students destabilization as a result of this major load. E.g. when the teacher is correcting the work of a student, helping him or giving any suggestions on teaching subject, the rest of the students may deviate from the preliminary stability, e.g.: students start a conversation, whisper, harassed each-other, laugh at anyone, while the others may be drawn to their observations of the windows outside, etc., where all of that bloating can be a result of the poor management by the teacher.<sup>2</sup> "The teacher is also a subjective factor, very important in training lessons, whose professional competence, preparing didactic and methodical plans, organizes and carries out all the work with the students, and enables the creation of the basic conditions for a successful completion of teaching work." Since the beginning of each school year, the teacher represents the teaching curriculum and required criteria, which are addressed to the students, and also should be said with persuasiveness, impact and sustainability to students, then they find their wider application in practice. Obviously, this regulative measure of the teacher is made for positive purposes and, in this context, it creates a kind of agreement with the students, which can give their proposals, but not out rules that govern the classroom and learning as an entirely. If these submissions, which are performed by the teachers, overtime suffer shaking, then this reflects adverse trends at the students, who may mistreat and nickname the teacher. This adversely affects the teacher, who has already lost the student's faith and trust, not being introduced with the dancing's pace at first. In this regard, the facetiousness, consistency and rationality, students will not only hate the teacher, but they will also hate the subject which he teaches. However, to avoid such deviations, then we should refer to constructive recommendation, which advises us successful teaching methodology, namely classroom management methods.

No matter which form of teaching work the teacher has decided to apply in class, he can also combine them in order to boost total activity among students. The two most important aspects of dealing with the beginning of punctuality and discipline are mental regulation. It is very important and very effective for the students if the teacher arrives in time to start the learning process, and punctuality, in this regard, would send the message to students that it is necessary, fair and rational, to respect the time and hours of learning. They are usually the first minutes of the preparatory period, because at a hand marks the teacher fills the register in, while, on the other hand, the students begin preparation for the material they will need during that hour of lesson. After completion of this procedure, the teacher should get up and put his own needed material up for specific educational unit. He sets the material before students and this way with a comprehensive vision "in

1 Niyazi Zylfiu "Office textbooks and teaching tools", Pristina. 1985. p.75

2 Bardhyl Musai. "TEACHING METHODS". Tirana: Pegi. 2003 p. 158

camera form," he should convey to the students that the hour of lesson is ready to start. Of course, he begins teaching by the day plan, which is written in the teacher's notebook, whose goal is always to present the hour making questions on students and sometimes answering them, which connect the last unit with the present. So, these are aspects that provide the teacher that the mental mobilization by students, is already secured.

## 2. Methodology

One of the biggest problems during these two decades of democratic development has been and continues to be our educational system, the education of the young generation, as a determining factor in preparing the future of the country and cultural and professional development of future generations. All these problems have arisen primarily from the opening after the long isolation, which was associated with the development of comprehensive democratic processes, but also the problems of the people, especially on the education of the younger generation, organization the education process in the new conditions, the improvement of school facilities and the extent of the achievements of technology in this system. During this work I have tried to analyze different issues associated with classroom management, trying to touch a wide field, both in terms of the attitude of the students, as well as defining the role of teachers, parents and students in management best possible learning process.<sup>1</sup> Of course, the room for improvement in this area is vast and requires, among other things, well-studied reforms and development perspective. Instruments used in the realization of this paper are related to relationship problems teacher-student in the learning process, with behavioral problems and learning of students, preparation of educational staff to meet the challenges of time in the educational process and a range of issues, which affect in the best management of the class. The whole theme of this study is more qualitative nature, directly related to the stability and professionalism of the teaching staff, with the right solution and qualitative problems that show students and the quality of the management class.<sup>2</sup> In methodological development of this paper I thought and I acted by analyzing the problems of teacher-student relations, aiming to jump some modest milestones to achieve fair outcomes for today in perspective. Of course the model set out in this study is only an attempt to analyze the problems of classroom management and the importance of this problem in the progress of teaching and educational process.

## 3. Management Class

### 3.1 Some considerations for classroom management

In this treatment, including basic criteria related to classroom's management, which must be possessed and applied by every teacher in the schools today. This deals with the running of the class, the formation of groups, the start and completion of the learning ecology of classes, class climate, student motivation, teacher characteristics, communication with students, maintaining discipline in the classroom and other treatises. With in the theory of learning or didactic aspects including management, which are vital to the development of the learning process. Classroom management is closely related to motivation, discipline and respect.<sup>3</sup> Methodologies remain a matter of passionate debate among teachers; approaches depend on teachers trust on itself educational psychology.<sup>4</sup> A large part of traditional classroom management is related to the behavior modification, although many teachers use behavior approaching only occasional simplistic behavior. Many teachers decide the rules and procedures at the beginning of the school year. According Gootman (2008), rules give students the right direction to ensure that our expectations will become a reality.<sup>5</sup>

### 3.2 Classroom management: Beginning of school year<sup>6</sup>

Targets	Ways
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1 Bardhyl Musai. " TEACHING METHODS". Tirana: Pegi. 2003 p. 210

2 Refik Halili "Looking pedagogy reform". Crown. 2007. F.73

3 <http://fsash-spash.com/Non-form-educ-manual.pdf>

4 Bardhyl Musai. " TEACHING METHODS". Tirana: Pegi. 2003 p. 210-212

5 Gootman, Marilyn E. The caring teacher's guide to discipline : helping students learn self-control, responsibility, and respect, K-6. 2008, p.36

6 Jackson's Class website Blog: Tips for Better Classroom Management

Organization of materials -	<ul style="list-style-type: none"> <li>- Prepare sites for each subject</li> <li>- Bold color codes for each subject</li> <li>- Prepares the environment for the subjects / instructional templates</li> <li>- Create folder homework for each student</li> <li>- Environment for classroom</li> <li>- Environment reading class table</li> <li>- Places for students- clean tables, bags etc.</li> </ul>
Routine located -	<ul style="list-style-type: none"> <li>- Learn the students to organize materials and work</li> <li>- Hours class</li> <li>- Beware of noise (p.sh bell, clapping etc.)</li> <li>- Constantly repeated</li> </ul>
Autonomy -	<ul style="list-style-type: none"> <li>- Rules created with the student class</li> <li>- Agendas</li> <li>- The role of students</li> <li>- Problems related to teaching / learning</li> </ul>
Class community -	<ul style="list-style-type: none"> <li>- Creation of activities around me</li> <li>- History of discussions about cooperation, friendship, community</li> <li>- Rule placing benches class</li> <li>- Moment of learning-discussions / activities, social interaction within and outside the classroom</li> <li>- Project work in the classroom.</li> </ul>

### 3.3 Classroom management standards

Management of teaching deals with the management and organization of such learning, aiming to maximize the productive involvement of students in learning." (Moses, 2003, f.201). Classroom management consists primarily of physical and social aspect of it, and it is the responsibility of teachers and pupils to ensure and protect it in order to be more effective for a more successful development of learning. Some key aspects of classroom management are:

- Well planned and interesting lessons;
- Develop positive relationships in the classroom;
- Motivating students to learn;
- The rules of the classroom;
- Positive discipline in the classroom;
- Good communication skills of teachers and students.

### 3.4 Approaches for motivation

Students learn and learn best when they are motivated. This happens when they:

- Are clear about the activities that they are carrying and the purpose they have
- Can work themselves relying on their own knowledge they have
- Participate actively in the development of activities by creating space to use language and their perceptions to understand.

In addition, students who participate in these classes will be more actively involved in the activities organized if they:

- Have an enabling environment that provides the opportunity to work together with others and also relieve pressure from the grade or error.
- Have a variety of options to chose what, when and how they want to learn
- Have time to think and reflect on what they have learned.

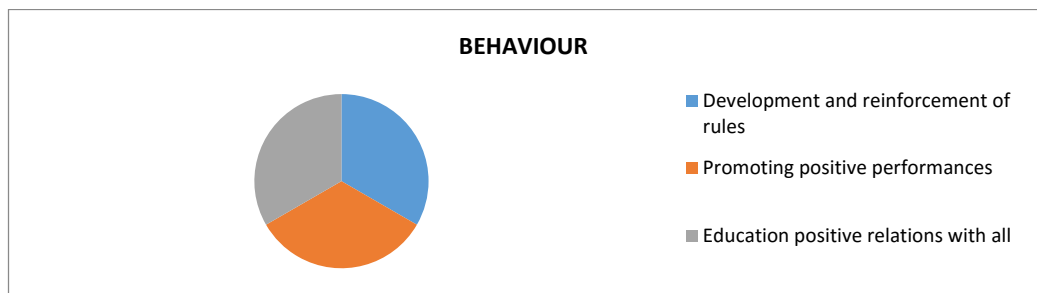
### 3.5 Systematic approaches

According to the founders, Dr. Richard Curwin and Dr. Allen Mendler, "Discipline with Dignity" is one of the most common practices in the world of philosophy of behavior management. Discipline with dignity, provides a deep and flexible approach to school management and effective class behavior management. With a powerful approach to the development of responsibility, it is a practical and comprehensive program that enables the provision of a student behavior through

responsible thinking, cooperation, mutual respect and the connection decision-realization. <sup>1</sup>A method for managing the class is the one which is based on teaching tools, created by Fred Jones in his explanatory instructions and in a series of books. Positive grades developed by Dr. Robert Di Giulio present positive classrooms management as a result of four factors:

- How teachers think about their students (the spiritual dimension)
- How do they stay in the classroom environment (physical dimension)
- How capable are they to teach the content (instructive dimension)
- How do they manage the behavior of students (managerial dimension).

Safe discipline is another different systematic class' management approach. This idea was developed by Tips and Marlene Canter in discussing the ideas of this approach in several books published by them. This refers to a high level of control of teachers in the classroom. She called the approach "taking control" of learning through the introduction of rules to control the class by the teacher strictly, but in a positive way. Approach schedules that the teacher can establish rules and guidelines. These rules must clarify the definition of acceptable and unacceptable boundaries of student's behavior, learning these rules, guidelines and requirements for the presence of parents or guardians when judged that this support is necessary in addressing student conduct. The main goal of this discipline is to allow the teachers to charge the students during the learning process without being interrupted by the rude students. Part of this approach is to develop a clear disciplinary plan in the class based on the rules that should be applied by the students all the time, positive knowledge that should be taken by the students through these rules and consequences when students choose not to implement these rules. These rules should be scaled when a student begins not to apply them more than once during some lessons. Finally, this treatment includes: rude students. Students may be forced to follow these arrangements. Teachers must be sensitive to the disrespectful students and must teach them correctly, and of course without interrupting the lesson. Penalties should be implemented to avoid the non-compliance of these rules and they require a positive pressure that encourages good behavior. Discipline without stress, punishment or reward? Discipline without stress is designed to educate young people about the value of intrinsic motivation. Its aim is to encourage and develop in young people a desire to become responsible, self-disciplined and to have a tendency to learn. The most significant features of discipline without stress is its lack becomes completely incorrigible (and unacceptable) and runs in the opposite behavior outsourcing mitigated reinforcing.<sup>2</sup>



### 3.6 The rules of modernization class

Classes and better schools often have very few rules of the way. A majority of the rules can be thought as an overload for students and can become a source of conflict, more than a guide to good behavior. We will mention only three basic opportunities for all students from a variety of rules and arrangements applied in different school classes. School staff and teachers should decide for students and parents of the school three basic rules of the way:

1. Respectful mutual treatment of everyone;
2. Appropriate usage of the school's tools and its equipment;
3. Application of the adults' guidelines.

<sup>1</sup> Arthur-Kelly et al. (2006) "Classroom Management: Creating positive learning environments" 2nd edition. Thomson.

<sup>2</sup> Discipline without Stress, Punishments or Rewards. Marshall, Dr. Marvin (2001)

All the rules of all the schools aim just to define the boundaries between what is regularly and what is irregularly in the classrooms. To be more effective, students' rules should be some way of simple, specific, clear and designed in terms as positive as possible. Avoid too much "not to do".

Other features regularly being successful in the classroom are:

- Rules of the way should be short.
- Rules of the way should be done in terms of the kind.
- Rules of the way should be used with distinct behavior.
- Rules of the way should be measurable.
- Rules of the way may be mandatory.

The difference between the rules which you can work with and those left by the time are described below:

THE RULES	
The effective rules	The ineffective rules
1. Try to as best for every task or duty.	1. Be good sometimes.
2. Work calm when you are directed.	2. Do not bother the others.
3. Be careful with installed equipment.	3. Apply a good citizen.
4. Do not shoot.	4. Behave properly at all time

Whatever the rules, they work best when students have their voice in shaping preservation of the rules. If all students are informed about the rules, teachers have one more reason to implement them in the best way possible. Teachers must submit obediently the rules of class. If someone signs for questions, or prayer room for negotiation, the rules will not be taken seriously. Obviously, even the best the rules in the world cannot work if the state of the class is boring and lessons are misplaced and. A part of the leadership helps the colleagues and associates to learn how to do their jobs better and more easily. This is the main role of discipline in the classroom. Teacher is the first connection in the school to protect from behavioral problems. If discipline is successful, it can be so only by what the teacher does, or what she does inside and outside the classroom.<sup>1</sup> Leaders serve as coach and supporter. There aren't recipes for public education, which teacher should at least be mentioned to discipline and to create a rule for the learning environment in the classroom. Problem is what a teacher makes while working in teaching and classroom management, which is a frustrating problem. The control elements of a good class are obviously visible, but the energy and dispersion requirements make them the largest real extract for every professional implementer.

#### 4. The teacher-student relationship, as key factor in the class' management

##### 4.1 Basis of relations teacher - student

Teachers who use positive discipline respect, nurture and support their children. They understand why a child behaves well or badly - as I know, and what the child thinks about himself, what could be the source of bad behavior and so on. They also point to the skills of the child and his family situation. The requirements a teacher has for a child are realistic, taking the child as it is, not as it should be. The teacher understands that misbehavior is an event, where lessons learned are constructive for the child, as well as his teacher and she is part of a natural, important development and not a threat to the authority of teachers. By building such a positive relationship on the basis of understanding and empathy, students have confidence in the teachers and evaluate their positions. When students respond to the positive nature of the relationship and consistent discipline, cases of misbehavior are reduced and further improve the quality of relationships. To achieve such objective, good role models are the best teachers, which the students who try to imitate to and go well with them.

##### 4.2 Communication parents -teacher

<sup>1</sup> [http://en.wikipedia.org/wiki/Classroom\\_management](http://en.wikipedia.org/wiki/Classroom_management)

Building a positive teacher - student relationship, the one that promotes good behavior and prevent misbehavior, also requires parental involvement in children's education. Two of the factors that can motivate the child to misconduct and dropout are not interested parents and their low requirements. The interest of the parents has a positive effect on the results of children and is the most accurate signal to a student's success in school. Some of the benefits that the interest of the family is associated with, are:

- Students achieve better results, irrespective of their socio-economic background of their ethnic or racial, the education of parents.
- Students regularly attend school.
- Pupils make regular tasks.
- Students exhibit more positive attitudes and behavior.

But to attract parents to be more concerned about their children's education, the teacher must show a big care for the child herself. Different studies show that parents use as a tool the teacher's knowledge on the child's personality or interests. They listen willingly comments on their child, if they see that the teacher know what is special about their child. This is one of the main reasons why knowledge of the child and his family is so important in the development of relations parents - teachers. In addition, children and especially those who chronically misbehave in class, a parent - teacher – student relation often ends the game their children play, contradistinguishing the school against the parents or the parents against the teacher.

### **4.3: Action Strategy; The same pupils, another behavior**

Select a student in your class, whose behavior worries or frustrates you. Observe him regularly for a week, especially outside the classroom. Did he behave the same way in other classes or with other students, as it does in your class? If he behaves at school differently in different situations, why do you think that he hasn't decided to act as behave in your class? Consult with teachers who do not have problems with his behavior. What are they doing differently than you? Do not submit your requests in the form of questions (such as teacher Ms. above)? Do you have punished him, and therefore will not come to class? Do other teachers offer other alternatives and let him deal himself with the consequences? What can I do to help him in a positive way to become more responsible for his behavior? If we believe that each student chooses his own attitudes, we need to apply this approach to our reactions in the classroom and for all activities with students. We must ask ourselves about the choices we make for our actions, why do we make such choices, and show more care then how do we state the voice, and how do we gesture. The main objective of students' behavior is to satisfy the need of belonging. This belonging desire is a fundamental need, which is shared by children and adults. Each of us strives to find and maintain an important position, a place to belong. During our research, we select beliefs, feelings and attitudes, through which we think we win importance. Most students spend hours in school, so their ability to find their place in the group and school class, is of great importance. In addition, any method to select a student to achieve the target of belonging - whether with good manners or bad ones - this method is selected early in life and has become a way of life, characteristic for that person. Here's why you're an important player to help each child to choose a method that is socially acceptable. It will last a lifetime! Students need to meet these requirements, in order to experience a sense of belonging.

- They need to feel able to fulfill tasks in order to meet the requirements of the class and the school.
- They need to feel they can communicate successfully with teachers and classmates.
- They need to understand that their contribution is important to the group.

These three factors that affect students' abilities to meet these requirements and needs are:

1. The quality of the relationship teacher - pupil, based on trust, mutual respect and reason (not fear);
2. Climate that encourages the spirit of success in the classroom (e.g., all children feel that they are involved, their contribution is estimated and that the group can work effectively);
3. An appropriate structure in the classroom.

By finding ways to meet these three requirements together with these three factors, we can meet the needs of students to find their place in the group and avoid so misbehavior that may occur during attempts to meet such a need.



#### 4.4 What might the causes that promote problematic behavior of students?

Can we do a grouping of the main causes that promote problematic behavior of students?

##### **Reasons related to the personality traits of the students themselves:**

Efforts to attract the attention of the others. Studies in this area show that a very high percentage of inappropriate classroom behavior by certain students become to attract the attention of the others (friends or peers). For a category of students, bringing "evil" may be the only way to attract the attention of others. Usually these are students who speak without permission, coming late in teaching, rejecting without any reasons, making noise etc. They can even ask for trivial things etc. They do everything to attract attention to themselves. **Seeking status fittest.** This happens when a student wants to be in control of things in the classroom. To achieve this status they can do evil, to confront, to show disobedience etc. They behave like this when they know they can gain audience and status. The need for power is expressed by refusing to respect preservation of the rule. Possible when they feel obliged to do what was required.

##### **Retaliation against classmates or teachers, for various reasons.**

They feel that this way they can hurt the others' feelings. There are times when this desire for revenge can pass the attacks not only of a psychological nature, but also physical. They can delight becoming aggressive and violent. These are students who write on the desks, threaten their weakest friends, strike, break-class facilities. Often such behavior comes when these students have failed in their efforts to attract the attention of others, or to be the fittest situation.

**Lack of confidence.** There are students who are discouraged by their position in the class or the poor results in the learning process, who have lost confidence in themselves and cannot accomplish things that the others (teachers, parents) expect from them. From the fear of failure they choose better not to try, so on the spot they find excuses typical of: "I cannot learn", "it was very difficult" and other expressions like these. Feeling not good with themselves, they believe they are bad and therefore behave just sorry. They think that they do not fulfill the adults' requirements, so they lock their selves and later they start to behave bad, pretending that they are impotent, miff and weak.

#### 5. Conclusions

Based on the practice of our schools, we cannot be satisfied with aspects of classroom management. Lack of management skill causes problems as a result of this issue. Here we can mention the monotony, skipping classes, lies and other problems ranging from this condition. It is also time's necessity to pay attention to this issue. When we talk about classroom management and student achievement, we can compare this situation with the driver that needs to respond to the needs of passengers in order to ensure that they will reach their destination. Effective teachers professionally managed arrive to organize the class and then expect their students to contribute in a positive, productive and effective way. Classroom management summarizes "teacher's actions and strategies used to solve the problem of order in the classroom environment". Effective teachers use the rules, the procedures and the routine to ensure that students are actively involved in learning. Basically, they do not use these rules to control the management of student's behavior, but to influence and run it in a constructive way to set the stage for learning.

Classroom management is nothing but the implementation and usage of all the rules and procedures to ensure order, discipline and welfare insurance of the classroom students. Some techniques should be applied to the management, in order for it to be more effective and reflect good results. Classroom's management is closely linked to the behavior of teachers. For this, the teacher must be fair to students, must command the subject, must control his emotions, must help students if it is necessary, must follow the progress of students in the performance of his duties etc. Professional teacher should be pleasant and try to create a friendly atmosphere with the students in the class, must show she is consistent with everything that happens in the classroom. The teacher should try to include in teaching all students. Even when he works with individual students, he should be able to deal with many things at the same time. The teacher should reduce the use of punitive methods and add reinforcements. He should exactly use behavior management procedures by reinforcing positive behavior.



Management "can be defined as the ability of teachers to collaborate, manage time, space, resources, roles of students and student behavior to ensure a climate that encourages learning". Methodologies remain a matter of passionate debate among teachers; approaches depend on trust teachers on educational psychology itself. A large part of traditional classroom management is related to the behavior modification, although many teachers use behavior approaching only occasional simplistic behavior. Many teachers decide the rules and procedures at the beginning of the school year. According Gootman (2008), rules give students the direction to ensure that teacher's expectations become a reality. As a result of this study related to problem of the students' behavior in the classroom environments and their management by the teacher, the teacher should consider how to deal positively to this challenge and proactively, to prevent misbehavior before it starts, acting effectively to the challenges of unexpected and encouraging students to listen and cooperate in a class with learning realistic goals.

Another distinctive feature is the management perspective. I think it is the creation of a climate in class, teachers' full competence. He must show willingness, readiness and physical consistency to control and activate the students as an entirely. It would be constructive if the teacher appears joy, interest, sincerity and pleasure before and during the entire class.

Developing a plan disciplinary must be clear in the classroom, based in the rules that should be applied at students all the time, knowledge, positive should take students through these rules and consequences when students choose not to implement the rules of the way. The rules need to be escalated when a student begins not to apply more than once in some lessons.

It is the duty of teachers to recognize the features of psychological age of the students their own on the basis of previous knowledge of these characteristics, in the age group of the same, as there are conclusions, know how to orient the view, the logic of the students of today, without doubt they are much higher than their peers, a few years ago, to open new horizons before them rattling.

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## Overeducation and Mismatches at the Labour Market - Albania Case

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### Abstract

*There is a constant increase in the graduates supply in the labour market in Albania. It seems that the expansion is going on a basis that risks distorting the distribution of students not in line with labor market needs. These expansions have been predicated on the assumption that more education is good for individuals and for society as a whole, not only in terms of economic outcomes like wages or employment, but also for a wide range of social outcomes like improved health and higher well-being. However, along with expansion of the system has come a range of new questions that have emerged as consequence of being many more tertiary graduates. For example, has the increase in tertiary graduates resulted in an oversupply of workers with tertiary qualifications, and thus a decline in the 'value of a degree'? If overeducation is a temporary disequilibrium or a permanent feature of economy; if the subject of degree affects the likelihood of being overeducated etc. are raised. This paper represents a research, aiming a total covering of the labour market measuring the overeducation rate for the graduates in Albania and drawing some take aways. The main contribution of the paper consists in providing estimations of graduate overeducation rate in national level. Some guidelines for possible recommendations for policies makers, relevant government agencies, higher education institutions, parents and other stakeholders involved in higher education sector in Albania, are also provided.*

**Keywords:** Overeducation, Labour market, Higher Education, Graduates

### 1.1 Introduction

In recent decades, Albania has gone through a process of expanding education, where an important part consisted in Higher Education (HE). The number of students in Albania has been increased significantly. Reforms launched in the field of education allowed universities to expand and at the same time newly created institutions received the university status. From 1994 to 2002 the number was increased about 67%, and in 2002 was opened the first private university in Albania. In a period of 13 years the number increased again, reaching 173,819 in 2013/2014 academic year. There has been doubt that the labour market could absorb such a rapidly expanding supply of new graduates. It should be noted that this change in quantity was unusual for the capacities of Albania and for the opportunities it offers. This massification process, perhaps important as educational policy, was not done in phases by studying them. This factor led to a certain extent in the decrease, sometimes dramatically of the quality, instead of its expected improvement. By 2014, the Albanian system of higher education presented the following configurations: A total of 59 institutions of higher education, 15 public and 44 private ones.

But the increased education' level of the work force was not followed at the same time by a work structure growth, in order to match the number of graduates. Consequently the phenomenon of overeducation appeared. Numerous questions have been raised about the impact that this expansion will bring in the labor market demand and supply. On the supply side, questions arise about the quality of new graduates. It is believed that the quality of graduates has declined in the last years as result of several factors such as overcrowding of universities, introduction of new programs with lower academic content to suit students with lower level skills, etc.

The process of expansion of higher education in Albania is considered by some as a good one, and even necessary, in order to meet the growing demand for skills that is naturally associated with the need of a society of knowledge. Furthermore one could argue that it is always good to have well-educated people, because education exerts positive effects on an active citizenship. It cannot exist something as redundant education.

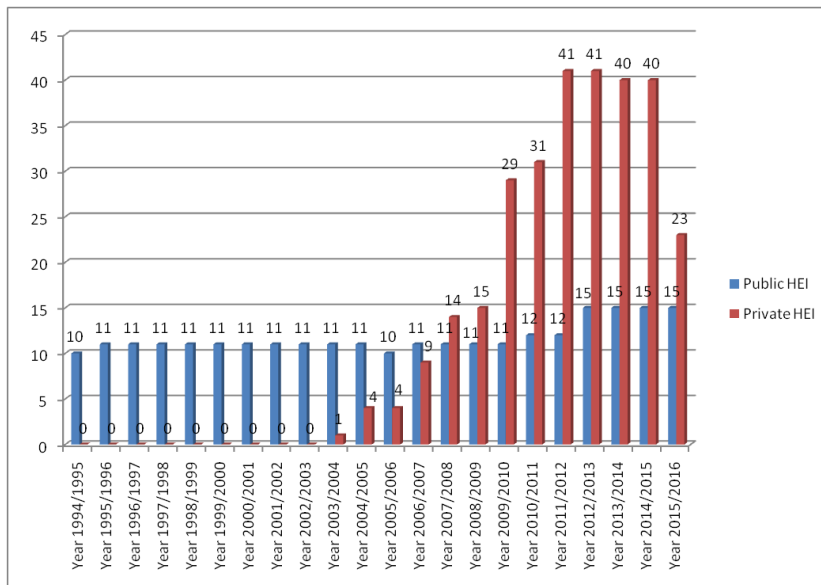
For another group, the expansion of education is not necessarily always positive. Hartog<sup>1</sup> (2000) suggests that "the expansion of participation in HE has exceeded the required levels of education". Based on this view, the risk of devaluation of degrees, and consequently social degradation of higher education graduates, becomes real. Overeducation is associated with low productivity and low job satisfaction. Moreover, if overeducation exists, this may result in a loss of social and individual resources. This has raised concerns about the value of higher education and challenges the widely held belief that a university education is a good investment and a guarantee of economic success.

A reform in higher education in Albania is under way since October 2013. The main pillar and objective of this reform is quality improvement and enhancement in higher education. Long term actions are on the way such as the Platform for Reforming Higher Education and a new Higher Education Law.

On this framework during January-July 2014, the Ministry of Education, the National Inspectorate for Higher Education and PAAHE, in a joint process undertook a thorough evaluation of 59 public and private HEIs, for the verification of the compliance with Albanian legislation, national standards and guidelines for HE. Quality Criteria were part of the evaluation and verification process and procedure. The outcome of this process was license revoking and final closure for 21 out of 44 Private Higher Education Institutions, license suspension for other 4 private HEIs and Recommendations for 13 private and 15 public HEIs<sup>2</sup>.

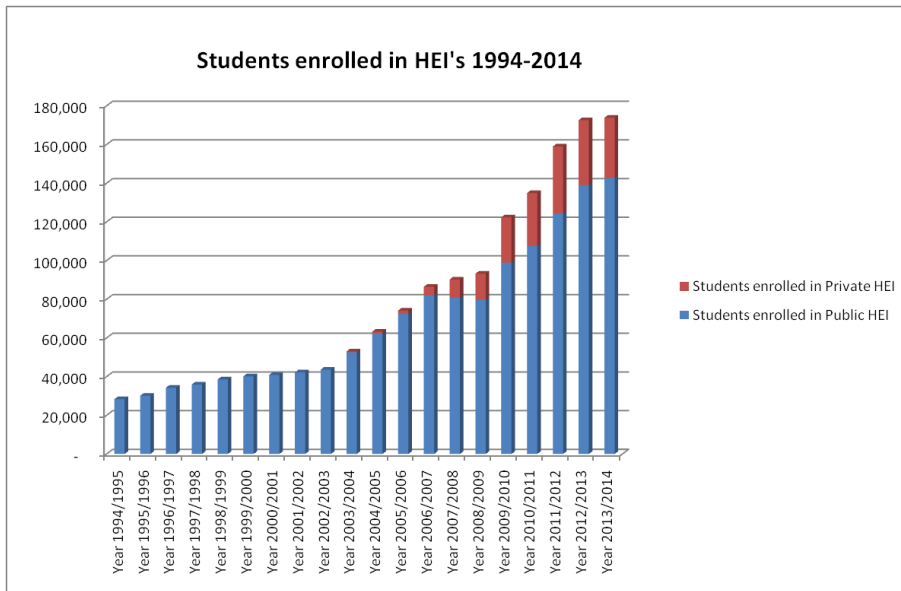
As for 2015 we have active on the market 15 Public HEI's and 23 Private HEI's as below

Graphic 1



Graphic 2

1 Hartog, J. (2000). "Over-education and earnings: where are we and where should we go?" *Economics of Education Review* 19: 131  
 2 Public Agency for Accreditation of Higher Education in Albania, [www.aal.edu.al](http://www.aal.edu.al)



Source of data: INSTAT

Prepared by: M.Elmezaj

As we see from the graphics, the largest number of students belongs to public HEI's. As for academic year 2013/2014 we have 142'707 students enrolled in public HEI's compared with 31'112 students enrolled in private HEI's. So the closure of 21 HEI's didn't bring any considerable difference in the total number of students enrolled in HEIs. The total number of students registered in these HEIs was 9'721, which represents only 6% of the total number of students. Even more these students were redistributed to the other active HEI's.

This paper provides a brief account on this phenomenon which has become a major concern as it proves to be pervasive, widespread and persistent resulting on real costs on individuals, businesses and society as a whole. To successfully overcome this challenge, the major concern is to be able to measure it appropriately.

The main emphasis is put on explaining measurement methods and to provide datas of a study on existence of the overeducation phenomenon in Albania. Questions like "is over education a temporary disequilibrium or a permanent feature of economy"; "is the over education likely to happen in specific fields of education, or is it an indistinct phenomenon", etc. are raised. The objectives of the survey required the use of a standardized questionnaire as the core research instrument in order to collect the data. On this regards, a study was conducted. The questionnaire addressed the socio-biographic profile of the graduates, their study experiences, their employment, work and careers since graduation and the links they perceive between education and work. Special emphasis in the data analysis was put on procedures of multivariate analysis in order to identify the most influential elements on the relationships between higher education and employment. The findings indicate that the phenomenon exists in Tirana and that the temporary over education is associated with an early stage in the occupational career.

## 2.1 Overeducation Measurement Methods

The literature distinguishes three methods to measure this phenomenon.

First method pertains to job analysts determining the level of education required for a job (eg, Rumberger, 1987<sup>1</sup>). This is an objective method which includes a detailed analysis of the professions and is based on the assessment of the

1 Rumberger, R.W (1987), 'The Impact of Surplus Schooling on Productivity and Earnings', The Journal of Human Resource, vol. 22, no. 1.

educational level required to perform a job. The analysts consider as the required level of education the one that enables satisfactory performance of these specific tasks and define individuals as over-educated if their education exceeds the estimated / required level.

In US research, we can refer to the Dictionary of Occupational Titles (DOT). In UK, we refer to the Standard Occupational Classifications (SOC). In Albania in June 2009 the "National List of Professions" document is approved. Halaby (1994)<sup>1</sup> raises two important objections to this method. The first concerns the fact that a fixed job level is attached to a certain job. Any variation of job levels *within* a given occupation is not taken into account. However, variation within a given occupation with regard to educational requirements may be considerable. This particularly affects the *reliability* of the measurement instrument. The second objection is that the allocation of the levels is determined by job analysts. This is often done on the basis of descriptions of the tasks and the nature and required level of knowledge and skills. However, these are subject to change, which might result in a systematic overestimation or underestimation of the level of certain occupations. Furthermore, there is not always a consensus - even among experts - about the level of education required for a given occupation. This affects particularly the *validity* of the measurement instrument

Second method, is a subjective method and is based on the employee Self Assessment (SA) regarding the minimal educational level required in his job position, or the utilisation rate of knowledge acquired at work (ex., Duncan dhe Hoffman, 1981<sup>2</sup>). This method is named as indirect self assesment (ISA) unlike other methods which measure overeducation based more in direct self assesment (DSA)

So employees are asked directly what they regard as the required level of education for the position they hold by asking: "How much formal education is required to get a job like yours?" This method does not go uncriticised, either. The subjective character of the instrument is a point of criticism, as is the fact that respondents may not always have a good insight in the level of education required for a job (Cohn and Khan, 1995<sup>3</sup>; Halaby, 1994). Hartog and Jonker (1998)<sup>4</sup> have pointed out that individuals may be inclined to overestimate the educational requirements or to simply equate these to their own level of education. In that case, the level of overeducation will be underestimated, which affects the validity.

Third method Realized Matches (RM) is a statistical approach. This method takes the average of the actual levels of education of those employed in a certain occupation as its basis (Verdugo & Verdugo, 1989<sup>5</sup>) or MODAL (Kiker, 1997)<sup>6</sup>. A limit of one standard deviation above or beneath this average is taken as a criterion for overeducation or undereducation (Verdugo and Verdugo, 1989). Again, this method ignores the variation in educational requirements within an occupation, while the limit of one standard deviation would also seem rather arbitrary (Halaby, 1994). Furthermore, this method is very sensitive to changes in labour market conditions. In case of excess supply, employers will contract personnel with a higher level of education than is in fact required. In view of the fact that the match between education and occupational levels which is actually achieved constitutes the basis of the calculation of the required level of education, the level of overeducation is underestimated in case of excess supply and overestimated in case of excess demand. Hartog and Jonker (1997) therefore concluded that the method based on the realized matches is the least adequate one for determining overeducation and undereducation.

## 2.2 Findings of Study

We will now present the results of the Study on Overeducation of graduates in Albania. The analysis targets workers who are graduated and employed. The unemployed and the self employed workers are not part of this study. Over a dataset of 576 graduated and employed individuals all over Albania, the first two available techniques were applied to assess the

1 Halaby, C. N. (1994). "Overeducation and Skill Mismatch." *Sociology of Education* 67:47

2 Duncan, G. and Hoffman, S. (1981). The incidence and wage effects of overeducation. *Economics of Education Review* No.1

3 Cohn, E. and Khan, S.P. (1995) The wage effects of over schooling revisited, *Labour Economics*, No 2.

4 Hartog, J.&Jonker, N. , A Job to Match your Education: Does it Matter? Paper presented at the ROA 10th Anniversary Conference, Maastricht. (1998), Towards a transparent labour market for educational decisions, Avebury

5 Verdugo, R. R. and N. T. Verdugo (1989). "The impact of schooling surplus on earnings: Some additional findings." *Journal of Human Resources*

6 Kiker, B., Santos, M., and de Oliveira, M. (1997). Overeducation and under education: evidence for Portugal. *Economics of Educational Review*, Vol 16, Issue no.2

incidence of over education attainment. We focus on the below outcomes: the incidence of current overeducation, its characteristic as gender, age-group, geographical distribution, field of study accomplished, etc.

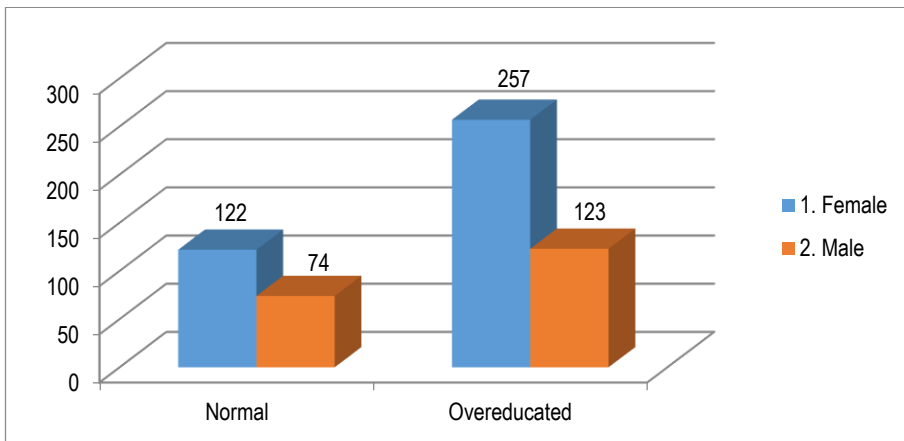
**a. Self Report Method**

The elaboration of collected data from the study' target group and their analysis by the Direct Self-Evaluation Method reveal that overeducation phenomenon is present in 65.9% of the respondents.

**Table 1: Overeducation by Gender**

		Overeducation Definition		Total
		Normal	Overeducated	
Gender:	1. Female	122	257	379
	2. Male	74	123	197
Total		196	380	576

**Graphic 3**



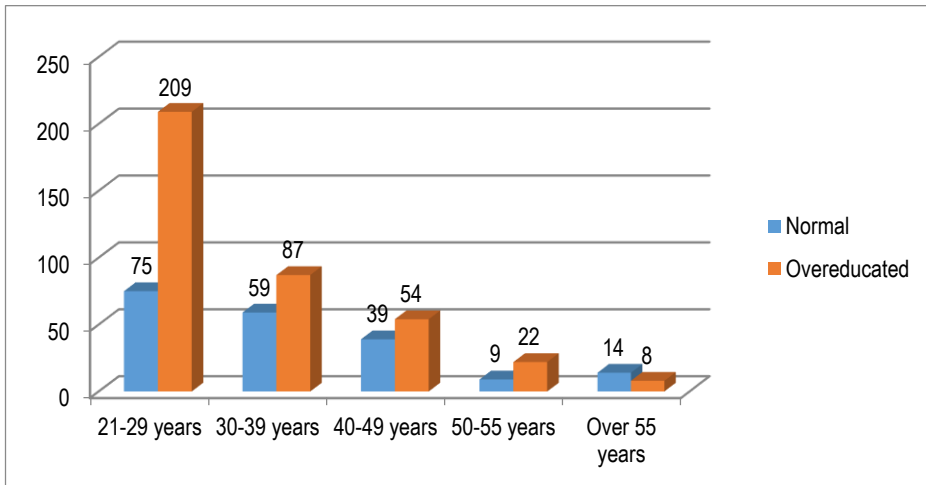
As seen from the chart, overeducated women constitute 67.8% of the total of those interviewed, while the men 62.4% .In total overeducated persons constitute 65.97% of the total of those interviewed.

**Table 2: Overeducation by age**

Overeducation Definition			
Age	Normal	Overeducated	Total

21-29 years	75	209	284
30-39 years	59	87	146
40-49 years	39	54	93
50-55 years	9	22	31
Over 55 years	14	8	22
	196	380	576

**Graphic 4: Overeducation by age**



From the data in table we can see that, the overeducation is present more in young ages, more specifically on the 21-29 years old group, which constitutes 55 % of the total number of overeducated individuals.

**Table 3: Overeducation by prefecture**

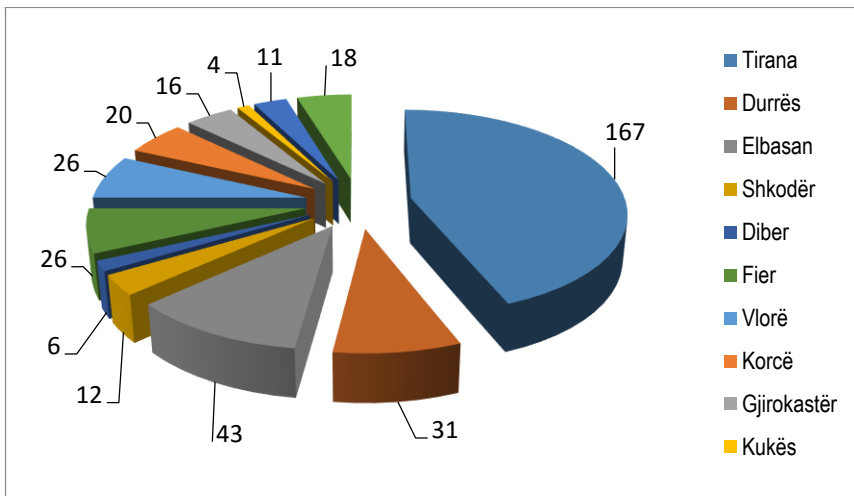
District	Overeducation Definition		Total
	Normal	Overeducated	
Tirana	78	167	245
Durrës	11	31	42
Elbasan	17	43	60
Shkodër	20	12	32
Diber	3	6	9
Fier	8	26	34
Vlorë	13	26	39
Korcë	22	20	42



Gjirokaštër	10	16	26
Kukës	6	4	10
Lezhë	6	11	17
Berat	2	18	20
<b>Total</b>	<b>196</b>	<b>380</b>	<b>576</b>

Analyse from the perspective of district shows that the biggest number of overeducated graduates is in Tirana, the capital of Albania and constitutes 44 % of the total number of overeducated individuals. This is expected as Tirana host many public institutions and public and private universities, and is the centre of the political, economic, and cultural life of the country. It is followed by Elbasani and Durrësi, both city hosting public and private universities as well.

**Graphic 5:** Overeducation by prefecture

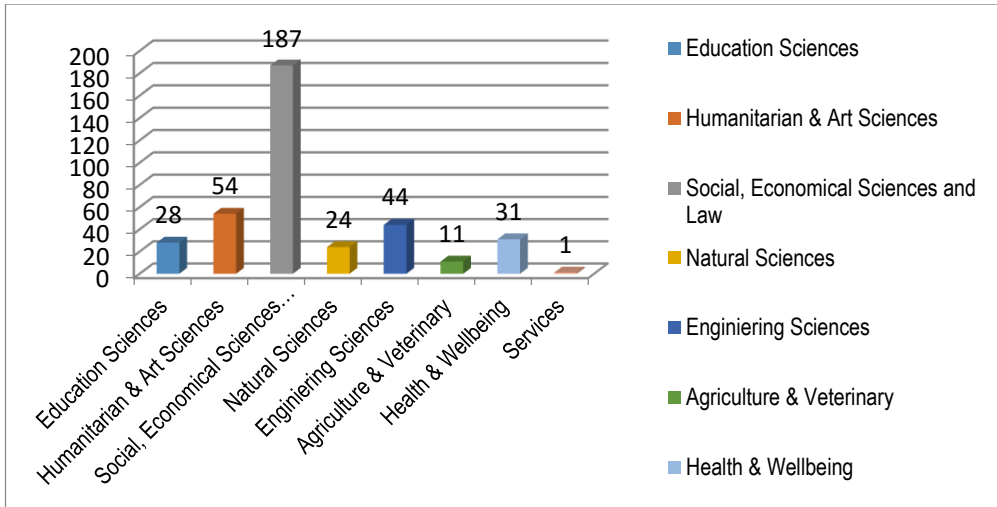


**Table 4:** Overeducation by field of study

Field of Study Accomplished	Overeducation Definition		Total
	Normal	Overeducated	
Education Sciences	24	28	52
Humanitarian & Art Sciences	18	54	72
Social, Economical Sciences and Law	107	187	294
Natural Sciences	17	24	41
Engineering Sciences	16	44	60
Agriculture & Veterinary	3	11	14
Health & Wellbeing	11	31	42

Services	0	1	1
	196	380	576

**Graphic 6:** Overeducation by field of study



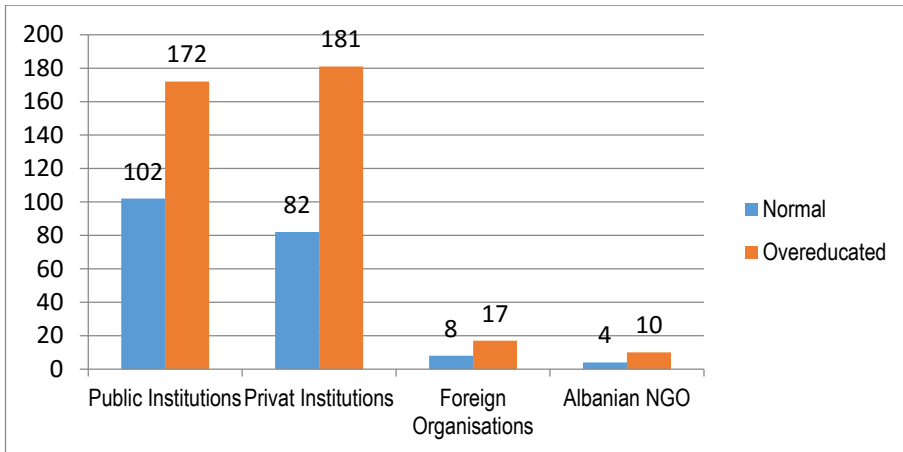
Over-education rates vary considerably across fields of study, with lower rates for “professional” fields of natural sciences, educational sciences and medicine. Conversely higher rates of over-education affect graduates of Social, Economical, and Law sciences as well Humanitarian & Art Sciences.

The study provided evidence that graduates from Social, Economic and Law field of studies have an increased risk of being overeducated as it constitutes 49.2 % of all target group of this study. However, some degrees offer greater protection against the likelihood of genuine overeducation.

**Table 5:** Overeducation by type of working Institution

	Overeducation Definition		Total
	Normal	Overeducated	
Where are you actually employed			
Public Institutions	102	172	274
Privat Institutions	82	181	263
Foreign Organisations	8	17	25
Albanian NGO	4	10	14
Total	196	380	576

**Graphic 7:** Overeducation by type of working Institution



From the data of this study it can be argued that the overeducation rate is not influenced by the type of institution, the respondents are working in. Both public and private sector have a large number of overeducated employees.

### b. Job Analyst Method

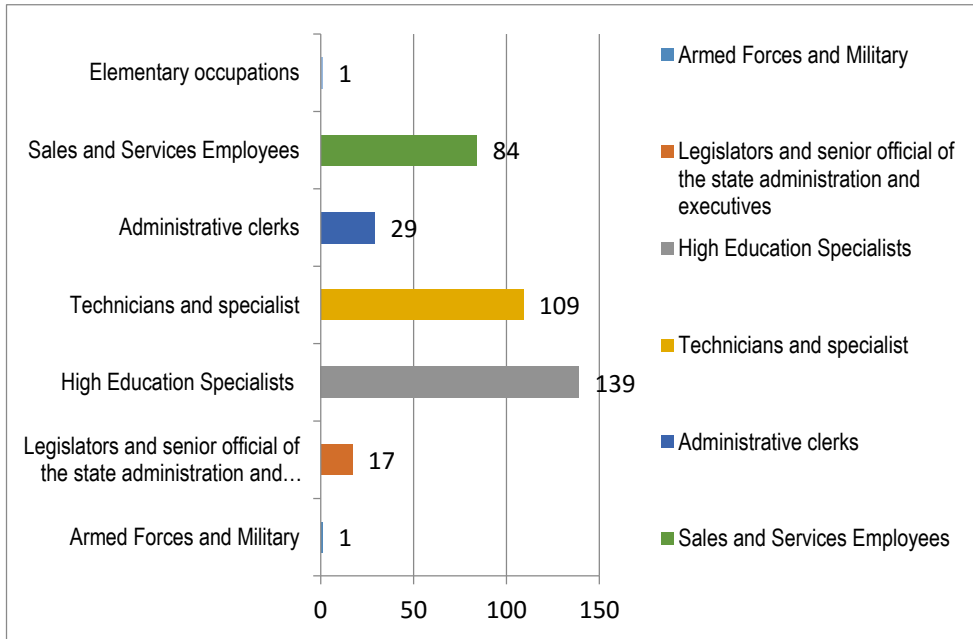
In this part of analysis we define overeducation according to a job analysis approach. Each position in this survey data has been coded following the National List of Occupations in Albania. This classification groups jobs according to a set of tasks to be executed and assigns to each occupation an educational level that is the most appropriate. The following functional levels are considered: General Middle School, Vocational Middle School, Bachelor, Master and PhD.

According to the job analysis method within the retained sample 57.11% of the jobs were filled by overeducated workers, whereas only 65.9% according to the direct self-assessment method.

**Table 6:** Overeducation by List of Occupations

In which group of professions are you actually employed	Overeducation Definition		Total
	Normal	Overeducated	
Armed Forces and Military	0	1	1
Legislators and senior official of the state administration and executives	11	17	28
High Education Specialists	79	139	218
Technicians and specialist	59	109	168
Administrative clerks	17	29	46
Sales and Services Employees	30	84	114
Elementary occupations	0	1	1
	<b>196</b>	<b>380</b>	<b>576</b>

**Graphic 8: Overeducation by List of Occupations**



Groups in this List of Occupations were based on the National List of Occupations approved by Decision of Council of Ministers No.627, dated 11.6.2009, which provides a standardized language for describing the work carried out in the labour market. There are 10 main groups. The relationship between these groups and four levels of competence are given in the following table

**Table 7: List of Occupations and the respective education level**

No	Main Groups of Occupation List	Competency Level	Education Level Categories
1	Legislators and senior official of the state administration and executives	3+4	Tertiary Education & Post Tertiary Education
2	High Education Specialists	4	Tertiary Education & Post Tertiary Education
3	Technicians and specialist	3	Post-secondary non-tertiary level of education
4	Administrative clerks	2	General & Vocational Middle School Education
5	Sales and Services Employees	2	General & Vocational Middle School Education
6	Employees of agriculture, forestry and fishing	2	General & Vocational Middle School Education
7	Craft trades and related occupations	2	General & Vocational Middle School Education
8	Employees of assembly and use of machines and equipments	2	General & Vocational Middle School Education
9	Elementary occupations	1	Elementary Education
10	Armed Forces and Military	1+4	Elementary Education & Tertiary Education

According to the self declaration made by persons in connection with the group they belong and classification in the above table shows that we have overeducated employees as follows:

**Table 8:** Employment as per group of professions

No	In which group of professions are you actually employed according to the National List of Occupations	No. of persons interviewed	Overeducated	Normal
1	Legislators and senior official of the state administration and executives	28		28
2	High Education Specialists	218		218
3	Technicians and specialist	168	168	
4	Administrative clerks	46	46	
5	Sales and Services Employees	114	114	
9	Elementary occupations	1	1	
10	Armed Forces and Military	1		1
	Total	576	329	247

### 3.1 Is overeducation a temporary disequilibrium or a permanent feature of economy?

The table below presents an overview of all persons interviewed and their educational level.

**Table 9:**

Education level of the start of the work	The Highest Level of Education completed					Total
	Bachelor	Master	PhD	The old system of High Education	Other Specify	
General middle school	34	15	0	12	0	61
Vocational middle school	8	3	0	8	0	19

Bachelor	46	61	1	41	2	151
Master	8	61	2	68	4	143
The old system of High Education	4	13	6	119	2	144
I don't know/ I don't remember	14	18	0	26	0	58
Total	114	171	9	274	8	576

From the calculations made by comparing the Educational level at the start of work and the actual level education it appears as follows:

- 175 Individuals were normal at the start of the work and currently.
- 365 Individuals have been overeducated at the start of the work and currently.
- 21 Individuals have been overeducated at the start of work and are currently normal
- 15 Individuals have been normal at the start of the work and are currently overeducated

**Table 10**

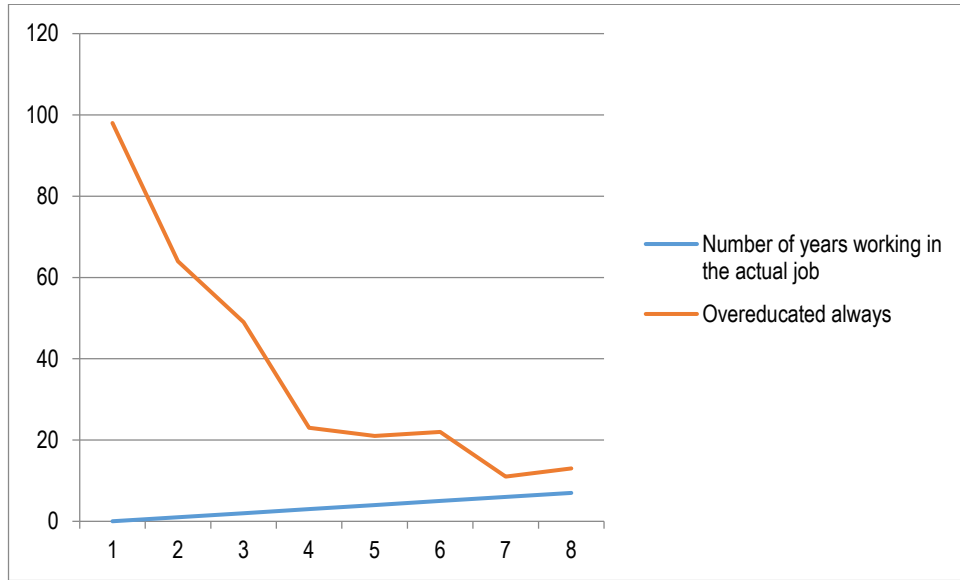
	Overeducation at the start of work			Total
		Normal	Overeducated	
Overeducation Actually	Normal	175	21	<b>196</b>
	Overeducated	15	365	<b>380</b>
	Total	<b>190</b>	<b>386</b>	<b>576</b>

**Table 11**

Number of years working in the actual job	Normal always	From Normal to Overeducated	From Overeducated to Normal	Overeducated always	Total
	0	26	1	11	
1	17	2	3	64	86
2	23	0	1	49	73
3	10	2	1	23	36
4	12	1	0	21	34
5	16	1	1	22	40
6	10	0	0	11	21
7	6	3	1	13	23
8	14	0	2	9	25
9	6	2	0	6	14
10	4	0	0	8	12
11	2	1	0	5	8
12	4	0	0	5	9
13	4	0	0	4	8
14	1	0	0	4	5
15	5	0	0	5	10
16	1	0	0	5	6
17	1	2	0	0	3
18	0	0	0	2	2
20	4	0	1	1	6
22	3	0	0	3	6
23	1	0	0	0	1
24	1	0	0	0	1
25	1	0	0	0	1
26	0	0	0	1	1
28	1	0	0	2	3
29	0	0	0	1	1
30	0	0	0	2	2
34	1	0	0	0	1
35	0	0	0	1	1
37	1	0	0	0	1
<b>Total</b>	<b>175</b>	<b>15</b>	<b>21</b>	<b>365</b>	<b>576</b>

From the above table we can see that if we analyse deeper the group of respondents which have results as always overeducated, we see that the biggest number corresponds to those with less years of experience. The person with less than 7 years of experience constitutes 82.46 % of the total number of individuals who have resulted always overeducated.

**Graphic 9**



So as per our datas, overeducation seems to be a temporary phenomenon, as it is present more in the first years of works.

### **Conclusions & Recommendations**

From the findings of the study, we can interpret that the education system does not provide the type of education that enable people with the right level of required skills, employment opportunities, given their formal education. Despite the different reasons that justify the discrepancy between the education level and employment level, another possible explanation may be the "inappropriate" investment in human capital, since these employees have a much higher educational level than needed by the workplace.

The paper therefore raises a number of important issues for policy. The obvious implication, therefore, is that should higher education participation continue to expand, than rates of overeducation will inevitably rises incurring further costs on individuals, firms and the economy. It is also clear that, particularly at the graduate level, the incidence of overeducation is non-random with respect to subject studied, so graduates from backgrounds such as Social Sciences, Economy and Law are much more likely to end up overeducated. This raises the question with respect to the extent to which government should seek to re-orientate the educational system away from the Social Sciences, Economy and Law towards more vocationally orientated subjects with higher levels of job relevant skills. Nevertheless, it is likely that such a strategy, whilst providing some benefits, is unlikely to provide a solution to overeducation, as the evidence suggests that the problem effectively relates to the supply of educated labour exceeding demand coupled with an inflexible labour market, whereby employers are either unable or unwilling to alter their production processes to fully utilize the skills of their overeducated workers.

Any assessment of the Albanian labor market for graduates including the conclusions reached in this study - are open to debate, while is still a lack of information about market demand and employment of graduates. Development of systems for efficient information will help in informing government, policy makers, donors, universities and other stakeholders about the current and future labor market, enabling an effective and accountable higher education.

There is a need for a clear vision of the graduate demand to enable the construction of an effective system of higher education that addresses the needs and expectations of the growing number of youths who enter the labor market.

The government should consider analyzing as well the postgraduate projection (for the next five years) to ensure its accuracy.

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## The Role of Women in Medical Services in the Early Islamic Period

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### Abstract

*During the time of the Prophet Muhammad, some women took part in medical services to contribute their society, in Mecca and Medina. We found approximately 50 women contributing to their society in terms of medical services. Their medical contributions were generally traditional practices about the daily necessities of their society. Understanding the service provided by these women to their society at that time is very significant in terms of its contribution to the history of folk medicine. The contribution of these women was mainly in the areas of the nursing and assisting the midwives, prenatal and postnatal care, some surgical operations, caring were wounded in wars, giving soldiers a meal, medical treatment for some diseases and daily injuring, treatment of animal beats, psychological therapy, practicing dietician care and body care, some folkloric treatments of some pediatric diseases, and sexual education. In this paper, I will ground my work on Islamic sources.*

**Keywords:** Medical Services, Muslim Women, Sahābiyyāt, Early Islamic Period, Medicine

### 1. Introduction

Human being became always interested in health during the history. In time, some experiences, observations and preferences became bases of medical science. Evaluating the medical situation in history in the light of today's improved medical point we say naturally that former medical information and practices were primitive. However it's certain that all efforts about human health till the present are valuable and the modern-day information is based on very complicated origins (al-Ruhāwī, pp. 40-41; Ibn Abū Usaybia, pp. 11-18).

We all know from ancient sources that some methods of treatment went on during the centuries and there was a greater interaction between cultures and civilizations. Some methods of cure and medicine prospectuses include the same methods and ingredients after long centuries. Continuously India, Mesopotamia and Egypt civilizations influenced one another and following civilizations. The Arabian Peninsula was under the influence of them. Except local practices and interaction period with other civilizations there were no original medical practices in this peninsula and they were under the other civilizations' influence (Ibn Haldūn, pp. 479-480; Jawād Ali, VIII, 388-389).

In this study of medical services provided by women in the reign of the early Islamic period we must indicate that trying to find some practices which is similar to modern-day is all wrong. The most important solution is to describe one special period of history as it is without concerning today's viewpoint. Our subject must be thought in this manner.

### 2. The Nursing and Assisting for the Midwives

In the Medianian society, women gave the midwifery service. It must be remembered that in the ancient medical tradition this type of medical services were provided only by men in certain regions. But there is no indication that men, included slaves practiced this kind of services in Arabian society. It can be thought that in Arabian society, slaves were helping their masters at birth as it was in Rome though there is no concrete evidence about this in Islamic sources. Because of the employment of both free and slave women serving at birth, we can conclude that men in Arabian society did not serve for it. Salmā and Sawdah binti Misrāh etc. were outstanding midwives in Medianian society. Sometimes at birth there were several midwives for the patient at the same time. For instance, meanwhile Fātima binti Muhammad was being born Sawdah, Salmā, and some other women were with her (al-Tabarānī, XXIV, 311-312; Ibn Hajar, IV, 274, VIII, 101, 188-189).

It's still not very clear whether the midwives had an ability to guess the birthday or not. In addition to this, it hasn't been known that whether they helped in problematic birth or not. As shown by myths and legends the caesarean section was

being practiced in ancient times. Yet there is no information in Islamic sources on the subject of caesarean section in the reign of the early Islamic period.

In the Qur'ān it isn't allowed to kill children for fear of starvation (17: 31). This considered as an abortion. It's probable that the advices of the midwives facilitated the abortion operation for Arab women. As Khalīl b. Ahmad mentioned, Arabians were taking fetus thrusting their hands into uterus of camel. Because of being forced, the fetus was falling by itself if it wasn't taken. Khalīl b. Ahmad says it was the same for women (Khalīl ibn Ahmad, III, 129, VII, 278).

However we don't know if women at risk were treated or not. Women, who had a miscarriage, may have had the same problems. As for this matter, there is an important narration. After the Hijrah of the Prophet Muhammad, his daughter Zainab also had left Mecca. In her way to Medina some groups of people from Quraish Tribe wanted to trouble her and caused her to fall down from her camel. Zainab was pregnant at that time and being injured she had a miscarriage and died in the following years. At this juncture, it is safe to assume that we can estimate that Zainab suffered from that and couldn't recover and she died in the eighth year of Hijrah (al-Tabarānī, XXII, 433).

Besides this, there were some women suffered from excessive hemorrhages in Medina. Although there are great deals of records saying that women in Medina suffered from these illnesses for many years. There are no others saying that they were cured. The reason of the fact that women in Medina had excessive hemorrhages seems to be ritual circumcision of these women (Ibn Ishāq, p. 308; Ibn Hishām, III-IV, 69; Ahmad ibn Hanbal, VI, 119, 128-129; al-Tirmidhī, Tahāre, 93-96).

### 3. Prenatal and Postnatal Care

It's recorded that Arab women were putting the fresh date to water and drinking its squash. Although some records say that the Prophet Muhammad advised this, it is safe to say that it is known in Medina society before (al-Tabarānī, XXIII, 313).

According to the report narrated by Umm Salama, women, recovering from childbirth were resting under the care of her friends. Moreover, a patient from childbirth was being treated for pimples and marks on their skin with a plant, which called "vers" (Ahmad ibn Hanbal, VI, 300, 303, 304; Abū Dāwūd, 311, 312).

### 4. Some Surgical Operations

Among Arabs both men and women were being circumcised. As stated by various reports some women were processed circumcision. Umm Atiyya was the most famous one (Abū Dāwūd, 137; Ibn Hajar, IV, 46). It seems to be that there is no information as regards how this operation, which had a danger of infection, was processed and what kind instruments were used.

### 5. Caring were Wounded People in Wars

Women companions of the Prophet Muhammad would want to take part in wars. It is seen that their mainly concern about joining wars was first aid and care for soldiers holds our attention.

We all know that Medinians had to fight against Meccans because of their attacks to Medina. In this process Badr, Uhud, Khaibar, Hunain etc. wars took place. Many companions of the Prophet Muhammad were wounded. Some of them were treated while others died. The number of the wounded people during the wars was far too much. Uhud war can be offered as an example. During this war nearly seventy companions became martyr and many of them were wounded. When the archers left the hill the soldiers among enemy power were wounded badly. During Uhud war the helmet of the Prophet Muhammad smashed to pieces and some of these pieces prickled to his face and his face started to bleed. First it was tried to clean with water, but then the reed ash was used to stop it for the reason that bleeding was too dense. As shown by al-Wāqidī the Muslims coming back to Medina tried to treat the wounded by lighting fire in the mosque (al-Wāqidī, I, 248).

Al-Wāqidī gives information about the number of the wounded people during Uhud war. All Banū Abd al-Ashhal, Banū Sāidah, Ahl al-Hurbā and forty persons from Banū Salima were wounded during the war (al-Wāqidī, I, 334-335).

When we consider this information we find that there was an intensive process of treatment. Besides wounds of these persons, some serious wounds needed further treatments. Therefore they were taken care closely. For instance Abū Salama b. Abd al-Asad was treated during one month for its exact recovery. This information indicates that there were some serious wounded people at wars and the treatments were not being made in time (al-Wāqidī, I, 340-341, 343).

There were a huge number of wounded people during Khaibar war. The first fight at the war started in the lower part of al-Natāt. The wounded were brought into headquarters and cured there. In the first clash, fifty persons were wounded in view of arrows of people from Khaibar. Women companions who joined the army were healing those wounds (al-Wāqidī, II, 646). It can be said that nurse's aide diminished their pain through relieving them and consolation.

In this context as well as Hamna binti Cahsh, Hind binti Amr, Laylā al-Gifāriyyah, Muāza al-Gifāriyyah, Rufayda binti Sa'd, Umm Atiyya al-Ansāriyyah, Umm Ayman, Umm Umāra, Ā'isha, the wife of the Prophet Muhammad, and Fātima, his daughter can be mentioned. These women served the wounded people at wars.

There were women who took part in wars in spite of their pregnancy. This fact seems to indicate that these women have great ability of treatment. The wife of Abd Allah b. Unays was one of them. She gave birth to her baby on the way to Khaibar and during that war she served well and assured the Prophet Muhammad's approval (al-Wāqidī, II, 686).

The services of the women companions at wars were not limited to medical services. At the same time they distributed water to soldiers and collected bows. They cared for animals. Sometimes important messages were sent through them. In addition to this, they protected the Prophet Muhammad's life at the risk of their own life. In Uhud and Khandaq wars they transported dead and wounded people to Medina.

It has known that after Uhud war some women took corpses of their relatives to Medina but in the light of the Prophet Muhammad's order they took them back to Uhud. There are some expressions in some women's record like that: "We would take the dead to Medina." (Al-Bukhārī, Jihād, 66, 67; Ibn Kathīr, IV, 42-43). If these expressions are not limited to Uhud and Khandaq wars then what can we say about the dead in Khaibar war. Were they also taken to Medina? In that case had they some techniques for protecting dead bodies? Actually there is no clear answer to these questions.

## 6. The Supplying of Food for Needy People during the Wars

One of the important services women made was to supply food for needy people. Umm Atiyya says that as well as treating the wounded she prepared soldiers' meal. Clearly besides medical services they could prepare the army's meal.

That is to say women's food service didn't consist of supplying food one and only. Actually, that service means not to let the soldiers falling ill. As physician Vegetius of Rome made us notice water of soldiers by pointing that drinking dirty water is like drinking poison. In the past it was very common that soldiers were dying due to eating unclean food. Likewise being poisoned and caught intestine infection can be mentioned. For this reason the Prophet Muhammad didn't let his soldiers drink water in Madāin-i Sālih despite their immediate needs in the way of Tabūk.

Further, prepared meal at wars by women gives great strength to the soldiers to resist illnesses. The immediate example in this matter is that of Tabūk war (al-Wāqidī, III, 1006-1009). Umm Atiyya al-Ansāriyya was recorded in the sources as a women prepared meal at wars.

## 7. Medical Treatment for Some Diseases and Daily Injuring

Sometimes naughtiness of children, sometimes parents' carelessness caused minor injuries. To illustrate it we can give the example of 'Usāma b. Zaid, who fell down by the door and his face bled. Hence the Prophet Muhammad wanted Ā'isha to clean it. As it mentioned in another record Usāma was hurt and Fātima cleaned his face (al-Wāqidī, III, 1125-1126; Ibn Māja, 1976).

According to some reports (al-Wāqidī, I, 247-250, 336; Ibn Sa'd, II, 48), bleeding was tried to be stop by absorbing. For instance at Uhud war, Mālik b. Sinān, father of Abū Saīd al-Khudrī, absorbed the blood on the Prophet Muhammad's face to prevent it to be poisoned. The Prophet Muhammad did the same thing when Usāma b. Zaid fall over. In these examples it was aimed to take the blood out of the wound via pumping. It reminds us of "hajāma" in ancient medical treatment and bleeding blood by slitting veins and arteries. In these injuries, it seems that vacuum pots for "hajāma" weren't used. However as far as the reason is concerned we can say that these instruments were not so widespread and it was impossible to use them on the face.

One of the most widespread methods of treatment was branding. Even women carried out this. But the prophet Muhammad didn't approve this and advised to use hot cloth or warmed stones.

The most frequent disease was fevers. In order to reduce fever some water was being poured onto the body. Correspondingly high fever was a widespread disease in Medina because of its climate. The treatment was the same. The

Prophet Muhammad faced this disease and for its cure he ordered to bring water from various wells, which had different minerals (Ibn Sa'd, II, 232; al-Bukhārī, Maghāzī, 85).

Moreover, there are some record saying that Ā'isha and her elder sister Asmā binti Abū Bakir cured the patients having high fever by using water.

When it comes to diseases whose reasons couldn't be realized, we can say that different methods were being experienced and, trying to be diagnosed. When The Prophet Muhammad was ill Asmā binti Umeys and Umm Salama experienced a different method of treatment from Ethiopia after water didn't make him feel better (al-Bukhārī, Tib, 21; al-Tabarī, 1967: III, 196).

Diarrhea, constipation etc. were tried to cure as well as experiences allowed. Asmā binti Umays was using "Shubrum: euphorbia pithyusa" having an immediate effect as mushily. The Prophet Muhammad is saying that "it's not proper to use it, and then she started to use "senā, senna: cassia angustifolia" (Ahmad ibn Hanbal, VI, 369).

As far as we could conclude there is no clear information on how frequent diseases like being poisoned, fracture, burn etc. were treated though it can be said that they were treated via some similar methods to present day medicine.

## 8. Treatment of Animal Bites

Because of its climate and characteristics there were a lot of scorpions, mice, snakes etc. in Medina. We know that the Prophet Muhammad wanted some detrimental animals to be killed. Motley lizard (in Arabic: wazag), detrimental kind of snakes, scorpion and mouse were some of them. Contrary to his previous ordering to kill all snakes the Prophet Muhammad banned to kill domestic and harmless snakes afterwards (Ibn Māja, 1511, 3228-3231; al-Tirmidhī, 1511-1513, 1515, 3249). However, bites of snakes and scorpions were one of important problems in the Medina society. As a result there was a family being busy with treatment of bites of poisonous animals. It was the member of Hazm family, and especially the mother, Khalidah were expert in treatment of these kinds.

## 9. Psychological Therapy: "Rukyah"

Indeed, there was a method of cure containing prayer and rite in ancient civilizations. This method was being known in Arabian society prevalently. There were foremost persons and famous oracles. "Rukyah" was far more widespread in Medina than Mecca as Jews lived there. Prevalently the Prophet Muhammad banned "Rukyah" but then it was allowed with some changes in its content, including useless things.

Rukyah looks similar to a dialog between doctor and patient that cheers up the patient. Moreover it bears resemblance to psychotherapy. But in ancient civilizations Rukyah included not only psychological treatment but also medicines. It's unknown whether they used these medicines for they were useful or to give a boost to the patient's moral.

All in all we can say that in treatments that time the psychological aspect was important more often than not. There was a therapy aiming the patient to pull himself together and to solve the problems that the evil eye giving rises to. The patient thought of God under the influence of prayer being held. Ā'isha, Asmā binti Umays, Maymūna binti al-Hāris, al-Shifā binti Abd Allah were expert in that kind of treatment (Ibn Māja, 3515; al-Tabarānī, XXV, 43).

## 10. Carrying Out Dietician Care and Body Care

It's clear that one of the most important principles of a healthy lifestyle is eating healthy food regularly. Basic principles of Romanian physicians regarding the health were based on diet and sports more than treatment. As recorded by Ā'isha, women in Arabian society were careful about their weight. They were thin and slight. Furthermore Ā'isha warned young single women putting on weight and advised to be more careful about their health. We know that Ā'isha and the Prophet Muhammad had a healthy lifestyle and ran sometimes (Ahmad ibn Hanbal, VI, 39-264). As shown by records from Ā'isha, people in Arabian society preferred to eat sweet things. It's recorded that some foods were being advised to the people having indigestion in their bellies.

In particular women had trouble with baldness. It is unknown that whether they treated this or not. But it must be remembered that using "hinā: henna" was prevalent in Arabian society. Today henna is important in hair care. Additionally, Arabs were using wigs to prevent themselves from being seen as bald.

We all know that there is a tradition called “qaylūlah: sleeping in the midday”. Some information in the sources says that the prophet Muhammad was sleeping at noon in some of women companions’ houses. His aunt Umm al-Fadl was one of them. The others were Rubayyi’ binti Muawwiz, al-Shifā binti Abd Allah, Umm Atiyya al-Ansāriyya, Umm Harām binti Milhān, Umm Sulaim.

That the Prophet Muhammad slept in some women companions’ houses caused some scholars to interpret the situation in different ways. For instance Ibn Qudāme says that the Prophet Muhammad slept in Umm Haram’s house as she was his relative. As a matter of fact there is no need to interpret these examples in this way. There is no close relationship between some of these women and the prophet (Ibn Qudāma, XIII, 12-13).

But that many of these women being nurses were an important point. It’s clear that qaylūlah must be reinterpreted. It cannot be understood as an ordinary sleep only. To illustrate this case we can consider one example. While Ali having a sleep in Umm Atiyya’s house he had plucked his arm pit hairs to Umm Shurāhīl, Umm Atiyya’s slave (Ibn Sa’d, VIII, 456). We don’t claim that they were gymnasiums in Arabian society as well as in Rome. Cause as it has known there is no public bath in Medina. The family had no a bath at home. In addition there were no private toilets at home. But it can be thought that some services like body care could be given in Arabic society. Furthermore Mecca’s city plan and administrative model was too similar that of Romanian administration style. To sum up we would like to say that this subject must be restudied carefully.

### 11. Some Folkloric Treatments of Some Pediatric Diseases

The treatment of angina/tonsil is a method of cure that the sources emphasized it frequently. But it wasn’t accepted by the prophet. There are women practicing and helping to this cure. Possibly the wives of the prophet knew this cure. Because there are some records indicating that people go them to cure this disease. This situation may be arising from their positions in the society but saying that they knew this cure is also a possible reason. In this context Umm Qays binti Mihsān is recorded in the sources. We know that the prophet advised some liquids to be taken through the nose in the name of this treatment (al-Bukhārī, Tib, 10, 13; Ibn Abū Shaiba, V, 424).

In the sources it’s recorded that Usāme b. Zaid caught smallpox. That the prophet kissed Usāme’s face after washing it to show Ā’isha that there was nothing to fear indicates that Medinian society knew smallpox. The record saying that smallpox was seen in Mecca after Abrahā’s abortive attempt (in A.D. 569) to destroy Mecca seems to mean something different. We couldn’t find more information about this in the sources (Ibn Hishām, I-II, 52-54; al-Tabarī, 1900-1907: XXX, 169).

### 12. Sexual Education

Sexual education is a service given by women in Medinian society. To illustrate Ā’isha gave information to brides about wedding night and family relationship. Especially problems about menstruation, sexuality, unlawful sexual pleasure etc. has aspects about health. So to advice in these matters, the wives of the prophet were foremost.

Umm Salama was one of these women. She was interested in Medinian problems about sexuality as well as menstruation. She let the prophet know some sexual problems influenced women of Medina in view of some prohibitions of Jewish on these matters (Ahmad ibn Hanbal, VI, 305).

Besides, distinguished women of Medina let fresh married couples know the information about wedding night. They advised them to take care to stay healthful. In this context we have no information about their knowledge about getting pregnant or not.

Some women not realizing some of the general principles about family were interested in magic. This kind of attempts was generally related to sexual problems. So to prevent these things both views of the prophet and his wives gave a piece of advice in Medina society (Ibn Habīb, p. 231).

### 13. Conclusion

In the early Islamic period, women provided significant medical services to the society. This is something different from other cultures in which women were all non-influential in the medical services. However it must be stated that those medical

services given by women in the time of the Prophet Muhammad were a part of the folkloric medicine. Practices about medicine were not as developed as other cultures and besides their own local experiences they were under other civilizations' influence.

In this study we have found that the number of women practicing medical services was approximately fifty. These acts can be divided into two groups as daily life and war, and we can summarize them as the following:

The nursing and assisting the midwives, prenatal and postnatal care, some surgical operations, caring who were wounded in wars, the supplying of food for needy people during the wars, medical treatment for some diseases and daily injuring, treatment of animal bites, psychological therapy, carrying out dietician care and body care, some folkloric treatments of some pediatric diseases, warning about hygiene standards, assistance about special women disease and sexual education.

All the information shows that women played an important role in medical services in the Islamic society during the time of Prophet Muhammad, tried to solve the daily problems and medical issues as they would manage at that time.

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## Structure, Strategy and Organizational Design in Albanian Context

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### Abstract

*This research paper will try to understand and explain how much and how is understood the nature, the importance and factors that affect the business organizational structure and design in Albanian Organizations, compared with theoretical factors researched from the literature. How a business does structure in our country, knowing how important are the theoretical factors in business organization performance and therefore how much and how the principles of organizational design are applied in Albanian Organizations. Why structure, strategy and organizational design? Organizational design and organizational restructuring remains one of the most important issues that management of organizations, in the global era and information technology, must deal with, for the fact that businesses today face some unprecedented challenges: increased competition, globalization, growing of social responsibility, technological changes, changes in taste and consumer's exigency, new strategic thinking, etc. Referring the literature and contemporary researchers, a constant topic during these recent years has been the one of how globalization and economic crisis have obliged the organizations to review their strategies and to change the way they operate, trying often therefore to structure for surviving and achieving success. These challenges should be carefully managed in order to build and hold a high performance organization, to deal with tough competition and endless problem that this era we live does bear. It is also important to understand correctly that organizational structure and design, by dictating roles connection in an organization and consequently how people function, may often be the main cause of the problems, but also one more reason of success. The way that organizations structure or the specific model of business, may constitute their competitive advantage, or special strategic skills, so it can make a business organization unique and competitive in the market. For many researchers the prevailing conclusion is that the organizations either neglect the importance of organizational design, or they just do not know what to do about it and therefore they evolve in an indirectly, spontaneous or intuitive way. From what the paper identifies, most of organizational structuring in Albania are made in a hasty way, without seeing or paying attention to full frame or circumstances. This may result in some partial and fragmentary initiatives instead of aiming in organizational designing and general structuring. This is not surprising as the subject is complex, often poorly explained and not rightly understood even though the academics and the consultants have made a great work to address the organizational design topic. However the paper shows that entrepreneurs and managers still lack a practical and systematic framework in order to guide their choices of organizational structure. To find a practical approach for the organizational design, can be difficult, even though some business schools have tried to simplify the things. The study will try to achieve this task, through careful research, in order to diagnose the organizational design process and restructuring situation in Albania, highlighting the effect of the current challenges which have an impact on this difficult process, mainly based on a survey of 200 organizational businesses in Albania.*

**Keywords:** organizational design, organizational structure, strategy.

### Introduction

This paper is part of a broader study, which relates to the discovery and then the analysis of the main factors of which are driven Albanian organizations during the organizational design process.

Consequently, the paper, this time will focus only on the analysis of the factors of context, aiming discovering the main factor, and further trying to discover if this factor in Albanian organizations is the strategy or not.

To identify the main factors of which are theoretically driven organizations in organizational design process, the analysis is based on the literature review of some known researchers of the organizations domain as Burton and Obel (2004), Daft and Armstrong (2012), Burton, Eriksen, Håkansson and Snow (2006), etc.

Although it is almost impossible to define all the possible factors that directly affect modern business practice indirectly the various trends in organizational and work level, it is necessary to mention those most important. The literature review identifies some key context factors that condition organizational design which are: Size, organizational technology, environment, goals & strategy, culture.

## The methodology

The methodology consists of a combination of primary data with the secondary ones. The data from studies made by the Vlora District institutions such as Municipality, Prefecture, Chamber of Commerce and Industry, etc. is used. Private firms in Albanian cities such as Vlore, Fier, Lushnje, Saranda, Durres and Tirana are used to study the structure model. A questionnaire was drawn up to complete the findings and comparison. The questionnaire was designed to be addressed to the general managers of private firms, those of functions, or of the line ones, as well as to some experts. Questionnaires are standardized and uniform for all subjects included in the study. Questionnaires were distributed to 300 firms during the second half of 2011 and during 2012, 2013. Distribution of the questionnaire was made by personally interviewing individuals in each firm or via e-mail. The questionnaires took into consideration variables such as firm size, the year of their creation, knowledge about the structure and the organization's overall strategy, linking strategy organization for structuring future challenges.

A Factor analysis (principal factor) was used to give answer to the research question about the main factor that has an impact on the choice of organizational structure.

Research Question: Is the strategy the main factor that leads the choice of organizational design or an organizational structure?

The hypothesis H0:

The strategy is the main factor or the main dimension of context, which affects decision-making of business organizations in Albania for selecting and changing their organizational structure.

Hypothesis H1:

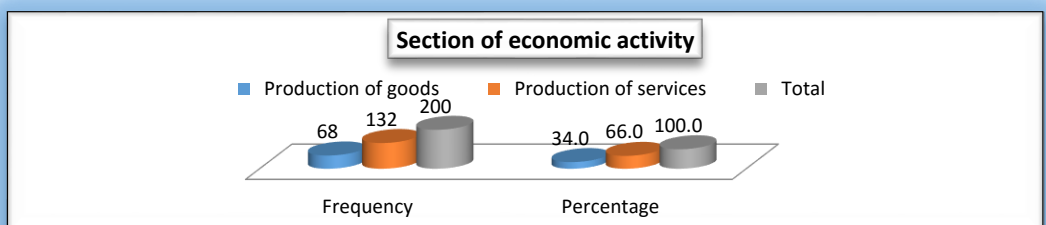
The main factor influencing the decision-making of business organizations in Albania for selecting and changing the structure is not the strategy, but other factors dictated by the challenges currently faced by business organizations in Albania.

## 2.FINDINGS AND DISCUSSION

### 2.1. Descriptive analyses

The statistical data: 200 (returned) questionnaires (from 300 distributed) have been analyzed, with a distribution of business activity as follows:

Fig.1. Businesses by the Section of Economic Activity.



Source: Authors' research.

Question no 14: How much is based the establishing organizational structure (labour division) to;

- the financial ability

- the other firms experiences (imitation)
- the spontaneous need shifted to experience/routine
- the casualty

According to the respondents' opinion, the main factor and /or other ones which have more impact on the Albanian organizational business structuring process and design are as follow:

Question no 14 : Respondents' Perception about Organizational Structure Factors

Alternatives	Frequency	Percent
1 Financial ability	72	36.0
2 Casualty	25	12.5
3 Imitation	65	32.5
4 Shift of the spontaneous need to exp. / routine	30	15.0
5 No response	8	4.0

**Tab. 1. Respondents' Perception about Organizational Structure Factors**

Source: Authors' research.

*To the Question no 23: How much do you know about business organizational structure?*

The answer "I have average knowledge "is given of the 38% respondents only. (See the table no 2).

Nr	Alternatives	Frequency	Percent
1	Nothing	10	5.0
2	Very little	30	15.0
3	A little	31	15.5
4	On the average	76	38.0
5	Most	40	20.0
6	Everything	13	6.5
	Total	200	100.0

**Tab. 2 Respondents' opinion about awareness of management class in terms of organizational structure**

Source: Authors' research.

Based on the data we can say so that there is little awareness of the Albanian managers' class on the importance of the structure.

*To the Question no 24: How much do you know about business organizational strategy?*

We have even a worse situation as the structures case. The answer "I have average knowledge "is given of the 27.5 % respondents only. (See the table no 3).

Nr	Alternatives	Frequency	Percent
1	Nothing	7	3.5
2	Very little	38	19.0
3	A little	49	24.5
4	On the average	55	27.5
5	Most	38	19.0
6	Everything	13	6.5
	Total	200	100.0

### **Tab. 3 Respondents' opinion about awareness of management class in terms of organizational strategy**

Source: Authors' research.

#### **2.2. Analysis of Context Factors that guide the choice of the organizational structure at the Albanian business firms.**

Factor analysis estimates a priori the hypothesis, in analogy with the theory. The table, which shows the correlation matrix (comparing pairs of variables). It is used, as it is closely related to two important issues, first, variables can correlate with each other, but the values of these correlations are too low, caused them difficulty in determining the factor. So, in other words, depending on the coefficients correlation between pairs of variables, we could find out which of them has a significant value, serving as a factor in the analysis of factors.

The analyze by the Paired-Samples t Test will help comparing the averages of the perception assesment about impact of factors listed by the interviewers responding to the question 19 of the questioner (Q\_19\_1,2,3,4,5,6,7,8 ): *Question no 19 : Which context factors have had impact on the new or changed structure in your company ?*

Once we obtain the correlation matrix, (using SPSS 20 -software) we should define the method of the analysis; Factor Analysis or Principal Component Analysis. In our survey we used the method of Principal Component Analysis with assumptions, that total variance of variables to consider, depends on the variances of each component (factor) and the variance of the error is zero Thompson, (2004).

From the matrix of correlations (Table no. 4), it seems that no one of variables has a significant impact on others, so we should have to analyze the importance of each of the factors. For this, first we build striped graph averages and confidence intervals, 95% and see which of them is more important.

**Table no. 4 Correlations** The Perception of The Contextual Factors Impact on structure

The Perception of The Contextual Factors Impact on Structure/Organizational Design	Q_19_1 Perception on about Strategy impact	Q_19_2 Perception about Technology impact	Q_19_3 Perception about Digitalization impact	Q_19_4 Perception of the business environment impact	Q_19_5 Perception of the Globalization impact	Q_19_6 Perception of the Competition impact	Q_19_7 Perception of the Business Model impact	Q_19_8 Perception of the consumer's change impact
Q_19_1 Perception of the Strategy impact	1	.080	-.255**	.342**	.163*	-.091	.215**	-.304**
Sig. (2-tailed)		.263	.000	.000	.021	.198	.002	.000
N	200	200	200	200	200	200	200	200
Q_19_2 Perception of the Technology impact	.080	1	-.303**	.002	.176*	-.044	.575**	-.265**
Sig. (2-tailed)	.263		.000	.980	.012	.532	.000	.000
N	200	200	200	200	200	200	200	200
Q_19_3 Perception of the Digitalization impact (Computer /internet)	-.255**	-.303**	1	-.170*	-.061	-.061	-.284**	.114
Sig. (2-tailed)	.000	.000		.016	.393	.392	.000	.108
N	200	200	200	200	200	200	200	200
Q_19_4 Perception of the ebusiness nvironment impact	.342**	.002	-.170*	1	.145*	-.187**	.076	-.142*
Sig. (2-tailed)	.000	.980	.016		.041	.008	.282	.045
N	200	200	200	200	200	200	200	200
Q_19_5 Perception of the Globalization impact	.163*	.176*	-.061	.145*	1	.047	.154*	-.122
Sig. (2-tailed)	.021	.012	.393	.041		.508	.030	.084
N	200	200	200	200	200	200	200	200

Q_19_6 Perception of the Competition impact	Pearson Correlation	-.091	-.044	-.061	-.187**	.047	1	.136	-.254**
	Sig. (2-tailed)	.198	.532	.392	.008	.508		.055	.000
	N	200	200	200	200	200	200	200	200
Q_19_7 Perception of the Business Model impact	Pearson Correlation	.215**	.575**	-.284**	.076	.154*	.136	1	-.308**
	Sig. (2-tailed)	.002	.000	.000	.282	.030	.055		.000
	N	200	200	200	200	200	200	200	200
Q_19_8 Perception of the consumer consumers change impact	Pearson Correlation	-.304**	-.265**	.114	-.142*	-.122	-.254**	-.308**	1
	Sig. (2-tailed)	.000	.000	.108	.045	.084	.000	.000	
	N	200	200	200	200	200	200	200	200

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

**Table no.5 Paired Samples Statistics- Competition/ Strategy impact**

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_6 Perception of the Competition impact	8.70	200	1.611	.114
Q_19_1 Perception of the Strategy impact	8.21	200	1.542	.109

**Table no.5 /2 Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_6 Perception of the Competition impact & Q_19_1 Perception of the Strategy impact	200	-.091	.198

Table no.5 /3 Paired Samples Test

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_6 Perception of the Competition impact & Q_19_1 Perception of the Strategy impact	.485	2.330	.165	.160	.810	2.944	199	.004

Table no.6 /Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_1 Perception of the Strategy Impact	8.21	200	1.542	.109
Q_19_7 Perception of the business Model Impact	8.00	200	1.888	.133

Table no.6 /2Paired Samples Correlations

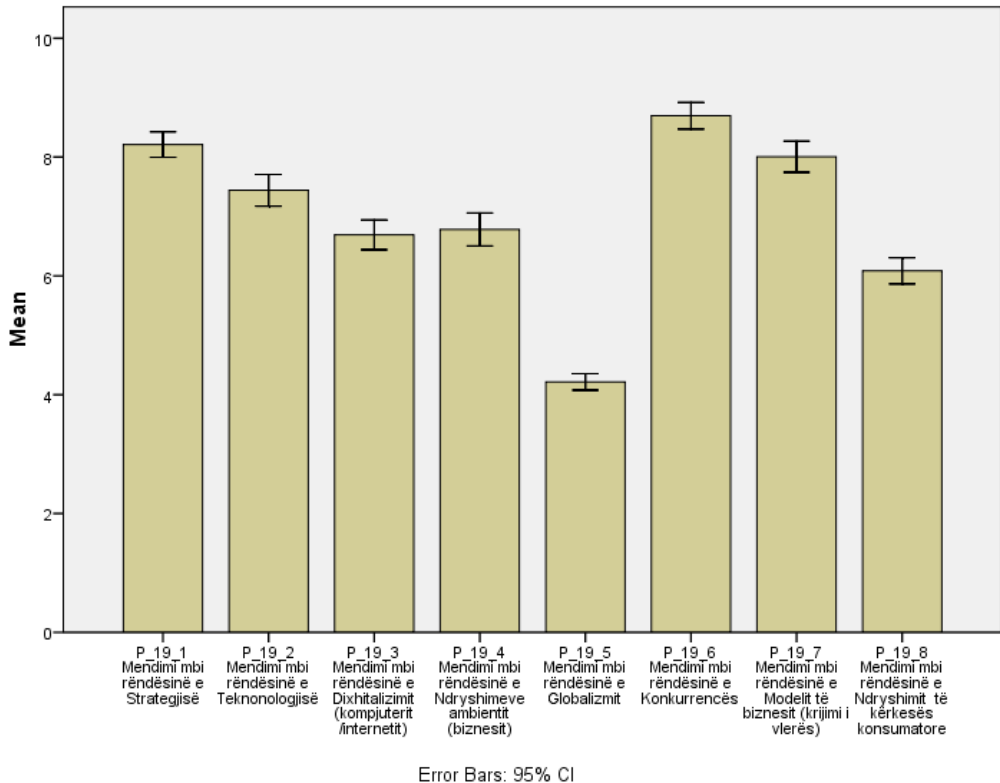
	N	Correlation	Sig.
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_7 Perception of the business Model Impact	200	.215	.002

Table no.6 /3Paired Samples Test

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_7 Perception of the business Model Impact	-.205	2.165	.153	-.097	.507	1.339	199	.182

It seems from the chart below (Figure no.2) that the perception on the impact of the variables that significantly affect more than others the structure are; Competition (Q\_19\_6), then the Business Model(Q\_19\_7), Strategy (Q\_19\_1), and Technology(Q\_19\_2). That means it is requiring a more detailed analysis of them.

Figure no.2 -The graph with Error Bars



For this we do compare their averages by paired Samples t-Test. By comparing the averages of the perception assessment about impact of the *Strategy* (Q\_19\_1) and the *Competition* (Q\_19\_6) on structure we note from the first table; that the averages are respectively 8.70 and 8.21 and standard deviation respectively 1.611 and 1.542 with the standard error average respectively 0.114 and 0.109 ( Table no.5 ).

From the second table, we note that they have a correlation of 0.198 and the significance 0.09 which means they are not related (correlated) ( Table no.5/2 ).

In the third table, we note that the Average / Mean = 0485,  $t = 2,944$  and  $p = 0.004 < 0.005$ . The mutual Probability of *Competition* assessment (Q\_19\_6) is very low ( $p = .027$ ) and in fact shows us that there is only a 0.4% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is important because it is less than .05. ) ( Table no.5/3 ).

The fact that the value t is a positive number indicates that the first context factor (perception on the impact of the Competition (Q\_19\_6) has the average more than the second one (perception on the impact of the Strategy (Q\_19\_1) and so this context factor -the *Competition* (Q\_19\_6), convinces us for an assessment higher than the other one the *Strategy* (Q\_19\_1). Therefore, we can conclude that the question of the importance of the *Competition* (Q\_19\_6) provides an estimate with a greater significance than that of the importance of the *Strategy* (Q\_19\_1),  $t = 2,944$  and  $p = 0.004 < 0.005$ . This result was predicted by the graph with error bars. (Fig.no.1).



By the Paired-Samples t Test comparing the averages of the perception assesment about impact of the *Strategy* (Q\_19\_1) and the *Business Model* (Q\_19\_7) on structure we note from the first table that the averages are respectively 8.21 and 8.00 and standard deviation respectively 1.542 and 1.888 and the average standard error respectively 0.109 and 0.133. ) (Table no.6 ).

From the second table, (Table no.6/2 ).we note that they have correlation 0.215 and significance 0.002 which means they are not related (correlated).

In the third table, (Table no.6 /3,we note that the Average / Mean = 0.205,  $t = 1.339$  and  $p = 0.182 > 0.005$ .

Mutual probability of Strategy assessment (Q\_19\_1) was high ( $p = .182$ ) and in fact it shows us that there is only a 18.2% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is not important because it is greater than .05.

The fact that the value "t" is a positive number indicates that the first factor Strategy (the perception of the importance of the Strategy Q\_19\_1) is greater than the average of second- factor technology (perception of the *Business Model* (Q\_19\_7) however, the first factor strategy (Q\_19\_1) not convince us to a higher rating than the *Business Model* (Q\_19\_7).

Therefore, we can conclude that both questions about the importance of the *Strategy* (Q\_19\_1) and the *Business Model* (Q\_19\_7) provide us an assessment of the same significance,  $t = 1.339$  and  $p = 0.182 > 0.005$ .

This result was predicted by the graph with error bars.(fig.no.1)

By the Paired-Samples t Test comparing the averages of the perception assesment about impact of the *Strategy* (Q\_19\_1) and the *Technology* (Q\_19\_2) on structure we note from the first table (Table no.7) that the averages are respectively 8.21 and 7.44 and standard deviation respectively 1.542 and 1.906 and the standard error Mean respectively 0.109 and 0.135.

From the second table, we note that they have correlation 0.080 and significance 0.263 which means they are not related (correlated) (Table no.7/2 ).

In the third table, (Table no.7/3 )we note that the Average / Mean = 0.770,  $t = 4.624$  and  $p = 0.0 > 0.005$ .

Mutual probability of Strategy assessment (Q\_19\_1) was high ( $p = .0$ ) and in fact it shows us that there is only a 0% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is not important because it is greater than .05.

The fact that the value "t" is a positive number indicates that the first factor Strategy (the perception of the importance of the Strategy Q\_19\_1) is greater than the average of second- factor technology (perception of the technology impact Q\_19\_2), however, the first factor strategy (Q\_19\_1) not convince us to a higher rating than technology one (Q\_19\_2.)

Therefore, we can conclude that both questions about the importance of the *Strategy* (Q\_19\_1) and *Technology* (Q\_19\_2) provide us an assessment of the same significance,  $t = 1.339$  and  $p = 0.0 > 0.005$ .This result was predicted by the graph with error bars.(fig.no.1)

**Table no7.Paired Samples Statistics**

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_1 Perception of the Strategy Impact &	8.21	200	1.542	.109
Q_19_2 Perception of the Teknology Impact	7.44	200	1.906	.135

**Table no7/2.Paired Samples Correlations**

	N	Correlation	sig
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_2 Perception of the Teknology Impact	200	.080	.263

**Table no.7/3 Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_2 Perception of the Teknology Impact	.770	2.355	.167	.442	1.098	4.624	199	.000

The analyze go further by the Paired-Samples t Test comparing the averages of the perception assesment about impact of all other factors (see the Annex ) listed by the interviewers responding to the question 19 of the questioner : *Question no 19 : Which context factors have had impact on the new or changed structure in your company ?* And doing that we find out that strategy is not the main factor that drive the Albanian businesses during the organizational design process.

**Conclusion**

The principal factor analysis did answer our question research regarding the most important factor by which the Albanian business firms are driven during the organizational design process or when they make their choices regarding the organizational structure.

Findings showed us that the strategy is not the main factor that drive the Albanian businesses during the organizational design process, or when they make choices about structural change.

As a result this analysis helped us highlighting that although the strategy is listed as one of the factors that drive organizational design process and change of structure in organizations in business in Albania (section of the descriptive analysis which is not part of this paper) here we did evidence that the strategy as a mentioned theoretically important dimension of context leads slightly or moderately the Albanian business organizations in decision process about organizational design.

The analysis highlights the "competition", as a more important factor, which leads organizational structuring process. This result, for the author of this study is related to the challenges that Albanian organizations business face today, that dictate much more and harder on them than the main factors that theoretically should affect their decision-making, about organizational design process.

Of interest it is the finding of this paper that "business model" which is not evidenced theoretically, and it does not constitute a factor of context such as the strategy, is listed instead by respondents as important context factor in this analysis and it turns out to be the second factor, almost identical to "competition", regarding the importance of it impact on the

organizational design. This lead us in the conclusion that the new trends as well as the challenges facing businesses in Albanian context, are the critical and guide their process of organizational design.

From the study conducted, we found that despite changes which have occurred in recent years in Albania, and in particular in Vlora, Fier, Lushnje, Saranda, Durres and Tirana, we still do have little managers' awareness about the importance of the organizational structure, strategy and design.

### **Recommendations for Researchers**

Of interest would be the research about the structural dimensions that would be more present in organizations with high or low performance, or for organizations in certain sectors of the economy. So we could better understand their impact on organizational performance in the future.

In conclusion, the research reported in this paper has modestly provided few answers, but has generated some new research questions which seem to require further study. He has thrown little light on the controversy over the existence of fundamental universal dimensions of organizational structure, but he has suggested an approach that could be helpful in determining the existence or non-existence of these dimensions. Moreover, he has raised an opportunity for researchers about some relatively successful organizations structures which could be described differently and independently by several dimensions.

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#### ANEXES

##### Paired Samples Statistics Techonology / Business Environment Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_2 Perception of the Techonology impact	7.44	200	1.906	.135
Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141

##### Paired Samples Correlations

	N	Correlation	Sig.
Pair 1 Q_19_2 Perception of the Techonology impact & Q_19_4 Perception of the business environment change impact	200	.002	.980

**Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_2 Perception of the Techonology impact & Q_19_4 Perception of the business environment change impact	.660	2.755	.195	-.276	1.044	3.387	199	.001

**Paired Samples Statistics** Digitalization /Business Environment Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_3 Perception of the Digitalization impact (Computer /internet)	6.69	200	1.789	.126
Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_3 Perception of the Digitalization impact	200	-.170	.016
Q_19_4 Perception of the business environment change impact			

**Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_3 Perception of the Digitalization impact								
Q_19_4 Perception of the business environment change impact	-.090	2.895	.205	-.494	.314	-.440	199	.661

**Paired Samples Statistics** Business environment change/ Consumer Request Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141
Q_19_8 Perception of the Consumer Request Change Impact	6.08	200	1.584	.112

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_4 Perception of the business environment change impact	200	-.142	.045
Q_19_8 Perception of the Consumer Request Change Impact			

**Paired Samples Test**

**Paired Samples Correlations**

	N	Correlation	Sig.	Paired Differences				t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference						
				Lower	Upper					
Pair 1 Q_19_4 Perception of the business environment change impact	.695	2.716	.192	.316	1.074	3.618	199	.000		
Q_19_8 Perception of the Consumer Request Change Impact										



## Women and Entrepreneurship – Albanian Case

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### Abstract

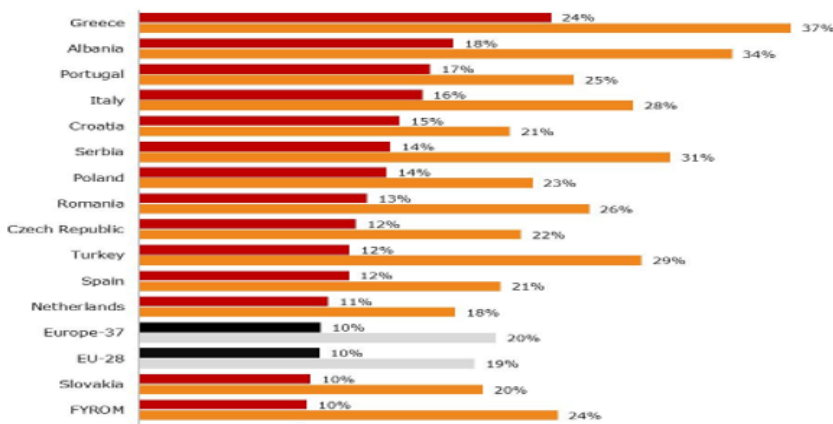
*Women's entrepreneurship is a powerful source, regarding to the women's economic independence and empowerment, as well as regarding employment generation, economic growth and innovation, development and the reduction of poverty as well as one of the terms of gender equality. This poster presents the situation of women's entrepreneurship in Europe in comparative terms, with special focus in Albania. The paper has a descriptive nature. Describes three different plans in comparative terms; the representation of men and women in entrepreneurship, the representation of women in entrepreneurship in different countries of Europe and of Europe as a whole, as well as compare to gender quota. Through the processing of secondary data from various reports and studies, this poster concludes that although that the gender equality goal is the equal participation of men and women in all sectors, including the entrepreneurship, in this sector, gender gap it is still deep. Another significant comparative aspect, it is the difference between full and part –time women entrepreneurship. While in full time entrepreneurship in a convince way, men are those that dominate, in part time entrepreneurship clearly it's evident the opposite trend, women's representation is much higher. It's very interesting the fact, that the women's entrepreneurship in Albania, presented in a significant optimistic situation, ranking in the second place, after Greece in the European level.*

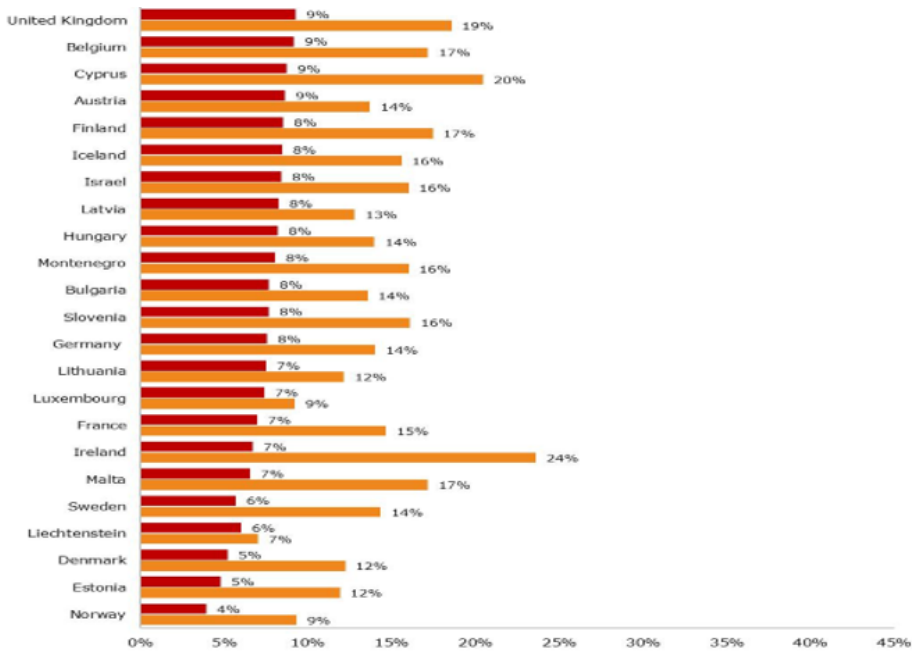
**Keywords:** Women's Entrepreneurship, Gender Equality, Europe, Albania

### Europe and women's entrepreneurship situation

Actually women constitute 52% of the total European population, while the women entrepreneurs in Europe, constituted only 29% of entrepreneurs, increasing since 2008 with 3% and presenting in a very high level, (78%) the model of one – person enterprise (European Commission, [EC], “Growth,” 2016 ). The analysis of the available data on women entrepreneurs in 37 countries, which include the 28 EU Member States, Albania, Former Yugoslav Republic of Macedonia (FYROM), Iceland, Israel, Turkey, Liechtenstein, Montenegro, Norway and Serbia, shows very interesting figures.

European Commission uses the entrepreneurship rate as indicator, to compare the entrepreneurial level of women and men in and between countries, which expresses the percentage of entrepreneurs in the total active labor force. (EC, 2014, p.7).





**Figure Nr. 1:** Percentage of entrepreneurs in total active labour force (entrepreneurship rate) by gender and country in Europe-37, 2012

Source : EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*. p. 8.

The above data shows that, the average of the entrepreneurship rate, referred to 37 European countries analyzed, as well as those 28 of the European Union, it is in a very critical level for women, only 10%, compared respectively with 20% and 19% for men.

If we compare countries between them, it is clearly evident that the differences are significant. Greece is on the top of the European ranking with women's entrepreneurship rate of 24%, compare to 37% of the men, followed by Albania with women's entrepreneurship rate of 18%, compared to 34% of the men. In the end of the ranking there are countries such Estonia with women's entrepreneurship rate of 5%, compared to 12% of the men and Norway with women's entrepreneurship rate of 4%, compared to 9% of the men.

Another important distinctive characteristic between women and men entrepreneurs is their status regarding "solo entrepreneurs"<sup>1</sup> and "employers"<sup>2</sup>.

The European Commission report, (EC,2014, p.10) shows that in 2012, 78% of women entrepreneurs in Europe -37 were "solo-entrepreneurs" and 22% were "employers", while regarding the men entrepreneurs active in Europe-37, 81% were "solo-entrepreneurs" and 19% were "employers". The percentages for EU-28 were respectively as follow, 23% of women and 30% of men entrepreneurs were "employers".

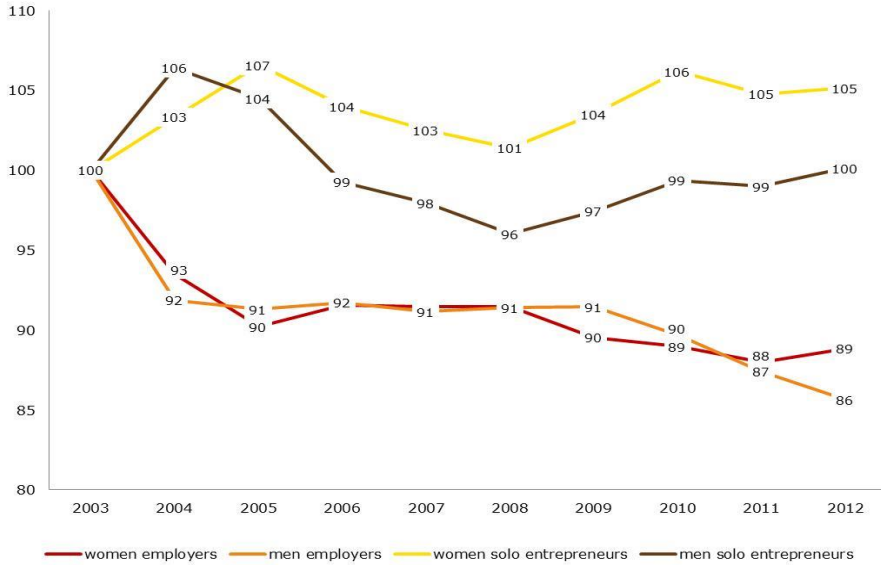
There are large differences between countries. Montenegro followed by Hungary and Ireland had the highest proportion of women employers, and Romania and Albania the lowest.

**Figure Nr 2:** Change in the percentage of solo entrepreneurs and entrepreneurs who are employers in the active labor

1 Solo entrepreneurs is a professional who chooses to go into business by themselves ("go solo"), collaborate with others, grow their business without boundaries and, more than likely, without employees. See (EC, 2014, p.9).

2 Employers are persons who operate their own economic enterprise, or engage independently in a profession or trade. They employ one or more persons and/or family workers. See *ibid*.

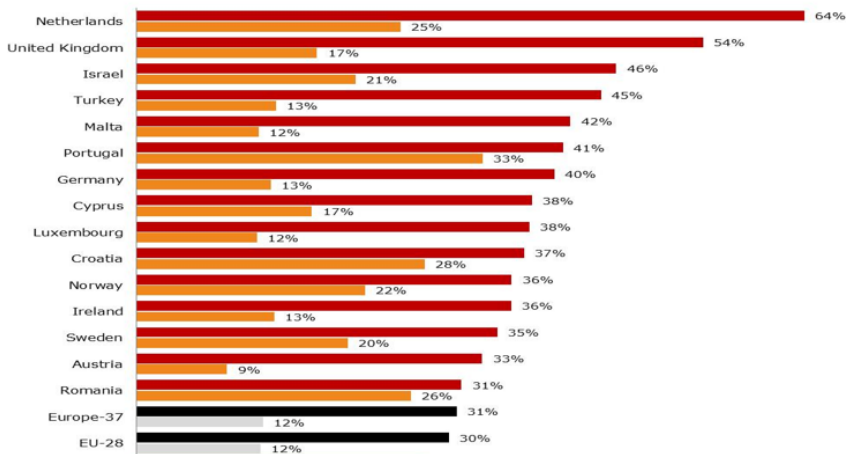
force by gender in Europe-37, 2003-2012 (index 2003=100)

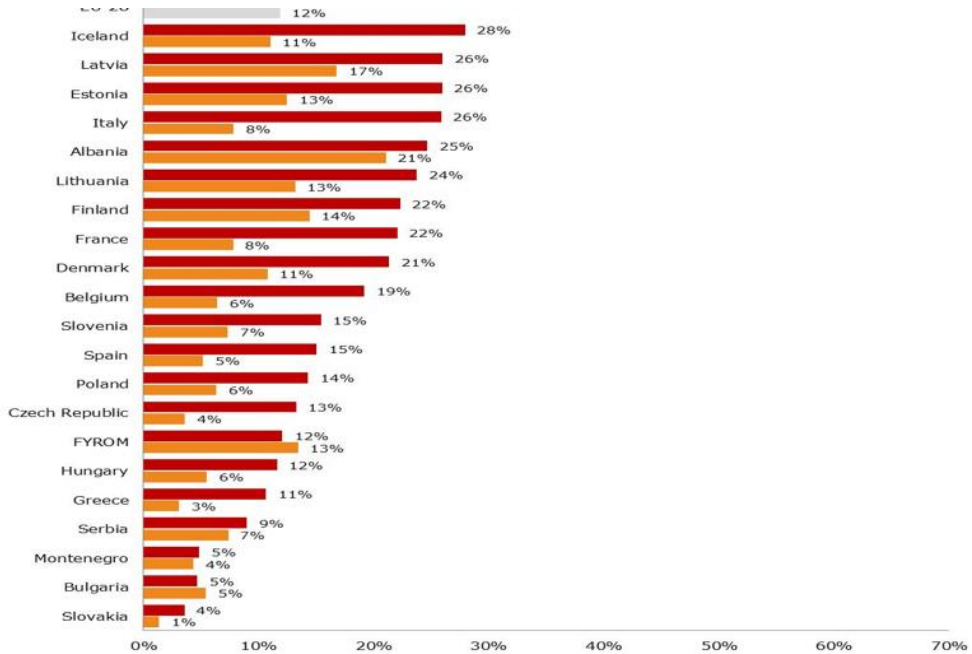


Source: EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*, p. 10.

While the percentage of women in full-time entrepreneurs it's in every case less than the men's percentage, it's presented an opposite trend regarding to the part-time entrepreneurship. European Commission dates (EC,2014, p.11) shows that while, between the countries there are big differences, in the EU -37, 31% of all women entrepreneurs were working part time in their enterprise, compared with 12% of men entrepreneurs. The percentages for EU-28 were almost in the same level (30% and 12%, respectively). This is another factor that brings inequalities between genders in the sector.

Figure Nr.3: Percentage of part-time entrepreneurs by gender in Europe-37, 2012





Source : EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*. p. 11.

European Commission experts, in their analyze pointed out, that women face a number of difficulties and obstacles in their entrepreneurship challenge, such are : the absent of access to finance, double burden of home and work responsibilities, unfavorable business regulations, cultural barriers, choice of business types and sectors, information and training gaps, lack of contacts and access to social support and networking, differences regarding the entrepreneurship approach, education and occupational segregation, less managerial experience, ect. The lack of the property rights often deprives them from credit access to start or develop entrepreneurship activities. They suffer also lack of confidence and the lack of role models of female entrepreneurship.

### Albanian case

Albanian economy continues to be dominated by small, very small and micro enterprises, each employing one to four people. These enterprises presents 92% of all registered businesses and 62% of these are active in trading, tourism and catering pattern: women's contribution is 96%, whereas men's is 4% (UN, 2011, p. 78). As it is shown above in this paper, Albania presents the second top country regarding the high level of women entrepreneurship rate (18%) in 2012, compare with 34 % men's rate. In 2011, almost 27% of active enterprises were run or owned by women, while the solid majority of 73% of active enterprises is run by men, having also a higher increase of 3% from 2007 to 2011 compare with the men's small enterprises (MMRS, 2014, p. 38). Although such increase of women's businesses is quite positive, women are still limited to self-employment and small business. Access to credit is particularly limited for small businesses. However, 96.2% of enterprises owned by women belong to this category.

In long term perspective they might be facing lack of growth or bankruptcy. In 2011, female ownership of bigger enterprises with 5-9, 10-49 and over 50 employees is approximately 14% or 15% (MMRS, 2014, p. 38). The growing tendency of new enterprises led by women is very encouraging. This may show that women have been capable to find new ways to continue or open businesses, or they have been better protected from the financial crisis or business ups and downs. The situation it is also connected to some special found programs applied in the country during this period of time.

But in the same time, despite the fact that there are such achievements as above, regarding women's entrepreneurial opportunities, there are few opportunities for women in rural areas. The UN report (UN, 2011, p 79), states that more than

50% of women in rural areas works in agriculture, but they only own and manage 6% of farms. The majority of farms are small and under subsistence farming with limited production and marketing potential, and a large part of women's work on these family farms, remains unpaid.

## Conclusion

Women entrepreneurs in Europe still represent a minority of entrepreneurs, although the attention given to the issue in many countries. Through the processing and analyzing different secondary data from various reports or studies, this poster concludes that although that the gender equality goal it's the equal participation of men and women in all sectors, including the entrepreneurship, in this sector the gender gap is still larger, referring the gender equality quota and compare to the other sectors in European level.

During the recent years there is significant improvement in terms of women in entrepreneurship. In European level the women's enterprise percentage has achieved the figure of 30%, which is considered as minimum gender quota in all sectors of life, while the percentage of women it's more than 50% of the total population in Europe. Referring to individual aspects of the European countries, the situation is considerably below and above this minimum.

While the quantitative improvements are visible, the situation in essence it is not so positive. Women are still limited to self-employment and small business as well as in part time entrepreneurship.

The other negative aspect of the situation it is the fact that from this positive quantitative trend of the analysis, are excluded women in rural areas, as it is the Albanian case, where despite the evidence that more than 50% of women in rural areas works in agriculture, they only own and manage 6% of farms.

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## Customer-Bank Relationship in Commercial Banks Operating in Albania

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### Abstract

*Financial institutions with high performance are always looking to the needs and requirements of their clients, in order to survive and compete successfully in today's dynamic environment of corporations. For this reason researchers have stressed repeatedly the importance of customer satisfaction, loyalty and customer-bank relationship. The aim of this study is to develop a better theoretical and practical understanding of the impact that quality of service has in customer-bank relationship. This study examines the perception of service quality by clients of commercial banks operating in Albania and the effect that this quality has in customer-bank relationship. Measuring the perception of service quality is based on SERVQUAL model proposed by Parasuraman, Zeithaml & Berry (1988), while the measurement of customer-bank relationship is made according to the model proposed by Ward & Dagger (2007). Results of this analysis indicate that the quality of service is an important prerequisite of customer-bank relationship. From this study it is clear that managers and decision-makers in commercial banks in Albania seek to improve the quality of service elements, which constitute the most significant contribution to the improvement and strengthening of the relationship.*

**Keywords:** service quality, customer-bank relationships, commercial banks, Albania

### 1. Introduction

Before the 90s, Albania had a planned economy of eastern nature. After this period, started the transformation process of this economy into Western market economy. Transformation from planned economy system to market economy system was necessary in the context of the reform of the Albanian economy affected by the profound political changes that took place in Albania in the early 90s.

Noting that the financial system has a profound influence on other sectors of the economy, the more efficient and rapid the reform of this system is, the faster and easier it will accomplish the transformation process.

At the time of drafting measures to transform the country into a market economy was important to be taken into account the fact that in 45 years of communist rule, Albania has applied the most extreme policies of the state dominance in economy, politics related to centralized planning and property rights. In the years '85 – 90' there were some limited reforms, but they had no positive effect, but further increased the economic difficulties, resulting in 1990 with the budget deficit that constituted 15% of the gross domestic product (GDP) for the period . Starting from this period, one after the other the crises continued and led to the destruction of the old regime. Thus started the transition to a market economy, but being in a hostile environment, the economy went into collapse; inflation rose at extraordinary rates and the external debt raised as well.

Albania's financial system incorporates the institutions, markets and financial instruments, but the transformation and reformation of this system was based mainly on reforming the financial institutions operating in the country, since financial markets and instruments were virtually nonexistent during the period of socialist economy. The financial system in Albania during the last 25 years has encountered various difficulties and faced many challenges to get where it is today. Banking

institutions have already increased competition with each other through different ways and manners. They compete on how we provide products, the type of products, services provided, etc.

One of the most important recent trends is the *Information Technology*. The main advantage and the strongest point of development of the banking industry's voice seem to be the application of modern information technologies.

In today's market, where competition has become very intense, it is possible to obtain a quality service increasingly higher.

The increase of customer expectations and compliance has made essential the quality of service for an organization's success in many markets, (Parasuraman, Berry and Zeithaml 1991).

## 2. Review of literature

### 1. Quality of Service

Nowadays, with the continued increased competition, quality of service has become an important sector of academic study, being recognized as a key factor in maintaining competitive advantage and maintaining satisfactory relationships with customers (Zeithaml et al., 2000). Quality of banking service is widely recognized as a critical precondition for satisfying and retaining valuable customers (Taylor and Baker, 2004). Thus, service managers are aware that to successfully deploy the service quality as a competitive advantage, they must first identify exactly previous events and specifically what the customer perceives with the "quality" of service.

Gronroos (1982) describes the overall quality of service as the consumer's perception to distinguish between expected service and perceived service.

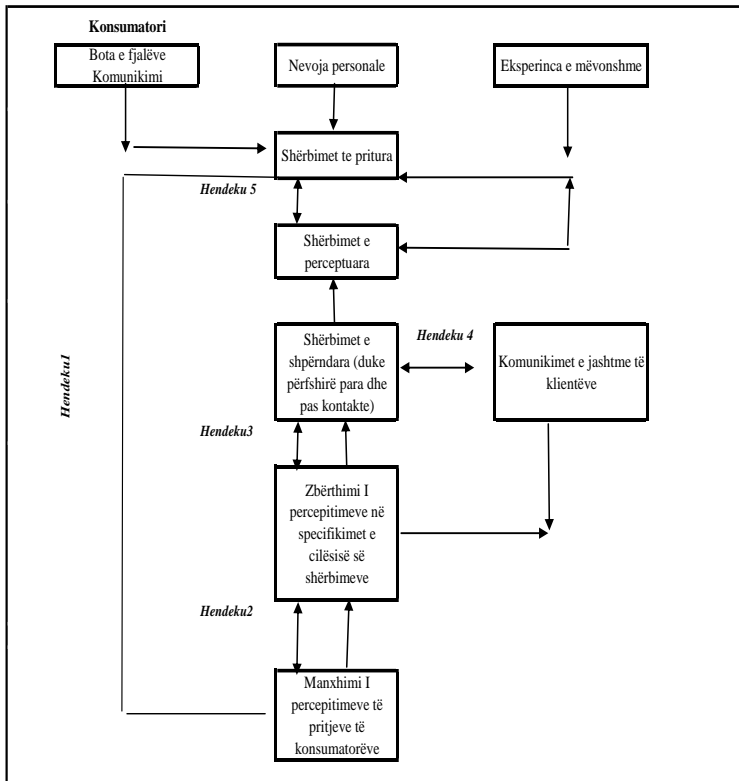
Parasuraman et al., (1985) defines quality of service as a comparison between the customer's expectations and perceptions of service. Furthermore, Parasuraman et al., (1988) provides the conceptual definition of service quality: "Perceived service quality is a global trait, or attitude related to the superiority of service, while satisfaction is related to a specific transaction."

If the service industry assesses the quality of service and development of the customer relationship, then success in these areas will be reflected in the increase of customer retention. Moreover, in a long-term perspective, these increases will be reflected in completely loyal clientele.

There are suggested three main points regarding quality:

1. Quality of services is more difficult to be estimated by the customer than the quality of goods;
2. Perceptions of the quality of service result from a comparison of customer expectations with the actual performance services; and
3. Assessments of quality are not only made in the result of service, they should include even the assessments of the progress of service delivery process.

Moreover, Parasuraman et al., (1985) suggested "The model on the quality of service" in order to serve as a framework for further scientific research in this field.



BuriBurimi: Parasuraman et al., 1985.

Services have four characteristics that distinguish them from the products produced. Services are: 1. *Intangible* 2. *heterogeneous* 3. *corruptible* 4. *inseparable*

These four characteristics show that service quality is a more elusive and abstract construct than the product quality (Parasuraman, et al, 1985). Based on this background, Gronroos (1984), defines quality as "the result of an evaluation process where the customer compares his expectations with the perceived service he receives, which means that he places the perceived service against the expected service." Based on the above, the quality of service can be conceived as the so-called "gap" between what customers feel that a service company should provide (this is their expectation) and their perception of the actual performance of service (Parasuraman et al, 1988). This concept was the basis for measuring the SERVQUAL scale, which was developed by Parasuraman et al and later improved by the same authors.

Parasuraman et al claimed that customers evaluate service quality by comparing their expectations and perceptions of the ten dimensions: reliability, responsiveness, competence, access, courtesy, communication, credibility, security, understanding and vulnerability. These dimensions were reduced later in 5 of them:

Vulnerability, Reliability, Responsibility, Safety, Empathy (Parasuraman, 1991, p. 422).

## 2.2 Customer-bank relationship



The attitude of the client in any form of relationship between the customer and the service provider is important, therefore as strong is the perception that the client has about the importance of the relationship in general, as likely it is for the client to develop a stronger relationship with the service provider (Ward et al., 1997).

There are several potential dimensions for this kind of relationship, meaningful dimensions, of bonding, empathy, reciprocity, trust, friendship, knowledge, thinking, understanding, time to listen, commitment, loyalty and common values. The importance of these dimensions to customers can affect the strength of relationship developed between the service provider and the customer.

One of the basic principles of marketing relationship is customer orientation. SOCO measurement method (selling orientation - customer orientation), developed by Saxe and Weitz (1982) is based on the premise that the customer-oriented vendors try to increase long-term satisfaction of the customer. Customer oriented retailers are considered as people who precede the achievement of an urgent sale at the expense of customer needs. Subsequent research has shown that the level of client orientation has an effect on a company's relationship with its customers (Clark, 1997; Yavas et al., 2004). Interaction between the customer and service provider is an important determinant of perceived service quality (Zeithaml et al., 1988). In some cases, this interaction can be largely transactional in nature, but more often the interaction occurs within the context of an ongoing relationship service.

Leverin and Liljander (2006, p. 234) argue that not all customers evaluate a relationship and close relationships with the bank are rare due to the increased use of self-use technologies.

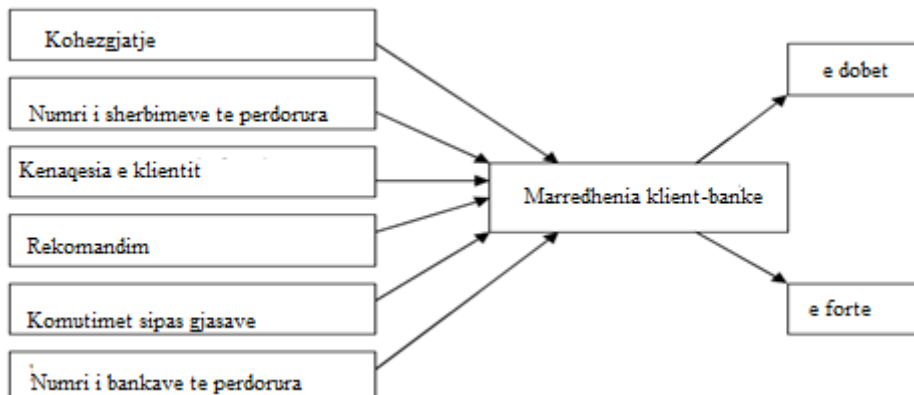
According to Christopher et al (2002, p. 8), a customer service strategy is oriented towards keeping customers and building relationships.

### Marketing orientation relationship (Christopher et al, 2002, p. 9)



Ward and Dagger (2007) measured the impact of the importance of relations with customers, duration, frequency, age and gender, type of product and service to strengthen the relationship (p. 282). Results related to the bank showed that there is only a weak link between the length and strength of the relationship and not related to the frequency of use (p. 285)

### The proposed model of customer-bank relations



### 3. Research question, hypothesis and paper methodology

The main issues discussed in this research are service quality and customer-bank relationship using SERVQUAL model in the banking context. In this study I will answer the questions:

- How consumers perceive quality of service in the banking sector?
- Does a strong customer-bank relationship exist in Albanian commercial banks?

The aim of this study is to develop a better theoretical and practical understanding of the impact that quality of service has in customer-bank relationship.

This study tests the banking sector through SERVQUAL model by measuring the quality of service and customer-bank relationship.

Based on the findings made during the review of the literature, we believe that the quality of service is a precursor of a customer-bank relationship. Consequently the basic hypothesis is:

**H1.** Quality of service directly and positively influences customer-bank relationship.

The study was conducted in Shkodra, a city which has 13 different branches of commercial banks. The survey was based on web and the link was mailed to 200 customers of different banks, beneficiaries of various banking services (salary recipients, depositors, creditors, etc.). Only 160 people completed the survey, thus having a return reply order of 80%. The questionnaire had three parts. The first part of the questionnaire serves to measure quality of service valued by customers. The second measures customer-bank relationship and the third the demographic variables.

#### Measured variables

**Independent variable - Quality of service.**

The measure is based on a modified version of the proposed SERVQUAL by Parasuraman et al. (1988), which consists of 22 elements, grouped into five dimensions of service quality, respectively Vulnerability (how modern the equipment bank, how attractive are the physical objects of the bank, as skillful employees of the bank, how attractive are materials related to the service), reliability (when the bank promises to do something at a certain time, she does it, when the customer has a problem bank shows genuine interest for its solution, the bank is engaged in the right way at the Previously, the bank offers its services in a timely manner, the bank insists on the data without errors), Accountability (bank employees indicate exactly when the service is performed, the bank's employees provide rapid service, bank employees have always desire

to help, bank employees are never so busy to respond to your requests), security (the behavior of bank employees instill confidence in customers, the bank you feel confident to perform transactions, bank employees are always kind to you, bank employees have the necessary knowledge to answer your questions), Empathy (bank offers individual attention, the bank working hours convenient for all customers, bank employees who give you personal attention, bank has your best interest, bank employees understand the specific needs of clients)

These elements are assessed with 7-point Likert scale, where 1 = absolutely disagree and 7 = strongly agree.

### Dependent variable - bank customer relationship

Measurement of customer-bank relationship is based on the model proposed by Ward & Dagger (2007). The model uses 8 evaluative questions of customer-bank relationship.

According to this model, to assess this relationship it is measured the impact of the importance of relations with customers, duration, frequency, age and gender, type of product of service to strengthen the relationship. Also it is measured the strength of the bank-customer relationship taking the perceived quality of customer service, as the basis for satisfaction. Finally, through an empirical study of customers of banks it is tested a model relationship. What we want to examine is mainly the strength or weakness of a customer-bank relationship, determined by the above factors.

## 1. Analysis, data interpretation and conclusions

### 4.1 Demographic data of the respondents

Table 2 presents the demographic data of respondents. As seen 40% of respondents were male, while 60% were female. The majority of respondents were highly educated. This category accounts for 53.4% of respondents, followed by respondents with university master, who make up 25.9% of respondents and 13.8% of the doctoral education of the respondents. The income level of 42.1% of the respondents is 40000-59999 ALL, followed by 17.5% of respondents to levels 60000-79999 and 80000-99999 ALL

### 4.2 The evaluation of the quality of service

To collect data about the perception of the quality of service that clients used a questionnaire, which contained 22 allegations suitable for measuring customer perceptions about the quality of service performance. Of these 22 claims, the first four belong to the dimension of vulnerability, five belong to the dimension of reliability, four belong to the dimension of accountability, four belong to the security dimension and the last five belong to the dimension of empathy.

Table 3: Summary of descriptive statistics dimensions of service quality

Dimensions	N	Minimum	Maximum	Average	Standard deviation
General quality	160	1.43	7.00	5.1016	1.13213
Vulnerability	160	2.00	7.00	5.0333	1.15299
Reliability	160	1.40	7.00	5.0017	1.34297
Accountability	160	1.00	7.00	5.1597	1.46437
Security	160	1.00	7.00	5.2972	1.28261
Empathy	160	1.00	7.00	5.0158	1.19977
Valid N (listwise)	160				

From the statistics summarized in Table 3 noted that the highest rating for the quality of service takes the fourth dimension, security. This dimension takes an average 5.29 rating, which shows that customers generally evaluate their safety and services they receive from banks. They feel safe and bank employees manage to instill confidence to these consumers. Instead, the second dimension of the low scores the average 5.0017. This means that customers do not appreciate sufficiently the possibility that employees of banks to solve their problems. To improve the assessment of this dimension

employee must have special training for the recognition more and better banking products in general, for their behavior and willingness to convey their knowledge.

As seen in Table 4, the dimension of vulnerability more respondents judge the ability of employees, with average 5.1, followed by a 5.08 average estimate of physical objects attractive bank. In the dimension of reliability, respondents estimate mostly error-free performance of the bank considering a 27.5 average, followed by the provision of services in a timely manner with an average 5:05. In the dimension of accountability gets highest rating 5.4 Employee desire to help clients. Security dimension receives the highest rating 5.6 good employee behavior, but care must be taken with confidence that I transmitted to customers, since this statement gets the lowest score of the relevant dimension 5:08.

In the dimension of sensitivity receives highest rating 23.5 individual attention provides customer banks, and less with 4.75 estimated as the bank heartfelt best interest of the client.

	Minimum	Maximum	Average	Standard deviation
<b>The dimension of Vulnerability</b>				
The bank XYZ has modern equipment	1	7	5.07	1.425
Bank XYZ physical facilities have attractive appearance	1	7	5.08	1.488
The XYZ bank's employees look quite capable	1	7	5.1	1.515
XYZ bank materials related to service (flyers, brochures, etc.) are significantly more attractive	1	7	4.88	1.627
<b>The dimension of reliability</b>				
When the bank XYZ promises to do something at a certain time, it makes it	1	7	4.8	1.571
When you have a problem, Bank XYZ shows sincere concern for his resolution	1	7	4.88	1.658
XYZ bank performs adequately service for the first time	1	7	5.03	1.551
The XYZ bank offers its services on a timely basis	1	7	5.05	1.419
The XYZ bank insists on the data without errors	1	7	5.27	1.706
<b>The dimension of accountability</b>				
XYZ bank's employees tell you exactly when the service will be performed	1	7	5.17	1.743
XYZ bank's employees provide you fast service	1	7	5.27	1.518
XYZ bank's employees have always desire to help	1	7	5.4	1.509
XYZ bank's employees are never so busy to respond to your requests	1	7	4.88	1.609
<b>The dimension of the security</b>				
The behavior of the employees of XYZ Bank instills confidence in customers	1	7	5.08	1.629
Bank XYZ you feel secure for transactions that you do	1	7	5.39	1.509
XYZ Bank employees are continuously polite with you.	1	7	5.6	1.543

XYZ Bank employees have the required knowledge to answer your questions	1	7	5.12	1.508
<b>The empathy dimension</b>				
XYZ Bank offers individual attention	1	7	5.23	1.466
XYZ Bank has adequate working hours for all customers	1	7	5.15	1.818
XYZ Bank has employees who give you personal attention	1	7	5	1.629
XYZ Bank has cordial your best interest	1	7	4.75	1.503
XYZ Bank employees understand your specific needs	1	7	4.95	1.489

Table 2: Demographic data

Level of income (ALL)	Percentage
Less than 10.000	3.5
10-000 – 19.999	1.8
20.000 – 39.999	15.8
40.000 – 59.999	<b>42.1</b>
60.000 – 79.999	17.5
80.000 – 99.999	17.5
More than 100.000	1.8
<i>Total</i>	100
<b>Education</b>	
High school	6.9
University	<b>53.4</b>
Master	25.9
PhD	13.8
<i>Total</i>	100
<b>Gender</b>	
Male	40
Female	60
<i>Total</i>	100

### 4.3 Evaluation of relationship customer-bank

The table below gives the results of the questionnaire related to customer-bank relationship.

Duration as a customer in bank XYZ	Percentage
Less than a year	13
1-2 years	23
2-3 years	18
3-4 years	15
4-5 years	11
5 years	19
<i>Total</i>	100
Do you think you will continue in this bank?	
Yes	83
No	17
<i>Total</i>	100
Do you use more banks than this one?	
Yes,1	27
Yes,2	33
Yes,3	12
Yes,4	2
Yes, more than 4	2
No	25
<i>Total</i>	100
How often do you use internet banking?	
Several times a week	24
Once a month	49
Once a week	20
More often	7
<i>Total</i>	100

#### 4.4 Dependence between service quality and customer-bank relationship

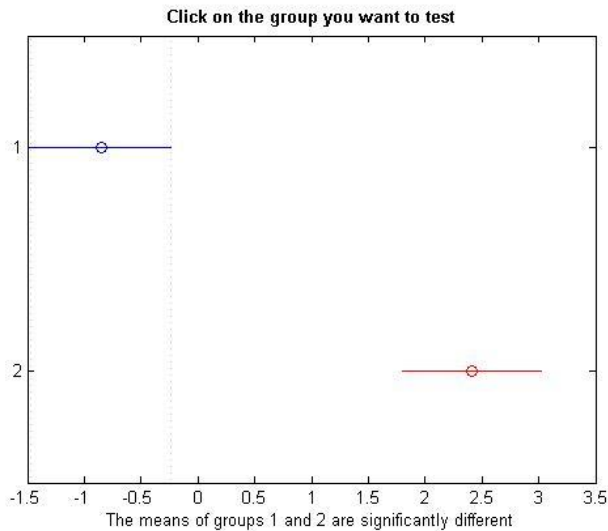
Linear regression analysis where the independent variable is the quality of service and the dependent variable customer-bank relationship shows that R2 is 0:45, which shows that 45.0% of changes in customer-bank relationship are explained by the perception of service quality.

Therefore, the R2 value is not the result of chance; independent variables are able to explain the variation in the dependent variable. The relationship between the independent and dependent variable is given by the following equation:

$$\text{Customer-bank relationship} = 0.083 + 0.236 (\text{quality of service})$$

The regression coefficient is positive and shows a positive correlation between the independent and dependent variable. It means that by increasing the level of perceived quality of services we would have increased the bank customer relationship, so we will have strong relationships.

The figure below shows the graphic output in multiple tests the relationship quality – customer -bank. The circle shows the calculated average and the line is the confidence interval of 95% for the calculated average.



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# The Right to Be Heard in the European Union – Case Law of the Court of Justice of the European Union

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## Abstract

*The right to be heard as a fundamental right within the European legal order was included in the right to good administration in the Charter of Fundamental Rights of the European Union and imposes that every person has the right to be heard before any individual measure which would affect him or her adversely is taken. However, the Court of Justice of the European Union has a consolidated jurisprudence regarding the right to be heard which has already recognized it as a general principle and fundamental right. This paper will analyze this case law, which determine the nature of the decision-making process where this right must be applied, the nature of the decision taken and the way the interests of the person concerned are affected. For this purpose different decisions of the Court of Justice of the European Union are taken under study.*

**Keywords:** right to be heard, jurisprudence, decision, principle

## 1. Introduction

Any system of the administrative law will have access points or gateways, which determine who can get into the system. There are two crucial access points in any legal regime. There will be procedural rules determining who is entitled to be heard or intervene before the initial decision is made, or who is entitled to be considered before a legislative-type norm is enacted.<sup>1</sup>

Within the context of the European Union (EU) law, the need to respect the right to be heard has been recently codified and, arguably, reinforced in the Charter of Fundamental Rights<sup>2</sup> (the Charter). The Charter, which with entry into force of the Treaty of Lisbon acquired the same legal status as the Treaties, includes as part of the right to good administration the right to be heard. Article 41 thereof, in the second paragraph states that: "*every person has the right to be heard, before any individual measure which would affect him or her adversely is taken.*"

It may appear the Charter goes beyond the existing case law, to the extent that it seems to eliminate the requirement for it to apply of 'having a proceeding initiated against a person'. The only condition in Article 41, appears to be that 'an individual measure could affect [that person] adversely'.<sup>3</sup>

However, the Court of Justice of the European Union (the Court) in its case law has consistently supported the application of the right to be heard to the decisions with individual character and recognized the right to be heard as a general principle of Community law, regardless of whether it is sanctioned (or not) in the provisions of a treaty, regulation, directive or decision.<sup>4</sup>

## 2. The content of the requirement to hear the addressee

The authorities of the EU must respect the general principles of EU law, part of which is the right to be heard.

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1 Craig, P. (2006). *EU Administrative Law*, pg. 313

2 Durand, S. Williams, K. (2005). *The practical impact of the exercise of the right to be heard: A special focus on the effect of Oral Hearings and the role of the Hearing Officers*, Competition Policy Newsletter, Number 2, pg. 1

3 *Ibid*, pg. 1

4 Curtin, (1992). *Constitutionalism in the European Community: The right to Fair Procedures in Administrative Law*, in J. O'Reilly (ed). *Human Rights and Constitutional Law, essays in Honour of Brian Walsh* (1992), pg. 293 (cited in Craig, P. (2006). *EU Administrative Law*, pg. 314)



Before an act adversely affecting a person is adopted, the addressee of the act or interested third parties must be heard by the institution, body office or agency concerned. <sup>1</sup> That obligation is prescribed either by the Treaties <sup>2</sup> or by secondary Union law <sup>3</sup> or arises out of the general legal principles that a person whose interest are perceptibly affected by a decision taken by a public authority must be given the opportunity to make his point of view known. <sup>4</sup> This obligation is an essential procedural requirement. <sup>5</sup> The person concerned must be informed in time <sup>6</sup> effectively <sup>7</sup> and personally <sup>8</sup> of all the information in file which might be useful for his or her defense <sup>9</sup>. <sup>10</sup>

Thus, the EU authorities firstly have the obligation to make the case known to the person concerned and secondly the obligation to give that person the opportunity to submit his comments on the decision of the relevant authority.

But, the Community Courts in their decisions, have made a clear distinction between the right to be heard in the process of an individual decision and that of the adoption of a norm with legislative nature. In the second case, as it will be explained below, the right to be heard is straitened only in the context of participation or consultation.

### 3. The case law of the Court

The Court has already a consolidated jurisprudence regarding the right to be heard. The right to be heard has often been under consideration in cases which relate to the administrative powers of the Commission in competition law. The main regulations and directives in certain sectors where the administration is in the competence of the EU institutions contain provisions on the right to be heard.

The Court, since its early jurisprudence, has stated that the respect for the right to be heard may be started by the Court itself. <sup>11</sup>

*"The Court has held that it may of its own motion consider the question of infringement of essential procedural requirements (see judgments in Case 1/54 France v High Authority [1954] ECR 1, in Case 2/54 Italy v High Authority [1954] ECR 37 and in Case 18/57 M v High Authority [1959] ECR 41)"*

In the case *Transocean Marine Paint* <sup>12</sup> the Court refers to the right to be heard of the person whose interests are significantly affected by a decision taken by an authority of European Community as a *general rule* and that the rules on the right to be heard provided by the regulations in the field of competition law are an expression of the recognition of this rule.

*"It is clear, however, both from the nature and objective of the procedure for hearings, ... that this Regulation, ... applies the general rule that persons whose interests are perceptibly affected by a decision, taken by a public authority must be given the opportunity to make their point of view known."*

Thus the Regulation No 99/63/EEC of the Commission states that the Commission shall inform undertakings and associations of undertakings in writing of the objections raised against them, <sup>13</sup> and that in its decision the Commission shall deal only with those objections raised against undertakings and associations of undertakings in respect of which they

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1 Case 17/74, *Trasocean Marine Paint V Commission*, (1974)

2 See, e.g. Art. 108 (2) Treaty on the Functioning of the EU; Art. 41(2) of the Charter

3 See, e.g. Art. 27 of Regulation No. 1/2003, Art. 6 (7) of Regulation No. 1225/2009 (antidumping); Art. 18 of Regulation No. 139/2004 (control of concretations)

4 Case 17/74 (ECJ), *Trasocean Marine Paint V Commission*, (1974)

5 Case 31/69 (ECJ), *Commissin v Italy*, (1970)

6 Case 55/69 (ECJ), *Casella v Commission*, (1972)

7 Joined Cases 56 and 58/64 (ECJ), *Consten and Grundig v Commission*, (1964); Case T-7/89 *Hercules Chemicals v Commission*, (1991)

8 Case 76/99 (ECJ), *P ARBED v Commission*, (2003)

9 CFI, Case T-36/91, *ICI v Commission*, (1995)

10 Lenaerts, K. Masellis, I. Gutman, K. (2014) *EU procedural law*, pg 301

11 Case 291/89 (ECJ), *Interhotel v Commission*, (1991); Case 367/95 (ECJ), *Commission v Sytraval and Brink's France*, (1998)

12 Case 17/74 (ECJ), *Trasocean Marine Paint v Commission*, (1974)

13 Article 2

have been afforded the opportunity of making known their view. <sup>1</sup>

The Court reiterated the principle in the case *Hoffmann-La Roche*, <sup>2</sup> on the request of the applicant that the contested decision mention is made of certain documents which were not discussed or even mentioned during the hearing of the parties and the contested decision is based on information which has not been brought to its knowledge and which it cannot check because the Commission, relying upon its duty to observe the principle of professional secrecy, refuses to notify that information to the applicant in so far as the undertakings from which it was acquired are opposed to its being so notified.

But this time the Court imposed a restrictive condition: the right to be heard would be recognized as a fundamental principle of Community law in the decisions that determine sanctions:

*“Observance of the right to be heard is in all proceedings in which sanctions, in particular fines or penalty payments, may be imposed a fundamental principle of Community law which must be respected even if the proceedings in question are administrative proceedings. Article 19 (1) of Council Regulation No 17 obliges the Commission, before taking a decision in connexion with fines, to give the persons concerned the opportunity of putting forward their point of view with regard to the complaints made against them.”*

However, in *Netherlands and Others v Commission*, <sup>3</sup> as in other cases in general, <sup>4</sup> the Court has recognized the right to be heard even when sanctions are not imposed. But, in this case it is required that the decision caused adverse effects to the interests of the applicant:

*“As regards the plea in law relating to an infringement of the rights of the defence in the case of the Kingdom of the Netherlands, it must be stressed that the Court has consistently held that respect for the rights of the defence, in all proceedings which are initiated against a person and which are liable to culminate in a measure adversely affecting that person is a fundamental principle of Community law which must be guaranteed even in the absence of any specific rules”*

Also, The Court has stated that the right to be heard should be guaranteed even *in the absence of any specific legal provisions* or when they do not take it into consideration. This statement was unequivocally renewed in *Air Inter SA kundër Komisionit* <sup>5</sup> where the Court rejected the Commission's argument based on the absence of a specific provision in the legislation in question.

*“As regards the procedure initiated under Article 8(3) of the Regulation, which led to the adoption of the contested decision, it is settled law that respect for the rights of the defence, in all proceedings which are initiated against a person and which are liable to culminate in a measure adversely affecting that person, is a fundamental principle of Community law which must be guaranteed even in the absence of any specific rules (see, for example, the judgment in *Netherlands and Others v Commission*, paragraph 44)”*.

That principle requires that the person concerned must be placed in a position in which he can effectively make known his view of the matters on the basis of which the Commission adopted its measure. <sup>6</sup>

In so far as the Commission claims that the judgment in *Netherlands and Others v Commission* — given in the context of Article 90(3) of the Treaty — is irrelevant to the present case because the procedure at issue is laid down by specific rules excluding the participation of the air carriers who may be affected, it must be observed that the application of the fundamental principle of the rights of defence cannot be excluded or restricted by any legislative provision. Respect for that principle must therefore be ensured both where there is no specific legislation and also where legislation exists which does not itself take account of that principle.

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1 Article 4

2 Case 85/76 (ECJ), *Hoffmann-La Roche v Commission*, (1979)

3 Case 66/90 (ECJ), *Netherlands and Others v Commission* (1992)

4 See also Case 50/96 (ECJ) *Primex Produkte Import-Export GmbH v Commission*, (1998); Case 48/90 *Fiskano v Commission*, (1994), Case 450/93 (ECJ), *Lisrestal v Commission*, (1994), etc.

5 Case 260/94 (ECJ), *Air Inter SA v Commission*, (1997)

6 See also *Fiskano v Commission*, paragraph 40

In the above cases, the Court recognized the right to be heard as a fundamental principle of Community law, in *Al-Jubail*<sup>1</sup> this right was also recognized as part of the fundamental rights:

*“According to the well-established case-law of the Court ... fundamental rights form an integral part of the general principles of law, whose observance is ensured by the Court. Consequently, it is necessary when interpreting Article 7(4) of the basic regulation to take account in particular of the requirements stemming from the right to a fair hearing, a principle whose fundamental character has been stressed on numerous occasions in the case-law of the Court ...”*

Also, the Court extended the application of the right to be heard not only in decision-making procedures which at the end imposes a sanction, but also for the procedures that lead to the decision, including the investigative procedures.

*“Those requirements must be observed not only in the course of proceedings which may result in the imposition of penalties, but also in investigative proceedings prior to the adoption of antidumping regulations which, despite their general scope, may directly and individually affect the undertakings concerned and entail adverse consequences for them.”*

Furthermore, the Court stated that the provisions of the anti-dumping regulations concerning the right to be heard does not provide all the procedural guarantees present in national legal systems and therefore this right could be seen as complementary to these provisions:

*“It should be added that, with regard to the right to a fair hearing, any action taken by the Community institutions must be all the more scrupulous in view of the fact that, as they stand at present, the rules in question do not provide all the procedural guarantees for the protection of the individual which may exist in certain national legal systems”.*

The precise application of the right to be heard can be difficult where the administration of the particular scheme is divided or shared between the EU and the Member States, as in the context of customs or Structural Fund. In such instances it can be problematic locating the right to be heard at national or Union level or an admixture of the two.<sup>2</sup>

However in the case *Technische Universität München*,<sup>3</sup> the Court found that the requirement to hear the person concerned was not met when the disputed decision was adopted by the Community institution, in this case the Commission because the Court stated that the right to be heard in such an administrative procedure requires that the person concerned should be able, during the actual procedure before the Commission, to put his own case and properly make his views known on the relevant circumstances and, where necessary, on the documents taken into account by the Community institution.

Moreover the Court stressed the importance of the respect by the Community institutions for the rights guaranteed by the Community legal order in administrative procedures, including the right to be heard :

*“However, where the Community institutions have such a power of appraisal, respect for the rights guaranteed by the Community legal order in administrative procedures is of even more fundamental importance. Those guarantees include, in particular, the duty of the competent institution to examine carefully and impartially all the relevant aspects of the individual case, the right of the person concerned to make his views known and to have an adequately reasoned decision. Only in this way can the Court verify whether the factual and legal elements upon which the exercise of the power of appraisal depends were present.”*

The EU courts have striven to ensure that the right to be heard is properly protected where administration is shared between the EU and Member States. There are nonetheless, as Eckes and Mendes note, continuing difficulties in making sure that the right to be heard is accorded at the appropriate level at which the decision is formed, and takes adequate account of the effects produced by the decision at each level. This difficulty is exemplified by the case law concerning the right to be heard in sanction cases.<sup>4</sup>

The Court in its case law distinguished the application of the right to be heard in the decision-making of acts of individual and direct concern to the person and the right to be heard prior to the adoption of a legislative act or where the measure does not directly effect the applicant. The right to be heard prior to the adoption of a legislative act or where the measure does not directly effect the applicant is reduced in the context of the right to participate or to be consulted. Further more

1 Case 49/88 (ECJ), *Al-Jubail Fertilizer v Council*, (1991)

2 Craig, P. (2006). *EU Administrative Law*, pg. 291

3 Case C-269/90 (ECJ), *Technische Universität München v Commission*, (1991)

4 Craig, P. (2006). *EU Administrative Law*, p.g 292

the Courts insists in its decision that the right to participation or consultation must be expressly laid down in the Treaty provisions or secondary law.

The Court made its viewpoint clear in the *Atlanta*<sup>1</sup> case. The appellant asserts that the Court of First Instance erred in finding that the right to be heard in an administrative procedure affecting a specific person could not be transposed to the context of a legislative process leading, as in the case of Regulation No 404/93, to the adoption of general laws. In the appellant's view, it does not matter to the individual concerned whether his legal situation is affected as a result of an administrative procedure or of a legislative procedure.

Contrary to the applicants argument, The Court decided that the Court of First Instance was correct in its decision and that:

*"The right to be heard in an administrative procedure affecting a specific person cannot be transposed to the context of a legislative process leading to the adoption of general laws".*

*"The case-law referred to by Atlanta relates to particular acts of direct and individual concern to the applicants, whereas, in the case before us, the order of the Court of Justice of 21 June 1993 referred to above held that Regulation No 404/93 was not of direct and individual concern to the applicant. This case-law cannot be extended to apply to the context of a Community legislative procedure culminating in the enactment of legislation involving a choice of economic policy and applying to the generality of the traders concerned."*

Also, another claim of the Atlanta petitioner was that the absence of the provisions of the Treaty which foresee legislative consultation procedure does not preclude it from this right. To prove his claim, the petitioner referred to the previous case law of the Court, specifically the case *Al-Jubail*. The court rejected this claim and stated that the jurisprudence regarding the right to be heard referred only individual acts of nature related directly to the applicant and it can not be extended to the legislative procedures. The only obligation that had legislative bodies Community consultation was that envisioned by the Treaty to the case.

Thus, the right of participation in the process of adopting legislative norms exists only if it is provided for in the Treaty or resulting from a specific regulation or directive. This stance of the Court was repeated also in other cases.

#### 4. Conclusions

As above, in connection with the jurisprudence of the Court to the right to be heard, it can be concluded that:

First, the right to be heard constitutes a general principle and a fundamental right within the EU legal order.

Secondly, the judiciary stems from a clear distinction between processes that affect a person in the form of a decision of an individual nature and those of adoption of EU legislative rules or where the applicant is not a party directly affected by the decision-making.

Thirdly, the right to be heard to decisions of an individual nature will be applied if the decisions adversely affect the interest of the applicant, even when sanctions are not imposed and it is guaranteed even in the absence of any specific legal provisions or when they do not take it into account.

Lastly, in the approval of legislative norms, the Court has recognized the right to participation or consultation, respect of which is depended on the fact that it is provided in the provisions of the Treaty, regulations or directives.

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3. Lenaerts, K. Masellis, I. Gutman, K. (2014) *EU procedural law*

**Case law of the Court:**

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## The Impact of Tourism on the National Competitiveness: Case of EU28 and WB Countries

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### Abstract

*In this paper is emphasized the important role that tourism has in enhancing the national development and competitiveness on the global market. The attention is focused on presenting the main indicators for measurement of national competitiveness and level of development of tourism sector and to present their mutual relations which must be seriously considered by the government and policy makers. The research of this topic is based on identifying the current level of competitiveness and tourism development in Europe Union (EU) and Western Balkan (WB) transition countries. Specific aim of the paper is to provide comparison analysis of WB countries position as economics in transition process in relation to EU countries regarding to the most important indicators of competitiveness and tourism development. To do so, it is employed correlation and regression analysis. The results has showed the significances of the further investment and development of tourism sector of WB countries due to its available resource and its great influence on enhancing international competitiveness and economics prosperity.*

**Keywords:** Competitiveness, Tourism, Economic Development, Transition Economy

### 1. INTRODUCTION

The increase of tourism and travel practice has shown enormous flexibility in global view. Even though there is very slow growth recorded in advanced countries and it exists some geopolitical disturbances in particular regions, tourism sector represents the large part of the global market. According to estimations of the World Travel and Tourism Council (WTTC), it has approximately 9 % of world's GDP or in absolute terms 7 trillion US\$. The amount of international travelers is continuously increases. Projected annual growth rate of this sector is 4 %, according to reports of WTTC. This estimated growth is faster than manufacturing, financial services and transport.

Having these facts in mind, it could be concluded that enhancing the growth of tourism sector could have a great impact on economic development and rise of global competitiveness. So it presents a continuous need to approach to the improvement of this sector with form different aspects in order to raise international competitive position of economy. One of these aspects is view on tourism as impact factor of economic development and competitiveness of country worldwide. Achieving greater international competitiveness need to be based on adequate policy which will provide quality managing all factors and resources that insure tourism sector development.

In this paper is presented the one of the commonly used indicators for measurement of level of national competitiveness and tourism competitiveness. According to these indicators it has been presented the ranking of the EU countries, as well as the direct contribution of tourism sector to economic development, and GDP of these countries. It has been used Global competitiveness Index (GCI) constructed by World Economic Forum (WEF) as a measure of the national competitiveness and Travel and Tourism Competitiveness Index (T&TCI) provided by World Travel and Tourism Council (WTTC) as a measure of tourism sector development and competitiveness. Comparative analysis of EU countries and WB countries using these indexes and other relevant measures is performed due to define relative position of WB countries.

In the second part of the paper the relationship between GCI and T&TCI is presented, and as well as, between direct contribution of tourism to GDP and level of GDP. As final result of the research it is determined the intensity of influence these regressors on GCI and GDP.

According to its main goal, this paper is structured in the following way. First, it presents literature review on tourism competitiveness and emphasizes relevant conclusions. Second, the used research methodology, data and initial hypothesis are defined. Research results and discussion are obtained in the third part. In conclusion, this paper provides some final remarks about the relevance of this topic for policy makers in EU and WB countries, especially for WB countries due there

natural resources which, in proper way managed, can in great deal enhance tourism competitiveness and attractiveness as well as economic development and global market position.

## 2. LITERATURE REVIEW

In many countries service sector, specially international trade services play very significance role in economic growth. So, regions, countries and cities take this sector very seriously and focus all their efforts into making quality national tourism strategies which will improve their tourism perception and attractiveness. Competitiveness represents a key issue for whole tourism system and it includes two principal items: resources and transformation. Resources can be inherited (natural resources) and created (infrastructure) resources. During competitive shaping process appears profit emerged from transformation which implies to transformation process of above mention resources. Competitive derives better living standards for citizens and better quality of life which increases their real incomes and, in the long run, insures sustainable development. Pioneer in tourism competitiveness topics, Poon (1993), defines four principals for having competitive destination: environment, leading tourism sector, strong distribution channels and dynamic private sector. But these factors cannot provide deeper understanding of destination competitiveness.

One of generally accepted definition of tourism competitiveness focuses on market mechanisms and each component of tourism sector that insures attractiveness of destination. Dwyer et al. (2000, p.9; 20002, p.328) in detailed study of tourism price competitiveness said that "competitiveness general concept that encompasses price differential coupled exchange rate movements, productivity levels of various components of the tourist industry and qualitative factors affecting the attractiveness or otherwise of a destination." Another definition of competitiveness is provide by Hassan (2000, p.239) stating that competitiveness is determined by destination ability to create value added products while maintaining its competitive market position.

Ritchie and Crouch determine destination competitiveness as "ability to increase tourism expenditure, to increasingly attract visitors while providing them with satisfying, memorable experiences, and to do so in a profitable way, while enhancing the well-being of destination residents and preserving the natural capital of the destinations for future generations" (Ritchie and Crouch, 2003, p. 2). These authors emphasize that promotion and preservation of competitive advantage in all its dimensions, like economics, social and environmental. Vodeb (2012) indicate a serious need to focus on sustainable competitiveness. Attention of internal public regarding development of tourism sector leads to preservation of natural ambient and cultural characteristic of destination which are crucial for national quality of life and attractiveness.

Crouch and Ritchie (1993) constructed analytical framework to explain dynamic process of international tourism competitiveness. Later, Chon and Mayer (1995) improved their framework incorporating into it some special issues like substitute relation between tourism product/services, renewability of externalities and tourism resources and ect. This model included five principals: appeal, management, information, organization and efficiency. Faulkner et al. (1999) had some uncertainties about relation between tourism product/services so theh conducted empirical study to identify competitiveness of South Australian domestic tourism to discover substitute relationships of tourism products.

Some author examined attractiveness and image of destination in order to determine important attractiveness characteristics. Gearing (1974) made procedures for investor to identify location for hotels and tourism facilities. Conducted research was based on well determined criterias nad whole evaluation procedure was in detail explained. Hu and Ritchie (1993) formed conceptual framework for measuring location experiences as factors of destination attractiveness. Their findings indicate in majority of cases positive image of destination that people visited. Gallaraza (2002) constructed model using detail review and taxonomy of tourism destination measurements. Boon et al. (2005) used destination atmosphere and destination service as two types of environmental characteristics to compare destination image perception among three group of visitors. They found that international visitors have higher standards when judging destination in compare to domestic visitors.

Contemporary tourism competitiveness researches gave two approaches. First, defined by Enright and Newton (2004, p.778; 2005, p.340) who consider competitive destination one which attracts and satisfies visitors, and it is determined by specific tourism factor and wide range of factors influencing tourism providers. Second, represented by Russo and van der Borg (2002, p.632) focuses more on cultural tourism rather than on functional characteristics of destination attractiveness. Several authors supported concept of "cultural tourism" through "legacy tourism" (McCain and Ray (2003)) and "cross-cultural tourism" (Hou et al.(2005))



Bălan, Balaure and Vegheș (2009) focus on political and technological dimensions of tourism. They indicate that “taking into account the fact that overall competitiveness of the travel and tourism is determined and driven by the competitiveness of each of the components of the macro- environment, there are to be taken into consideration and measured an economic competitiveness, a social and cultural competitiveness, an environmental competitiveness, a political competitiveness and a technologically-based competitiveness” (Bălan, Balaure and Vegheș, 2009, p. 980). Also, these authors emphasize the significant role of law, infrastructure and regulation for achieving competitive advantage.

Papp and Raffay (2011) claim that certain tourism management disciplines like marketing, development and etc. can enhance or maintain the satisfactory level of competitiveness.

Bobiră and Cristureanu (2006) point out that “a destination that has a tourism vision, shares this vision among all stakeholders, understands both its strengths and weaknesses, develops a positioning strategy and implements it successfully may be more competitive because of its effective strategic approach” (Bobiră and Cristureanu, 2006, p. 10). Navickas and Malakauskaite (2009) claim that tourism destination competitiveness is important for countries who attend to increase their share of global tourism market. The same authors argue that economic development and overall image of country very important for tourism destination competitiveness. According to them, investments into tourism industry development will improve its international image. Those countries who are economically stronger have better infrastructure and tourism sector (Malakauskaite and Navickas, 2010, p. 150).

To summarize, tourism competitiveness destination presents the its ability to create, integrate and deliver tourism experiences which maintain inherited and created resources while preserving competitive market position relative to other competing destinations.

### 3. RESEARCH METHODOLOGY, DATA AND HYPOTHESIS

This research is conducted on the sample of EU28 and WB countries. Total amount of observed units is 32. WB countries include Albania, Macedonia, Montenegro and Serbia. Bosnia and Herzegovina is excluded from observing because missing values of certain indicators. Data used in this research are data about the Global Competitiveness Index (GCI), Travel and Tourism Competitiveness Index (T&TCI), GDP (per capita and in absolute terms, in US\$) and direct contribution of tourism to GDP (as share of GDP and in absolute terms). Data are obtained from reports and datasets of World Economic Forum (WEF) and International Monetary Fund (IMF), for year 2015.

The competitiveness analysis is usually performed using Global Competitiveness Index defined according to the World Economic Forum (WEF) since 2005. This index is complex index constructed from microeconomic and macroeconomic indicators of national competitiveness. It combines 114 indicators that focus on various productivity concepts. They are grouped into 12 pillars: institutions, infrastructure, macroeconomic environment, health and primary education, higher education and training, goods market efficiency, labor market efficiency, financial market development, technological readiness, market size, business sophistication, and innovation. Overall index has three subindexes in line with three stages of development: basic requirements, efficiency enhancers and innovation and sophistication factors. GCI can have score from the lowest 1 to the highest 7, or certain rank (out of 140 countries in 2015). Global Competitiveness Report for 2015-2016 covers 140 countries, from which, among the others, is excluded Bosnia and Herzegovina. Missing value of GCI for Bosnia and Herzegovina is justified reason to exclude this country from observed sample. The GCI structure is presented in Figure 1.



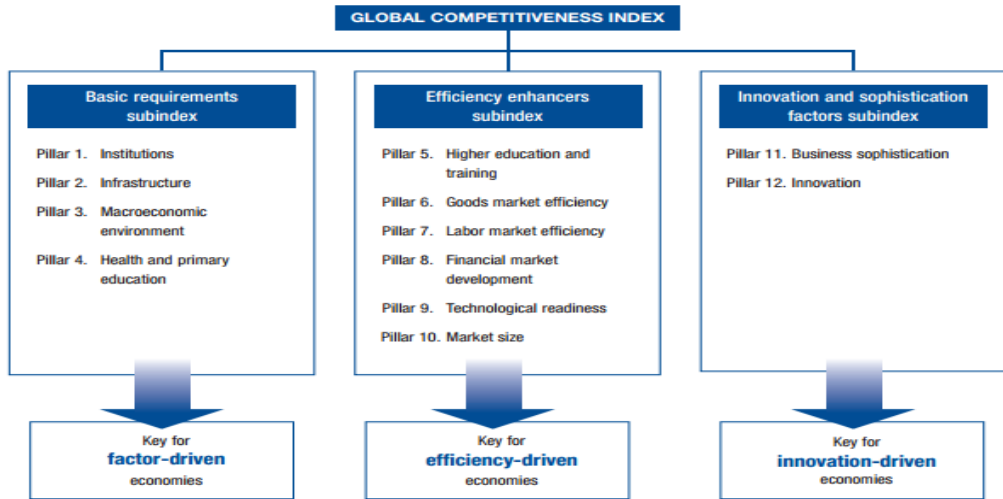


Figure 1. Global Competitiveness Index framework (WEF, 2015)

WEF also forms and measures Travel & Tourism Competitiveness Index (T&TCI). The methodology used in measuring travel and tourism competitiveness classifies the key factors into 14 groups (pillars) in order to determine the level of competitiveness of each country (score) and rankings. The T&TCI 2015 benchmarks the level of travel and tourism competitiveness of 141 economies, among which there are no measured value for Bosnia and Herzegovina. It comprises four subindexes, 14 pillars, and 90 individual indicators, distributed among the different pillars: enabling environment, T&T policy and enabling conditions, infrastructure, natural and cultural resources. The range of the scores is from the lowest 1 to the highest 7. In the latest reports WEF ranks 144 countries according to the GCI and 141 countries according to the T&TCI. The T&TCI structure is presented in Figure 2.

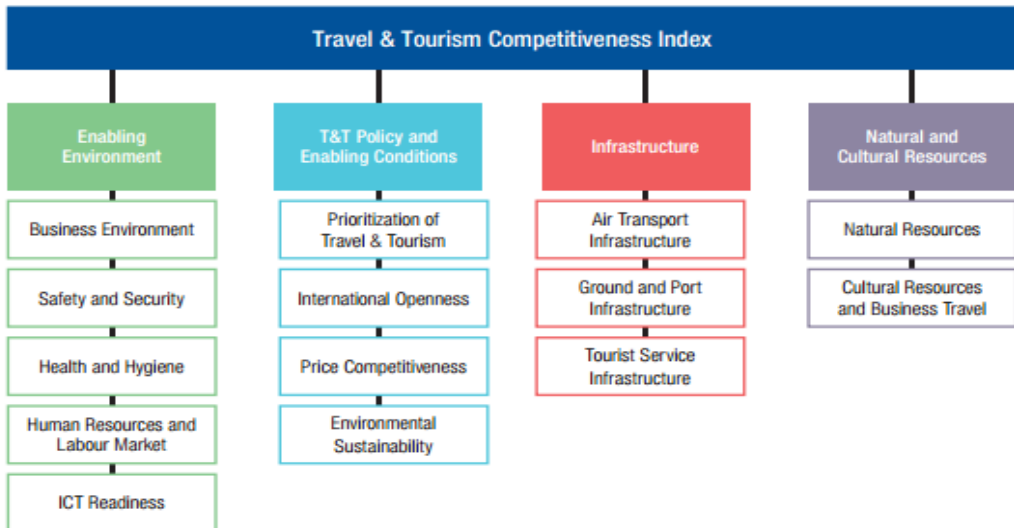


Figure 2 Travel and Tourism Competitiveness Index 2015 framework (WEF, 2015)

Data about GDP and direct contribution of tourism to GDP (share of GDP and in absolute terms) are collected from the database of the WTTC. The direct contribution of tourism to GDP represents the GDP generated by industries that deal

directly with tourist, including hotels, travel agents, airlines and other passenger transport services, as well as the activities of restaurant and leisure industries that deal directly with tourists. It is equivalent to total Internal Travel and Tourism spending within a country less the purchases made by those industries (including imports). (WTTC Travel & Tourism Economic Impact 2015, p. 2).

In this paper are stated following hypothesis:

- *Hypothesis 1:* WB countries have lower level of tourism and national competitiveness than the tourism and national competitiveness of EU countries.
- *Hypothesis 2:* There is a positive correlation between the tourism competitiveness and economy competitiveness, as well as between the direct contribution of tourism to GDP and the level of economic development.
- *Hypothesis 3:* There is positive impact of the level of tourism competitiveness on the level of national economy competitiveness, as well as positive impact of contribution of tourism to GDP on the level of economic development.

Tests are performed using adequate indicators for measuring level of tourism competitiveness, national competitiveness and economic development, such as T&TCI, GCI and GDP, respectively.

Applying comparison analysis it is indicated the relative competitive position of WB countries in relation to EU countries, and World, in developed level of national economy's and tourism's competitiveness.

To test the existence of interdependence between tourism and national competitiveness, and tourism contribution and economic development it is used correlation analysis. After defining existence of such relationships, regression analysis is conducted to determine the intensity of impact independence variables onto dependence variables.

#### 4. RESEARCH RESULTS AND DISCUSSION

Research results and discussion contain four segments:

- Comparison analysis of tourism competitiveness and national economy competitiveness in the EU and WB;
- Comparison analysis of tourism contribution to GDP in the EU and WB countries;
- Correlation and regression analysis

##### 4.1. Comparison analysis of tourism competitiveness and national economy competitiveness in the EU and WB

In Table 1 are shown values and scores of the GCI and T&TCI in the EU28, in 2015 with marked five highest and lowest positioned countries according to these indexes.

According to the highest values of the GCI, first five positions have following EU countries: Germany, Netherlands, Finland, Sweden and United Kingdom. The following EU countries have the lowest value of the GCI: Greece, Croatia, Slovak Republic, Cyprus and Hungary. When it comes to the values of the T&TCI, five best positioned EU countries are: Spain, France, Germany, United Kingdom and Austria. EU countries with the lowest value of the T&TCI are following: Romania, Slovak Republic, Lithuania, Latvia and Bulgaria. Also, looking the ranking of the EU countries according to T&TCI it can be concluded that these countries are mainly positioned in the first half of the world's ranking list (141 ranks by GCI). Some of the EU countries occupy not just leading position on the EU T&TCI ranking list but on the world's T&TCI ranking list too. For example, Spain, France and Germany are on the first three places on the world's ranking T&TCI list, respective. In the second half of the world's GCI ranking lists are Croatia and Greece. Croatia is a transition economy with the most problematic areas which are inefficient bureaucracy, political instability, corruption and inadequate tax regulation that seriously damage its global competitive position. Greece has the most problematic areas regarding to access to financing, inefficient government bureaucracy, policy instability and complexity of tax regulations which brings here to the bottom of the EU28 GCI ranking list. However, these two countries occupy pretty good ranks (33rd and 31st) according to T&TCI. So, overall it can be concluded that all EU countries have better ranks according to T&TCI than GCI.

Table 1 Value and rank of the GCI and T&TCI in the EU28 countries in 2015 (WEF, 2015)

EU28 countries	GCI		T&TCI	
	Value	Rank	Value	Rank

Austria	5.12	23	<b>4.82</b>	12
Belgium	5.20	19	4.51	21
Bulgaria	4.32	54	4.05	49
Croatia	4.07	77	4.30	33
Cyprus	4.23	65	4.25	36
Czech Republic	4.69	31	4.22	37
Denmark	5.33	12	4.38	27
Estonia	4.74	30	4.22	38
Finland	<b>5.45</b>	8	4.47	22
France	5.13	22	<b>5.24</b>	2
Germany	<b>5.53</b>	4	<b>5.22</b>	3
Greece	4.02	81	4.36	31
Hungary	4.25	63	4.14	41
Ireland	5.11	24	4.53	19
Italy	4.46	43	4.98	8
Latvia	4.45	44	4.01	53
Lithuania	4.55	36	3.88	59
Luxembourg	5.20	20	4.38	26
Malta	4.39	48	4.16	40
Netherlands	<b>5.50</b>	5	4.67	14
Poland	4.49	41	4.08	47
Portugal	4.52	38	4.64	15
Romania	4.32	53	3.78	66
Slovak Republic	4.22	67	3.84	61
Slovenia	4.28	59	4.17	39
Spain	4.59	33	<b>5.31</b>	1
Sweden	<b>5.43</b>	9	4.45	23
United Kingdom	<b>5.43</b>	10	<b>5.12</b>	5

Bold numbers – countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

With their values of the GCI and T&TCI WB countries are located in the second half of the world's ranking list by both indexes. In comparison to the EU countries, WB countries are worse ranked than all of EU countries according to T&TCI. When it comes to GCI ranking list, it can be observed that some WB countries are a little bit better positioned than few EU countries. This applies to Macedonia (60th) and Montenegro (70th) in relation to EU countries Croatia (77th) and Greece (81st). Among WB countries, the best position has Macedonia and the worst Serbia, according to GCI. Regarding T&TCI

ranking, Montenegro is best located country in opposite to Albania which has the highest T&TCI rank. GCI and T&TCI values and ranks of the WB countries are displayed in Table 2.

Table 2 Value and rank of the GCI and T&TCI in the Western Balkan countries in 2015

WB countries	GCI		T&TCI	
	Value	Rank	Value	Rank
Albania	3.93	93	3.22	106
Bosnia and Herzegovina	<i>3.71</i>	111	-	-
Macedonia, FYR	<b>4.28</b>	60	3.50	82
Montenegro	4.20	70	<b>3.75</b>	67
Serbia	<i>3.89</i>	94	3.34	95

Bold numbers - countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

In Figure 3 are presented world average GCI and T&TCI, EU28 average values of the GCI and T&TCI and WB countries average values of these indexes in order to make some comparisons. WB countries overall have lower values of both indexes compared to EU28 average values, as well as compared to the world's average.

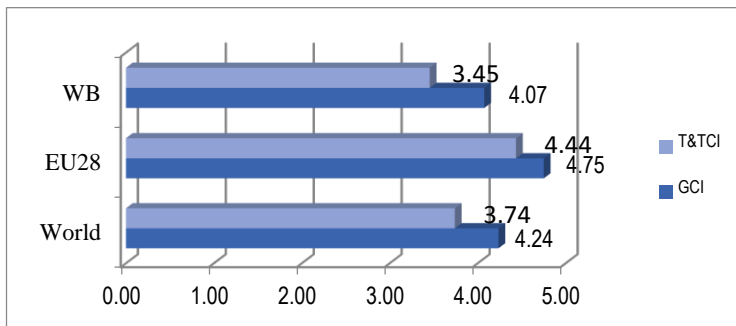


Figure 3 Comparison of the GCI and T&TCI average values in the world, the EU28 and WB countries in 2015 (WEF, 2015)

So, in the Figure 3 is shown that EU28, on average, have higher values of both indexes than their values for world, on average. Values of the WB T&TCI and GCI (3.45 and 4.07) is closer to world's T&TCI and GCI average values (3.74 and 4.24) than there are to WB T&TCI and GCI average values (3.45 and 4.07), respective.

#### 4.2. Comparison analysis of tourism contribution to GDP in the EU countries and WB countries

Table 3 is shown a direct contribution of tourism to GDP. This indicator is measured in absolute terms (in billion US\$) and as share of GDP. Economic development is measured by GDP in absolute terms (in billion US\$) and as value derived by the population (GDP per capita). These indicators are presented for EU28 countries in 2015.

Table 3 GDP and direct contribution of tourism to GDP in the EU28 countries in 2015 (WTTC, 2015; IMF, 2015)

EU28 countries	Direct contribution of tourism to GDP (US\$ in bn (Nominal))	Direct contribution of tourism to GDP (%)	GDP (US\$ in billion)	GDP per capita (US\$)

Austria	<b>20.43</b>	4.87	372.61	43546.60
Belgium	12.13	2.39	458.65	40456.32
Bulgaria	1.95	3.73	47.17	<i>6581.91</i>
Croatia	5.89	<b>12.86</b>	48.93	<i>11551.37</i>
Cyprus	<i>1.46</i>	<b>7.32</b>	<i>19.38</i>	21531.02
Czech Republic	5.03	2.69	182.46	17330.08
Denmark	6.17	1.96	291.04	<b>51423.61</b>
Estonia	<i>0.82</i>	3.31	<i>22.93</i>	17425.30
Finland	5.62	2.19	230.69	42159.31
France	98.61	3.66	<b>2422.65</b>	37728.41
Germany	<b>140.04</b>	3.79	<b>3371.00</b>	41267.31
Greece	15.18	<b>7.10</b>	192.98	17656.92
Hungary	5.06	4.08	118.49	<i>12020.63</i>
Ireland	5.01	2.08	227.50	<b>48939.68</b>
Italy	<b>83.81</b>	4.15	<b>1819.05</b>	29847.38
Latvia	0.98	3.12	<i>27.82</i>	13729.09
Lithuania	<i>0.79</i>	<i>1.80</i>	<i>41.78</i>	14318.08
Luxembourg	<i>1.10</i>	<i>1.81</i>	57.93	<b>103186.99</b>
Malta	<i>1.47</i>	<b>14.87</b>	<i>9.19</i>	21539.91
Netherlands	15.80	<i>1.92</i>	750.78	44333.15
Poland	8.61	<i>1.72</i>	481.24	<i>12662.21</i>
Portugal	13.36	<b>6.08</b>	197.51	18983.78
Romania	2.86	<i>1.55</i>	174.92	<i>8807.33</i>
Slovak Republic	2.20	2.33	86.20	15892.55
Slovenia	1.66	3.52	42.74	20712.01
Spain	<b>75.08</b>	5.60	<b>1221.39</b>	26326.87
Sweden	12.59	2.49	483.72	<b>48965.95</b>
United Kingdom	<b>100.83</b>	3.48	<b>2864.90</b>	<b>44117.80</b>

Bold numbers - countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

The lowest value of GDP (in billion US\$) have these EU countries: Malta, Cyprus, Estonia, Latvia and Lithuania. These countries do not have the lowest value of GDP per capita which is used in this paper as measure of the economic development. The EU countries with the lowest value of GDP per capita in 2015 are: Bulgaria, Romania, Croatia, Hungary and Poland. In opposite, EU countries with the highest values of GDP per capita are: Luxembourg, Denmark, Sweden, Ireland and United Kingdom. The highest GDP in absolute terms have following EU countries: Germany, United Kingdom, France, Italy and Spain.

Considering the indicator of contribution of tourism to GDP (in billion US\$), the highest values of tourism contribution have: Germany, United Kingdom, Italy, Spain and Austria. Countries with the lowest values of this indicator are: Lithuania, Estonia, Luxembourg, Cyprus and Malta. The EU countries with the highest share of tourism contribution in GDP are: Malta, Croatia, Cyprus, Greece and Portugal, while the countries with the lowest values of this indicator are: Romania, Poland, Lithuania, Luxembourg and Netherlands.

Table 4 GDP and direct contribution of tourism to GDP in the WB countries in 2015 (WTTC, 2015; IMF, 2015)

WB countries	Direct contribution of tourism to GDP (US\$ in bn (Nominal))	Direct contribution of tourism to GDP (%)	GDP (US\$ in billion)	GDP per capita (US\$)
Albania	0.74	5.67	11.59	<i>4200.03</i>
B&H	0.42	2.54	15.57	<i>4029.85</i>
Macedonia, FYR	<i>0.14</i>	<i>1.34</i>	10.09	4867.22
Montenegro	0.44	<b>9.78</b>	<b>3.99</b>	<b>6372.60</b>
Serbia	<b>0.84</b>	2.11	<b>36.56</b>	5102.45

Bold numbers - countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

When it comes to WB countries, the lowest value of GDP (in billion US\$) has Montenegro but it has the highest value of GDP per capita and share of direct tourism contribution to GDP. Serbia takes the first place with its highest values of the direct tourism contribution to GDP and GDP, in absolute terms. The last place occupies Macedonia with the lowest values of the tourism contribution to GDP, in both measured terms. Exact values of above mentioned indicators are provided in Table 4. In comparison analysis of these indicators in EU countries and WB countries it can be seen that the highest values of tourism contribution to GDP (absolute terms) in WB countries (Serbia) is approximately equal to its lowest value in EU countries. Examining the % of tourism contribution to GDP, Montenegro (9.78) is pretty close to the highest values of this indicator in EU countries.

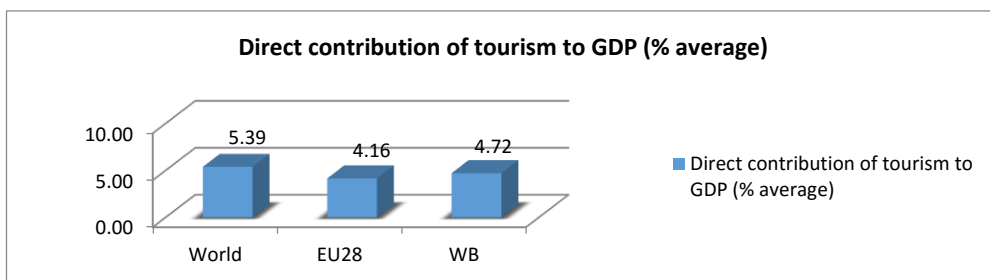


Figure 4 Comparison of direct tourism contribution to GDP in the world, the E28 countries and WB countries (as average % of GDP) in 2015 (WTTC, 2015)

Comparing the share of tourism contribution to GDP (average value) among world, EU and WB countries, it can be seen that WB countries have greater average value than the EU countries (Figure 4). This result is due to few countries that construct WB countries in contrast to larger number of EU countries, but, also due to previously emphasized the high value of this indicator recorded by Montenegro (9.78) which pulls up the average value for the WB countries and its value is similar to the highest values of the few EU countries. Lastly, obtained results confirm the first hypothesis of this research.

### 4.3. Correlation analysis

The correlation analysis is performed using Pearson Correlation Coefficient. It is examined the relationship between level of tourism competitiveness (measured by T&TCI) and the level of national economy competitiveness (measured by GCI), as well as between the contribution of tourism to GDP (measured in absolute terms and as share of GDP) and the level of economic development (measured by GDP in billion US\$ and as GDP per capita). Correlation analysis is conducted on the sample of 32 countries, EU28 countries and four WB countries. According to the results of this analysis displayed in Table 5, it can be concluded that there is a moderate positive statistically significant correlation between the tourism competitiveness and the level of national competitiveness (the value of the correlation coefficient of 0.658). Strong positive statistically significant correlation is observed between the direct contribution of tourism to GDP (measured in billions of US\$) and the level of economic development (measured in GDP in billion US\$) (the value of the correlation coefficient of 0.980). There is also a positive, but weak correlation between the direct contribution of tourism to GDP (measured in billions US\$) and the level of economic development (measured in GDP per capita) (correlation coefficient of 0.252).

According to these results, the second hypothesis is confirmed - there is a positive correlation between the tourism competitiveness and national economy competitiveness, as well as between the tourism's contribution to GDP and the level of economic development – level of GDP. There is no correlation between the direct contribution of tourism to GDP measured as a percentage of GDP and the level of GDP (absolute and per capita). This observation can be explained due to fact that a very high share of the direct contribution of tourism to GDP was recorded in relatively smaller countries (Malta, Croatia, Montenegro), where tourism is the dominant sector. Interesting findings are presented in Table 5: high positive correlation between the level of tourism competitiveness and the overall level of GDP (0.737), moderate positive correlation between the level of tourism competitiveness and the level of GDP per capita (0.550) and high positive correlation between the level of tourism competitiveness and tourism's contribution to GDP measured in billions of US\$ (0.762).

Table 5 Results of the correlation analysis (SPSS)

		Direct contribution of tourism to GDP US\$ in bn	Direct contribution of tourism to GDP	GDP per capita US\$	GDP US\$ in billion	TTCI	GCI
Direct contribution of tourism to GDP US\$ in bn	Pearson Correlation	1	-.031	.252	.980**	.762**	.420*
	Sig. (2-tailed)		.867	.163	.000	.000	.017
	N	32	32	32	32	32	32
Direct contribution of tourism to GDP	Pearson Correlation	-.031	1	-.259	-.108	.016	-.387*
	Sig. (2-tailed)	.867		.152	.558	.932	.029
	N	32	32	32	32	32	32
GDP per capita US\$	Pearson Correlation	.252	-.259	1	.297	.550**	.783**
	Sig. (2-tailed)	.163	.152		.098	.001	.000
	N	32	32	32	32	32	32
GDP US\$ in billion	Pearson Correlation	.980**	-.108	.297	1	.737**	.509**
	Sig. (2-tailed)	.000	.558	.098		.000	.003
	N	32	32	32	32	32	32
TTCI	Pearson Correlation	.762**	.016	.550**	.737**	1	.658**
	Sig. (2-tailed)	.000	.932	.001	.000		.000
	N	32	32	32	32	32	32
GCI	Pearson Correlation	.420*	-.387*	.783**	.509**	.658**	1
	Sig. (2-tailed)	.017	.029	.000	.003	.000	
	N	32	32	32	32	32	32

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\*. Correlation is significant at the 0.05 level (2-tailed).

### 4.4. Regression analysis

Previously results of correlation analysis emphasize the importance of testing the impact of the level of competitiveness of tourism on the level of national economy competitiveness and the contribution of tourism to GDP on the level of GDP.

Table 6. Results of regression analysis (Impact of the T&TCI on the GCI) SPSS

**Coefficients<sup>a</sup>**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.854	.591		3.135	.004
	TTCI	.652	.136	.658	4.790	.000

a. Dependent Variable: GCI

In Table 6 are presented the regression analysis's results on impact of level of tourism competitiveness on the level of national competitiveness. It can be concluded that increase of T&TCI value by 1 will lead to increase of the GCI by 0.658. Linear regression line is shown in Figure 5.

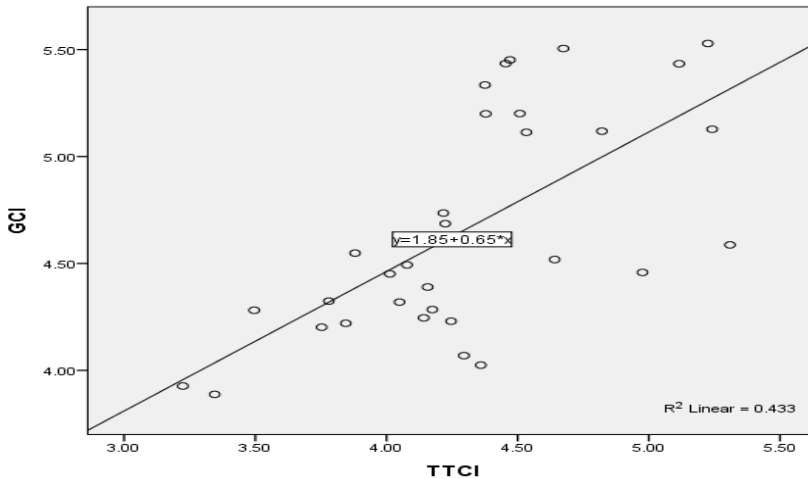


Figure 5. Linear regression model (impact of T&TCI on GCI)

The impact of the direct tourism's contribution to GDP (in billions US\$) on the level of GDP is tested by regression analysis in Table 7. Results of regression analysis indicate that increase of the tourism's contribution to GDP by 1 billion US\$ will lead to increase of GDP by 0.980 billion US\$.

Table 7 Results of the regression analysis (impact of tourism's contribution to GDP on the level of GDP)

**Coefficients<sup>a</sup>**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	33.246	36.148		.920	.365
	DirectcontributionoftourismtoGDPUS\$inbnNominal	23.603	.881	.980	26.780	.000

a. Dependent Variable: GDPUS\$inbillion

In Figure 6 is shown the regression curve of the linear regression model. These results obtained in examined in two linear regression models confirm the third hypothesis of this research. Results has shown that there is The results of regression analysis confirmed the third hypothesis of the research - There is positive impact of the level of tourism competitiveness on the level of national economy competitiveness, as well as positive impact of tourism's contribution to GDP on the level of economic development.



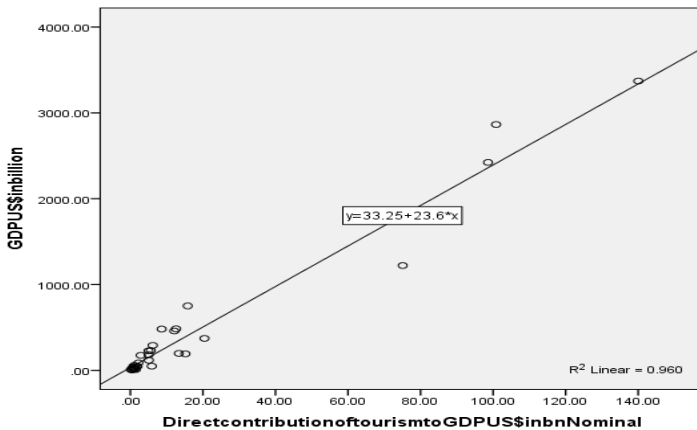


Figure 6. Linear regression model (direct tourism's contribution to GDP and GDP in bn US\$)

## 5. CONCLUSION

Tourism sector presents an increasingly important engine of economic growth. Thereby, countries and regions with significant natural and created resources need to take the role of tourism industry very seriously and devote their efforts to enhance this sector and its tourist image and attractiveness. So, this research provides some acknowledgments that support this idea. In presented analysis of development level of tourism in countries in European Union it can be seen that some of these countries have significant share of tourism's contribution in GDP. The share of tourism's contribution of GDP exceeds 10% of GDP in countries like Croatia and Malta. In Western Balkan countries, only Montenegro has contribution of tourism to GDP close to the highest values of this indicator for EU countries, approximately 9.7%. Generally, tourism does not have important role in WB countries in creating economic growth cause country's contribution of tourism in GDP is significantly under EU average value (4.16%), with acceptance of Montenegro. The tourism's contribution to GDP of WB countries is also lower compared to its world average value 5.39%.

According to tourism's competitiveness of EU countries, all of them are locate in the half of the world's ranking list, measured by Travel and Tourism Competitiveness Index. Also among them, there are country leaders in tourism's competitiveness not just in Europe but on the world level, such as Spain, France and Germany. WB countries are among the last places on the world's list, specially Albania, occupying 106<sup>th</sup>. The value of this indicator is lower in WB countries than in EU countries, which confirms the first hypothesis of this research.

Correlation and regression analysis provides some findings that confirm the importance of the tourism as a factor of national competitiveness.

Regression and correlation analysis conducted in this paper confirmed once more the fact that tourism is an important factor of competitiveness. Results show that there is a moderate positive statistically significant correlation between the tourism competitiveness and the level of national competitiveness. Strong positive statistically significant correlation is observed between the direct contribution of tourism to GDP (measured in billions of US\$) and the level of economics development (measured in GDP in billion US\$). There is also a positive, but weak correlation between the direct contribution of tourism to GDP (measured in billions US\$) and the level of economic development (measured in GDP per capita). Based on these results, the second hypothesis of the research is confirmed that there is a positive correlation between the tourism competitiveness and national economy competitiveness, as well as between the tourism's contribution to GDP and the level of economic development – level of GDP.

Findings about tourism's not so important role in economic development of WB emphasize the necessary to modify the current policy of tourism and its development strategies. The main obligation of the policy makers to covert the comparative advantages into competitive advantages of WB countries. So, it is very important to activate unused resources and design attractive tourism's strategies that will provide the development of tourism industry and creation of increasingly sustainable contribution sector to international competitiveness of WB region.

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## Tourism Destination Benchmarking Analysis

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### Abstract

*Modern society is characterized by constant changes that are rapidly taking place and that are difficult to follow. Management of the company is forced to constantly adapt to changes, to systematically and continuously measure and compare their performance with business results of its competitors. A key condition for survival in the market is to achieve quality. Consequently, it is necessary to estimate their own competitive position and meet with examples of best practice in their own field of work, with the aim of an independent perspective for future development. Benchmarking is the process of defining own areas of business and the identification and understanding of business activities its competitors, in order to determine their own advantages and disadvantages. The objective of the company is to implement the perceived advantages of competitors in its business activities and thereby achieve a better market position. The results of the best practice analysis for the chosen destination indicate the direction which this destination should follow through creative copying an already successful and proven management and marketing models.*

**Keywords:** Competitive Benchmarking, Tourist Destination. Examples of Best Practices.

### INTRODUCTION

The problem of this research is related to one of the main methods for adapting the business to constant changes-, benchmarking. Application of this method provides possibility to improve the business process and the quality of products and services, increase creativity within the organization and reduce costs, open new business opportunities and increase profits. All of this is based on comparisons of company's own products with the competitive products and processes, through the processes of learning and emulation.

The subject of our research is to emphasize the importance of the development of benchmarking, especially benchmarking of competitive type, as well as the process of its implementation. Benchmarking, due to relatively simple implementation, is increasingly used in both profit and non-profit organizations. It is applicable in many fields regarding any type of product and service, without any national or business boundaries.

Application of benchmarking in the field of tourism is presented in this paper. Quality is particularly important in the sector of tourism and it is a serious survival factor in competitive market. Achieving quality in tourism involves constant monitoring of market trends. At the same time, a tourist destination represents an increasingly important factor of the tourist experience. Tourist's perception and valuation of the tourist offers trigger tourism competitiveness.

For the purpose of benchmarking of a tourist destination, in the example of Zagreb, is used competitive benchmarking to compare destination offers of city Zagreb to two very popular European tourist destinations (Paris and Vienna). Having in mind that this is a city tourist destination which is in the process of restructuring and repositioning of its urban structure, the aim of the analysis of best practices is to determine the key success factors of the best European city destinations and models of management and marketing through which they took leading roles.

*In theory (cognitive)* research goal involves the study of relevant literature in order to reach knowledge about the concept and importance of benchmarking, especially the competitive type, its phases and process of its implementation, with particular focus to its application in tourism.

*Practical (applied)* research goal is to demonstrate the process and the importance of the application of benchmarking of competitive type using the example of benchmarking tourist destination.

General hypothesis of this study is:

The continuous process of benchmarking enables businesses to identify what they need to survive in the market and to create a competitive advantage.

Specific hypotheses:

- Benchmarking allows learning from the best organizations in function to its own improvement.
- The result of the analysis of best practices city destinations indicates the direction in which the observed destination should go, applying in creative way already successful and proven models of marketing and management of urban destinations.

On the basis of general hypotheses, identification of elements necessary to survive and create competitive advantage on the market is determined as a dependent and application process of benchmarking as an independent variable.

The research plan includes the following elements: the research literature and other sources in order to find the necessary information and data, statistical and mathematical processing of the obtained data, graphical representation and comparison analysis, verification of hypotheses and synthesis of the results. Sources of data are divided into primary and secondary and include scientific and professional books, scientific journal articles and Internet.

In the process of research, formulation and presentation of this work are used alone and in combination methods of scientific research, such as historical method, observation, methods of analysis and synthesis, method of comparison, inductive and deductive method, classification and description method and statistical methods.

## 1. OVERVIEW OF LITERATURE AND THEORETICAL BASIS

A large number of authors examine benchmarking and possibilities of its application. Some of them are mentioned in the following text. The study of the concept of "benchmarking" in economic terms began after World War II (Renko, Delic and Skrtic, 1999; Ferisak, 1998), but in a modern context in 1979, after the application in Xerox (Finch & Massheder, 1998). Some authors point out that benchmarking is continuous renewed process since it implies constant improving the performance related to competition (Munro-Faure, 1992). Camp (1989) and Mittelstaedt (1992) recognized the benefits of the application of benchmarking in the area of identification the demands of consumers, establishing effective goals, developing proper productivity indicators, improve competitiveness and the implementation of best business processes. According to Kozak and Rimmington (1998), benchmarking plays an important role in determining the best way to increase customer satisfaction, collecting innovative ideas, assessing their own strengths and weaknesses, as well as in undertaking activities in order to provide continuous process improvement business.

### 1.1. The definition of benchmarking

Benchmarking is defined in different ways. It could be presented as following:

- constant process of evaluation of products, services or business organization, recognized as an example of best practice, to improve own organization (Spendolini, 1992),
- ability to see how and why some individuals or companies are outperforming others (Kotler, 1994),
- measuring its own results in relation to others and learning from others, usually direct competitors (Ferisak, 1998),
- systematic procedure of comparative measurements, in order to achieve continuous improvement (Woher, 2002),
- technique or tool to improve performance and to establish a quality process aimed towards the best (Fong, Cheng & Ho, 1995),
- an effective tool in planning and implementing business process changes that lead to improving organizational behavior, where knowledge is converted into a detailed plan of action to improve the competitive advantages (Voss, Ahlstrom & Blackmon, 1997).

Common characteristic of previous definitions are:

- benchmarking is a continuous process,

- benchmarking involves measurement,
- benchmarking can be applied to all aspects of the business (products, services and practices),
- benchmarking is focused on companies recognized as industry leaders,
- benchmarking focus is on practices,
- benchmarking is not a mechanism for determining the resources which have to be reduced,
- benchmarking is a process of discovery and learning experience,
- benchmarking is not a program,
- benchmarking is not a fad,
- benchmarking is a new way of doing business.

## 1.2. Types of benchmarking

There are different types of benchmarking, depending on the choice of standard, or whether the standard is found in own organization (company) or beyond. Therefore, benchmarking can be internal or external.

The most common classification of benchmarking is onto:

- internal,
- competitive,
- functional and
- generic.

Since the goal of this paper is to review the implementation of competitive benchmarking, it will be explain in more detail this type of benchmarking. As the example processed benchmarking urban destinations in the neighboring country, where the comparison is done with the best practice in the wider international context, which, given the elusive advantages, can not be considered direct competitors, but considering certain characteristics of the destination, there is dilemma between of competitive and functional benchmarking due to different approaches to the definition of certain types of benchmarking. However, the focus is on competitive benchmarking.

### 1.2.1. Competitive benchmarking

Competitive (external) benchmarking involves comparing the observed activities of the company with direct competitors to obtain significant information and data on business of competition. In this way, it allows companies more adequate and successful positioning of its own products, services and overall business compared to the direct competition. One of the major disadvantages of this type of benchmarking is related to possibility to obtain relevant and reliable information concerning their own technology business. Also one of the difficulties concerns the fact that some information are not publicly available such as number of employees, balance sheet and income statement and so on. In order to inform and understand the business of competition often are used data obtained from secondary sources. Most often data are gathered based on conducted marketing research of consumers, suppliers and sellers. Also, variety of experiences and statements of stakeholders can be used for generating an impression on the operations of the observed enterprise. Comparative analysis can be made based on various performances such as accuracy, reliability, frequency, security, price transparency and etc. The degree of consumer' satisfaction is directly related to the scope, structure, price and quality of service.

Purchase of competitive products and services for their further detailed analysis in order to identify the competitive advantage is one of the approaches of competitive benchmarking. This approach is significantly present in the automobile industry, where a multitude of manufacturers buying competitive products due to their decomposition to the smallest parts. Then, individually, they perform a comparison of the appearance and functioning of technical systems.

The external (competitive) benchmarking involves comparison with direct competitors either from the point of products, services or entire business. Comparing the company to the leading company in the respective industry who is not direct competitor to observed company is called sectoral benchmarking. If at the same time are used aggregated data for the entire sector, then this is a generic benchmarking. This process can be focused on a particular function or a particular

segment of business. "Best practice" benchmarking includes the company of a national economy where it is compared identical business processes in various sectors of business. Comparison is done between companies that have been identified as the best in the chosen segment of commercial activities. Some authors (Fong & Cheng Ho, 1998) speak about a global benchmarking referring to the comparison with the company regardless the geographic distance. In the paper is distinguished benchmarking based on the process and benchmarking based on the results, depending on whether the focus of comparing is into improving business process or final business results. Benchmarking based on a process defines the use of qualitative indicators unlike benchmarking based on the results. It is recommended to implement this method in both directions, in order to strengthen the competitive position of companies. Previously mentioned authors differ benchmarking of process, function and performance. This means that they compare operating systems, business functions and outputs of companies.

### 1.3. The phases of the benchmarking process

The process occurring benchmarking is the focus of interest of many authors who are just doing research of benchmarking as a modern instrument of business. There are different views regarding the phase of the process of benchmarking. For example, the company Motorola alleges the five stages of benchmarking, AT&T's nine stages, and Xerox ten stages of the process of benchmarking (Osmanagic-Bedenik & Ivezic, 2006). The same authors have decided to display the following four basic stages in the process of benchmarking:

- defining of the problem and collecting the necessary data,
- analysis of data,
- making a decision on the best solution,
- implementation of solutions

The above phases make up the so-called. benchmarking circle. Within it, each said phase contains a number of sub-phases, or individual tasks that enable the implementation of each phase. The first phase of benchmarking circle represents the identification of a problem and its formulation. The last phase is the implementation, or the application of the adopted solutions.



Figure 1. Benchmarking circle (Osmanagic-Bedenik & Ivezic, 2006)

A large number of authors agree that the first phase of benchmarking - problem definition and the collection of necessary data represent the most complex phase of benchmarking. It includes the following sub-phases:

- analysis of its own processes,
- formation of benchmarking team,
- choice of benchmarking partner and data collection.

Analysis of own process gives the answer to the question what is compared by using the process of benchmarking. By conducting this analysis, it can be identified a process, product or service which are crucial for the successful functioning of the company or represent its problem areas. Within these sub-phases it is presented a flow chart of the process, feedback from consumers, the metering process and procedures work.

Many authors believe that the formation of benchmarking team is sub-phase, although there is a significant number of authors who treat it as a completely autonomous phase, with emphasis on its importance for the success of the entire process. This sub-phase depends on the following factors: the objectives of the process of benchmarking, available resources, company size, dislocation of certain parts of the company and so on. Number of team members is in the range from three to eight. Size of the team is directly linked to the size of the company, scope of the research and available resources.

The selection of benchmarking partners and data collection is done using information that the company usually collects using data and information from national and international literature, the internet, from domestic and foreign professional companies, expert consultants, major suppliers, customers, conferences and trade fairs from companies that encourage the benchmarking. After the selection of potential partners, realization of cooperation is beginning, where there is no complete certainty that the chosen benchmarking partner will be ready for cooperation.

The next phase of the process of benchmarking is the analysis of the collected data. The main purpose of this phase is to detect deviations of their own practice and causes of deviation from the best practices benchmarking partners. In this phase, we have the following sub-phases:

- systematization, standardization and data processing,
- determining of deviations and defining the causes deviations.

Systematization, standardization and processing of the collected data is important due to differences in environment, market position, legal regulations and the size of the company which implements the process of benchmarking and benchmarking partner. The objective of sub-phases of identifying deviations and defining deviations cause is affirmation procedures benchmarking partner which allows it to be better than others.

The third phase of the benchmarking circle is the decision on the best solution. Based on the collected data in the previous phase of benchmarking, it adopts a decision on the future activities that should contribute to achieving the objectives of the process of benchmarking. In this phase it is determined implementation plan on rule of ordering the sequence of activities, the inclusion of the necessary financial and non-financial resources and analysis of costs, benefits and risks of using the of the solutions adopted. Company management brings the final decision on the application of the adopted solutions using the results of the benchmarking team and an implementation plan.

The last phase of the process of benchmarking, which also ends that process, is the phase of implementation of solutions, which is still known as the phase of implementation, adaptation or action. This phase implies the introduction of changes by the implementation of the results of benchmarking, process control and monitoring and control of achieved results. The crucial importance for success of an enterprise is reflected in the continuous improvement of business practices in compared to the competition which points to the need for continuity of the process of benchmarking in which phase implementation of solutions represents at the same time end of one and the beginning of the next or a new process of benchmarking.

#### **1.4. Benchmarking in Tourism**

In tourism, the benchmarking is allied in the following areas (Stokovic, 2003):

- profit-oriented entities (accommodation, restaurants, tour operators and travel agents, airlines and other profit-oriented providers of tourist services),
- a non-profit-oriented tourism organizations (national or regional tourist boards, offices, supporting facilities of tourism organized on non-profit basis (museums, galleries, theaters, opera, etc.),

- analysis of the destinations (country, region, city).
- Since it is the service sector, qualitative indicators refer to guest satisfaction, which largely has a subjective character. Regardless of the scope of benchmarking in tourism, one can point out the following indicators (Woher, 2002):
- the growth of demand (indicator: the growth rate of the number of overnight stays and the number of tourist arrivals),
- capacity utilization (indicator: the rate of occupancy),
- competitiveness (indicator: the market share),
- internationality (indicator: the share of overnight stays of foreign tourists),
- the duration of the season (indicator: monthly statistics overnights),
- types of guests (indicator: the structure of guests by countries arrivals).

Comparing destinations and tourism organizations as a whole with the competition, in order to improve the methods, products and services, is carried out by applying an external benchmarking.

#### 1.4.1. The Quality of Tourist Destinations

The quality of a tourist destination is consisted of a large number of elements. According to Avelini (2002), these items include:

- destination image and information obtained before coming,
- reservations and place of residence,
- trip to the destination,
- reception on arrival,
- information about the destination,
- attractions and the attractiveness,
- infrastructure and environment,
- farewell at departure and on return journey,
- eating place,
- contacts and memories upon return.

It should be noted that a tourist destination is determined by its business model so that it is not treated as a competition destinations with similar characteristics, but destinations that have the same model. This is why it is extremely important to assess the business model and its way of functioning for a certain destination. Elements to be estimated with goal of making a strategy of long-term sustainability in the market relate to:

- selection of target markets,
- attracting new markets,
- production costs and selling prices,
- the creation of value chain,
- production values,
- relationship of human resources and the guests,
- organization, management and operation of destination.

### 3. EMPIRICAL STUDY

Benchmarking analysis of Zagreb as a tourist destination has the task, through the examples of best European city destinations, to show the direction in which Zagreb should make a step forward to improve its competitive position and long term sustainability in the market. The entire analysis is focused on the creation of adequate models to solve the problem of managing and of marketing.



### 3.1. Problem defining and collecting the necessary data

In the first phase of benchmarking process it is analyzed its own process, elected benchmarking partner and collected information about him.

Internal analysis of the tourism potential of the city of Zagreb shows that there is space for advancement of tourist offer in the area of infrastructure (congress centers, etc.), a stronger orientation of tourist services to foreign tourists, through the promotion of cultural and other events and their adjustment to the interest of foreign tourists, improving accommodation structures (increasing number of "branded" hotels) and continuous cooperation of tourist offer public and private sectors.

The results of this analysis are presented in the following table.

Table 1. Summary of internal analysis (The Zagreb Tourist Board, 2011)

	ADVANTAGES	DISADVANTAGES
<b>Accommodation offer</b>	A large proportion of the hotel	A large proportion of temporary capacity (student dormitories)
<b>Total accommodation offer</b>	The relatively high proportion of hotel facilities with 4 * and 5 *	A small proportion of branded hotels lower category
<b>The offer of restaurants and bars</b>	The diversity of restaurants and bars	The number of business units in steady decline
<b>The cultural offer, Events</b>	A permanent offer events	Events mostly local, a few attractions of regional significance
<b>Offer facilities for congresses, meetings and big events</b>	A high proportion of capacity in hotels	The absence of a convention center, non-specialized facilities
<b>Offer trade</b>	The use of various facilities for fairs	Number of exhibitors and trade show in the fall
<b>Other offer</b>	A large number of shopping centers	Offer memorabilia and official souvenirs
<b>Transport infrastructure</b>	Good road access	Capacity Zagreb airport

External analysis showed that there has been a positive shift in the tourist area of Zagreb in recent years, mostly in hotels, where there has been a strong growth in the segment of the hostel and private accommodation even though there was a decrease in business results hoteliers. Domestic tourists dominated in a one-day meetings and foreign tourists in meetings with overnight. There was a decrease of interest in the Zagreb Fair but also the emergence specialized fairs in unusual places. There was an increase in physical traffic that is not accompanied by improving business results and increased spending guests. The results of this analysis are presented in the following table.

Table 2. Summary of external analyzes (The Zagreb Tourist Board, 2011)

ADVANTAGES	DISADVANTAGES
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<b>Tourist demand</b>	Moderate seasonality, large average growth in arrivals and overnight stays since 2006.	Strong decline in 2009., short stay tourists
<b>Hotel demand</b>	A high proportion of overnight stays in hotels of higher category (4 * and 5 *)	The fall in business performance
<b>Visits to theaters, museums and cinemas</b>	The increase of visitors in cinemas	A small level visits to museums and galleries
<b>Participants at meetings</b>	Zagreb leader in the structure of business meetings in Croatia	A small number of foreign participants
<b>Attendance and offer trade fairs</b>	The emergence of new trade shows in new locations	The fall in the number of visitors to the Zagreb Fair
<b>Characteristics of guests</b>	A small number of elements of the offer with which tourists are very satisfied	Much dissatisfaction of hostel guests with more elements offer

As examples of best practice urban destinations Paris and Vienna have been selected, as a widely known and popular world travel destinations. The selection of best practices includes the same elements as in the analysis of competition. The difference is that in the focus of best practices analysis are models to solve the problem of managing and marketing of destination.

Table 3. Overview of the general characteristics of best practices (Paris Tourism Research Department, 2012; The Vienna Tourist Board, 2012)

	PARIS	VIENNA
<b>GENERAL INFORMATION</b>		
<b>Residents</b>	12 million	2 million
<b>Resource-attraction base</b>	Initial culture and history	Initial culture and history
<b>Availability</b>	An excellent, low cost present	An excellent, low cost present
<b>OFFER</b>		
<b>Key products</b>	Short breaks	Business events
<b>Center of excellence</b>	Culture	Culture
<b>HOTEL ACCOMMODATION</b>		
<b>The concentration of quality</b>	52% 4 * and 5 *	62% 4 * and 5 *
<b>Availability</b>	82%	63%
<b>ADR</b>	145 euro	123 euro
<b>DEMAND</b>		
<b>Tourist</b>	32.5 million	9.8 million
<b>Overnights</b>	34.5 million	5.4 million
<b>Key markets</b>	UK, SED, E, D, Japan	U, US, E, D, Japan

### 3.2. Analysis of of the collected data

Analysis of the process of development destination focuses on qualitative elements which can be divided into three parts:

- key success factors,

- innovation,
- operating activities.

The key success factors destinations include:

- A clear vision of tourism development - Observed cities in 80s of last century realized the importance of strategic planning and tourism and in the next twenty years have become what they are today.
- Availability - In the late 80s these destinations are coordinating their vision for the development of cities as transport and business centers with a vision of tourism development and began the modernization and expansion of air transport, which continue to this day.
- Focused product development (rapid growth levers) - The process of selecting and developing fast levers of growth (based on the growth of selected sectors) to the level of the center of excellence lasted between 10 and 15 years. In this way, in the short to medium term, attracted a larger number of tourists and were achieved higher revenues.
- Focus on markets / products - During the 80s the marketing destinations shifted from "brand" destinations to products, primarily centers of excellence, and create a "brand" products, which enabled clearly defined markets for certain products and operational marketing activities adjusted for single market.

Innovations in the process of developing destinations include alignment management mechanism with the dynamic demands of the tourism sector as well as the population of these destinations.

In the observed destinations innovation is reflected in the modernization of the organizational structure, functional adaptation to the needs of guests and investing effort in capacity building of human resources and introduce them to the latest knowledge and technologies. There are departments that deal with forming and analysis of a database of all markets, segments and tourist products. There is a close cooperation with educational and scientific centers. It supports the small and medium entrepreneurship, taking into account that the development activities and services shall be in accordance with operational annual plans. Marketing of destinations aligns with the annual plans of destination. The population of the observed cities has a significant role in their promotion. It experiencing its city as a tourist destination and use of its resources. In this way, residents can evaluate and improve individual elements destinations through constant giving opinions and criticism.

Operational activities in developed destinations such as Paris and Vienna are performed in a simple and efficient way. These activities include:

- monitoring of various reports on trends, continuous analysis of source markets, primary research and use all available databases of guests and many other strategic and operational activities in the management and marketing of destinations,
- monitoring of various events related to tourism and their effect on the macro-economy of the city, which leads to the findings that facilitate the planning and promotion of the following or events,
- actively lobbying industry that involves the systematic and focused lobbying of key entities in the city and to the central levers of the state as a key interest to further improve the general and tourism infrastructure.

### 3.3. The decision on the best solution

As it is said, the results of the best practice analysis indicate the direction in which the city of Zagreb could make his step forward through creative copying an already successful and proven management models and marketing urban destination. The observed best practices have shown that their development processes of destinations in the past focused only on two to three tourist products that are developed to the level of the center of excellence.

Based on realistic estimates of future private sector investments in the tourism industry and the expected allocation of the public sector for tourism as well as for general infrastructure of the city of Zagreb, it is proposed to focus on two key products - business product and culture with events. In doing so, in this paper it is taken into account that they already good

operational functioning and that there is an elementary tourist infrastructure so that they will not need to invest capital intensive. Here it is assumed good strategic and operational marketing.

As a second set of products stand out touring and short breaks, which are still in their infancy. A prerequisite for professional breakthrough of these products represents on the one hand the further development of general and tourism infrastructure, and on the other hand create a good marketing and promotional programs.

The third level of products are catering / shopping and special interests that have a role of completing of products of first and second levels, further empowering the primary motive for coming.

### **3.4. Implementation of solutions**

In order to well managed by tourist destination and its promotion it is necessary to know a lot about the environment as well as a very thorough knowledge of their own situation. In developed destinations operational activities are carried out in a simple and efficient way. In the case of Zagreb, the implementation of the same activity is much harder and less practical. There is also question of the possibility of action existing marketing system.

The operational activities of each of the proposed products must be developed in the interactive workshops with the team of the Zagreb tourist board.

## **4. CONCLUSION**

Benchmarking is a continuous search for examples of "best practices". In essence, it is a process of learning and acquiring knowledge with the aim of applying lessons learned to improve own business practices. In this way, by using benchmarking, companies aim to build learning organization, whose competitive advantage represents her ability to learn and to be changing, to learn faster than others, and lessons learned quickly transformed into action.

Choose the type of benchmarking that will be used in certain cases depends on the subject of benchmarking, the research objectives and results to be achieved, the available time and resources, the availability of sources of good examples of practice and experience of researchers in the implementation of this process. As the best practices are constantly changing continuous process benchmarking allows the organization to identify what they need to create competitive advantage.

Through the research presented in this paper it is presented the concept and importance benchmarking, especially the competitive type, as well as its phases in the process of implementation, with particular emphasis on applications in tourism, which was the theoretical research goal. Practical part of the paper presents the process and the importance of the application benchmarking of competitive type using the example benchmarking tourist destination city of Zagreb, which has been achieved and the practical research goal.

Theoretical study of benchmarking and its practical application in the example confirmed the specific hypothesis, namely that:

- process benchmarking allows learning from the best organizations for their own improvement,
- through examples of best practice urban destinations indicates the direction in which the observed destination should make a step forward, applying creatively already successful and proven management models and marketing urban destinations.

On the basis of confirmed special hypothesis can be stated that general hypothesis which states that: "The continuous process benchmarking allows a company to identify what it needs to survive in the market and to create a competitive advantage", is confirmed. The research shows that benchmarking, as a technique of comparative analysis which has an important role in the creation and acquisition of competitive advantage, is one of the most useful management techniques in the context of the strategic as well as operational management.

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## Theories of Money Supply: The Relationship of Money Supply in a Period of Time T<sub>-1</sub> and Inflation in Period T- Empirical Evidence from Albania

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### Abstract

*The aim of this paper is to present different approaches and theories, which are linked with money and inflation. Many studies are made to provide a high relationship of money and inflation. The changes in money supply always have affected the macroeconomic indicators such as inflation, unemployment, economic growth, trades and have let the governments to conduct the necessary fiscal and monetary policies, in order to react in an efficient way to reduce uncertainty and to build a sustainable economy. The paper analyses the theoretical links of money supply with unemployment, trade and exchange rate, taxes and wages. The regression analysis is conducted based on the theories of money. The analysis and the empirical results for Albania showed that money supply has strong relationship with economic growth, interest rate and inflation, but money supply has a negative sign toward inflation, by arguing that the case of Albania is specific, because of lack of money supply from banking system and money in circulation outside banks. From the results, we found that all money supplied by the financial system is fully absorbed by the private sector and individuals, without causing an increase on the inflation level. This may be argued from the financial crisis that affected Albania and the reduction of production, consumption, unemployment and delayed payments from the government toward business sector. Furthermore, there are suggested monetary policies for increasing the supply of money, and fiscal policies for increasing the demand for goods and services. The supply increases by the demand side, which need to be stimulated by production sector through fiscal policies and government development programs.*

**Keywords:** money supply, inflation, interest rate, gdp, trade

### 1. Introduction

*"Lenin is said to have declared that the best way to destroy the capitalist system was to debauch the currency. By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens". (J. M. Keynes)*

The effects of money in an economy are crucial points. The literature review that is presented in this paper gives the chronology of the theories and approaches in different periods of time from several economists. The studies have begun under the Classical frameworks, where it is said that money has no relationship with inflation. Then Fischer came with its Quantity Theory, where velocity is a constant element. To continue with the Cambridge Approach (Marshall and Pigou) and The Keynes theory, as a latest Cambridge Approach, gave a different view from the previous. They stated that interest rate influenced the money supply and Velocity is not constant. The research continuous with the post Keynesians (Moore and Kaldor, Ricardo, Marx and Eltis), where the important theory was The Labor Theory of value, where the economy works under a full employment resources. Finally, the paper concluded with the Modern Quantity of Money and New-Classical economists (Friedman, Laidler, etc).

The paper continuous with the effects of inflation in relation to unemployment, wages, taxes and exchange rates. From the studies is found out that changes in Inflation creates changes in the above factors. Furthermore, the paper is followed by the empirical study, taking the Albanian's data from the year 1994-2015 for Money supply, GDP growth rate, Interest rate and Inflation. From the survey, the paper found that there is a strong relation between Inflation and the other variables.

According to the money theories, money supply has a positive sign related to inflation, while in contradiction to the theory; the empirical results showed that money in Albania has a negative relationship with inflation, because of the lack of other financial markets. Albania has only the banking system and money is strongly linked to the interest rate and the macro development of the country. Without other financial and capital markets, the supplier of the money is done only by the banking system. Since the beginning of the financial crisis in 2008, Albania has been attached to crisis because of the strong connection of trade with European countries, especially Greece and Italy. During these difficult years, Albania has been accompanied by an increase of unemployment, reduction of production, consumption, trade and increase of budget deficit and public debt. The business and consumer transactions are shrunken only to the basic ones. Consumers do not spent more than the necessary products and businesses do not invest in new projects. All the supplied money is fully absorbed by the market and there is no free circulation of money, in order to cause inflation. Inflation is reduced year by year, by reaching the lowest level during these 25 years of transition. Albania is in a critical point of development and recession has caused a worse financial and economical situation. Consumption, trade and investments have been significantly reduced, by not giving a hint to the economic growth. The conclusion summarizes all the theoretical and empirical part of the paper with suggestions for better policies in the future.

## 2. Theories of Money

The classical theory of money developed the most important feature that interest rate has no effect on the demand for money. Fischer found from the examination of the relationship of the total quantity of money supply with the spending on goods, the equation of exchange *Quantity Theory of Money*  $MV=PY$ , which relates the nominal income with the quantity of money and velocity. According to the theory, velocity is a measure of what people use to buy their goods. Hence, if people use charge accounts than Money supply will decrease and velocity will increase, in contrast if people purchase with cash then money supply will increase. Fischer took in consideration the technology and he stated that velocity will be affected slowly in the short run. (Mishkin, 1998)

The classical Quantity of Money assumed that  $V$  and  $Y$  were constant and prices were flexible and in the long run the economy is predisposed to full employment, so this implies that if  $M$  doubles than  $P$  doubles two. The theory provided that changes in the quantity of money effect the changes in the price level. Also Fischer argued that the theory shows how much money is held for a given amount of money. In the same time, the *Cambridge Approach* appears with the same equation as the Fischer's equation, but differently argued. The economists, Marshall and Pigou, set the equation asking people how much they were able to hold without being bound by technology and institutions. The Cambridge economists suggested that the level of money is affected by wealth of people; as wealth increases then people tend to hold more money. They concluded that the demand for money is in proportion with income and  $k$  is the coefficient.  $M= k \times PY$ . The classical ruled out the role of interest rate on the demand for money, whereas the Cambridge approach proved the contrary. (Mishkin, 1998)

According to Cottrell (1997), there are two important points in the Quantity theory: 1) if the *ceteris paribus* (proportionality of  $M$  and  $P$ ) has any force, major deviation of  $V$  and  $Y$  must steam from basis independent of the quantity of money, any reliance must be slight and temporary. 2) Significant changes in the quantity of money led that money have to be exogenous. So, two independence ways were the sources of difference between  $M$  in one side and  $V$  and  $Y$  on the other side. The problem of the Quantity Theory has taken the structure of contradiction of one type of independence or the other. Keynes framework was born in that time. (Cottrell, 1997)

Keynes brought the *Liquidity Preference Theory*, which related the interest rate with the income. He affirmed that exogenous variation in money leans steadily to stimulate changes in both  $V$  and  $Y$ . Consequently, he argued that an increase in money tends to lower the interest rate by stimulating investments to grow. Also, the velocity will decrease. He rejected the idea that velocity is constant. Keynes stated that e normal state under employment, will increase the spending and the previous effects will be not temporary. So, inflation will be the case. (Batiz and Batiz, 1985)

According to Cottrell (1997), the modern *Post-Keynesian* approach was focused on the second point of the independence of the Quantity Theory. Kaldor and Moore rejected the argument that quantity of money has any independent fundamental role. The endogenous theory stated that the Central Bank has indirect power and private sectors can increase the quantity of money by their transactions and velocity is fixed. Rogers stated: "In particular the role of money as cause or effect should be seen in terms of the distinction between commodity and bank money. Commodity money is clearly compatible with the

classical quantity theory of money in which the quantity of money has a causal influence on the price level". (Rogers, 1989, p.175 as cited in Cottrell 1997).

The inapplicability of the Quantity Theory is given by Marx and Ricardo in their *Labor Theory of value*. Based on the Labor Theory of value, the value of each commodity depends on the quantity labor time required directly or indirectly to produce that commodity. Marx says: "The total quantity of money functioning during a given period as the circulating medium is determined by on the one hand the sum of prices of the commodities in circulation, and on the other hand by rapidity of alternation of the antithetical process of circulation". (Marx, 1976, pp 217-8 as cited in Cottrell 1997). This means that the commodities enter with a price and with a money value, so the speed of circulation brings the occurrence of inflation. Another post-Keynesian economist, Eltis, said that: "Monetary exogeneity is essential to Quantity Theory. A larger money supply must produce a higher price level: causation must run from money to prices, and not the other way round". (Eltis 1995, p.23 as cited in Cottrell 1997).

From the previous theories and arguments, it is promoted that Quantity theory is accepted as a short-run theory, where the classics argued that commodities go into without a price and money without a value, but the critics said that changes in money drive the prices, because they are alteration in the connection between "the unit of account and the money commodity". According to Marx and Ricardo money is endogenous and changes in money play an important role in price levels, under some conditions, so inflation is the result from the supply of money. (Cottrell 1997)

According to Laidler (2003), the *Modern Approaches* for money come from Friedman and other modern economists. Friedman was closer to the Keynes and Cambridge framework, and he applied the Portfolio Choice to Money. The theory indicates that the demand for money is based on people's wealth (permanent income). He based his research in more than one interest, and he argued that changes in interest rate will have not a great effect on the demand for money, because of any raise in return from the raise of interest rate will increase the return on money. The demand for money and velocity can be predicted. Inflation is seen as a result of cost-push and demand-pull influence. Friedman put more attention to monetary policies in the longer run, for money growth targeting and for "the imposition of quasi-constitutional rule for money supply growth". The rule was proposed to maintain low inflation, but different countries have to be aware of the benefits from inflation, developing countries need investments, more money in circulation (Rowe (2003, as cited in Laidler 2003).

According to Cantillon and Hume (as cited in Laidler 2003), inflation is about the value of money and the value of money is linked with the demand for it, and this relationship inform the monetary policies. However, the changes of money supply are not always matter of inflation, but it is to say that inflation is a matter of variations in demand and supply of money. Then, from monetarism approaches, the new-classical economics was born.

*The New-Classical* economics predicted that: "the price level would respond to changes in the money supply, and that the amount of that shift would be determined by the extent to which those changes had been anticipated in the first place, but it accounted for the fact of the price level's change with the simple observation that this was necessary to keep markets cleared". This means that any unexpected rate of inflation will affect negatively the money supply and the outputs in the market will not have a real value. They followed the "transmission mechanism" from Fischer effect that interest rates are related with money supply, and more money in circulation will cause inflation. (Laidler 2003)

Reviewing the monetary theories, we can state that the Classical theories have not given a clear vision of the relationship of money with inflation. The Quantity of Money and the Cambridge Approach suggested that Money supply is related with Inflation, taking into account the wealth of people, the level of income, and ruling out the interest rate effect. The Keynes theory put emphasize on the interest rate, saying that the Central Bank has the power to control the money supply through monetary policies. The Post-Keynesian said that velocity is fixed and Central Bank can not affect the money, but private sector can control it through transactions. Marx was the critter with his theory on Labor value. The Modern and New-Classics economics put attention to the monetary policies that inflation is caused by an increase of money supply and prices will determine this change. Almost all the theories that are treated in this paper have shown that is a relationship between money and inflation, taking in consideration other elements of macroeconomics as unemployment, income level etc.

### 3. Effects of Inflation

#### 3.1 Inflation and Unemployment



It is said that inflation and unemployment are two crucial points of the monetary policies. According to Mankiw (2005), "the inflation-unemployment tradeoff is inexorable, because it is impossible to make sense of the business cycle and in particular the short-run effects of monetary policy". This is the claim, that changes in monetary policies push these two variables in opposite directions". According to the business cycle theorist, a supply of money increases employment and then decreases the prices. They include the "price stickiness". According to sticky-wage theory, the nominal wages were difficult to be adjusted, so when the bank decreases the money supply, prices fell, real wages rose and unemployment rose too. This happens not because the wages per labor were high, but because the firms can not sell the amount of production that they wanted. Therefore, the relation between unemployment and inflation is a short-run tradeoff, because the government intervenes by increasing the money supply, and the cycle goes on (cost push effect). (Mankiw, 2005)

### **3.2 Inflation and wages**

Many economists argued that, if wages are high then the level of employment is high, this brings an upward of inflation (demand pull effect). However, according to Johnsson and Palmqvist (2004), changes in wage in the short-run can not help the economists to predict the level of inflation. The first reason is that monetary can stabilize inflation and the effect of wages is small, while the second reason is that labor unions collaborate with businesses for setting the wages. Consequently, different unions and different business sectors can charge different wages, so the effect on inflation will be reduced. To conclude, as the wage-markup is exogenous, the changes on wages can cause inflation and not the other way. (Johnsson and Palmqvist, 2004)

### **3.3 Inflation and Taxes**

The government put taxes in order to collect revenues for filling the budget deficit. If the taxes are high then investment will decrease. According to Ueda (2001), "inflation affects the resource allocation, because the government levies taxes proportionally or progressively on nominal income". The income is nominal so the effective tax changes according to the inflation rate. If inflation rises than the tax increases, this brings a decrease in revenue. Inflation affects the: 1) corporate depreciation; 2) corporate interest payments; 3) household interest receipts and 4) household holding stock. (Appendix A). (Ueda, 2001)

### **3.4 Inflation and Exchange rates**

According to McKinnon (2005), sustained exchange rates reflect the monetary policies that a government takes: tight money brings an appreciation of the currency, which leads to deflation; easy money brings depreciation and inflation in the economy. Based on Ito and Sasaki and Sato (2005), a country with deflation (appreciation of the currency), its exports become expensive, whereas imports increase because they become cheaper. In contrast, a country with inflation (depreciation of the currency), loses competitiveness and financial crisis occur. In order to be flexible to this problem "the exchange rate can be crawling peg, namely the exchange rate depreciate by the rate approximately equal to the inflation differential".

## **4. Empirical study- Case of Albania**

Albania is a Western Balkan Country that is facing macro economical problems, but the governments are working hard for implementing policies and development programs to stimulate growth and promote stability. In order to achieve the EU requirements, Albania needs to stabilize the political and economic situation, through negotiations, preparing draft proposals according to the interest groups needs and to strongly implement the rule of law. After the completion of the requirements, then Albania will have a date for opening the negotiations for becoming an EU member, which it is still a long journey with hard work on the road to high fiscal consolidation and political discipline.

Albania is one the countries that even the financial crisis was present, its growth was still positive and slow. The main sectors that were affected were construction, exports and the inward processing industry. The government and private investments were strongly reduced, by creating an economic impasse. The level of unemployment was increased by causing a reduction in consumption spending. The positive growth came only from the exports of energy, minerals and from the public investments done until the year 2013. After the year 2013, Albania is on a steady recession period, which needs fiscal policies and development programs to overpass this stagnation phase.

The aim of the study is to analyze the empirical findings for Albania and to discuss whether the theories of money are readily ascertainable or not. The study takes in analysis a range of years from 1994 to 2015, because historical data are not available before the transition years. Based on the Inflation function, the regression analysis studies the relationship of

Inflation with Money Supply, GDP growth rate and Interest Rate. The study runs a Multiple Regression with three Independent Variables and one Dependent Variable.

The regression equation for the Multiple Regression is  $Y = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \epsilon$

From the equation we find this information:

a – constant number (intercept)

b<sub>1</sub> – coefficient of Money supply

b<sub>2</sub> – coefficient of the interest rate

X<sub>1</sub> – Money supply variable

X<sub>2</sub> – Interest rate variable

b<sub>3</sub> – coefficient of GDP

X<sub>3</sub> – GDP growth rate variable.

We stated the null hypothesis and the alternate hypothesis.

The null hypothesis is: Ho:  $\beta_1 = \beta_2 = \beta_3 = 0$  (insignificant relationship)

The alternate hypothesis is:

H1: Not all the  $\beta$ s are 0 (significant relationship)

After the statement of the regression equation, data were collected from the World Bank database and Ministry of Finance of Albania. The results from the test will show the Significance F of the model from the Regression Statistics. We will test the hypothesis at the 0, 05 level. If  $F < 0, 05$  we don't accept the Ho (null hypothesis). Also we test all the coefficients in terms of t-statistics or p-value. The confidence Level is 95%, so if  $t > 1.96$  we reject the Null Hypothesis. If p-value is  $< 0.05$  then we reject the Null Hypothesis. After the test we see which of the independent variables has relationship with the dependent variable (inflation). The table below shows the results from running the regression analysis.

**Table 1: The summary of the regression analysis**

SUMMARY OUTPUT

<i>Regression Statistics</i>	
Multiple R	0.9479425
R Square	0.8985951
Adjusted R Square	0.8816943
Standard Error	3.2040443
Observations	22

ANOVA					
	df	SS	MS	F	Significance F

Regression	3	1637.4751 68	545.82505 6	53.168747 25	3.80866E- 09
Residual	18	184.78620 46	10.265900 26		
Total	21	1822.2613 73			

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>
Intercept	28.435970 83	7.2948203 9	3.8981043 14	0.0010538 59	13.110121 92	43.76181974
gdp	0.6351891 77	0.2858876 07	2.2218143 08	0.0393568 37	0.0345616 02	1.235816751
real i	-0.9913173 48	0.1361552 62	-7.2807861 79	9.12492E- 07	1.2773689 38	-0.705265758
money1	-0.2545511 65	0.0979574 39	-2.5985894 07	0.0181531 22	-0.4603521 08	-0.048750221

**Source: Authors**

According to the F-value, which is  $3.81E-09 < 0.05$ , we reject the null hypothesis and accepting the alternative one, which means that there is a significant relationship between the dependent variable with the independent ones. Also, our model has a  $F=53$ , which shows a very significant model.

$R^2$  is an important coefficient. The coefficient of correlation measure the goodness of fit of the dependent variable (inflation) with the independent variables. It takes value from  $-1, 00$  to  $+1, 00$ . If  $R^2$  is  $-1, 00$  or  $+1, 00$  indicates e perfect correlation. In our study,  $R^2$  is equal to  $0.89$  and Adjusted R square is  $0.88$ . This means that Inflation has a high correlation with Money supply, Interest Rate and GDP.

Based on the p-value and t-value, we will see if the dependent variables are significant or not related to dependent variable.

P-value (Money) =  $0.01 < 0, 05$  (significant)

P-value (Interest rate) =  $9.12E-079 < 05$  (significant)

P-value (GDP) =  $0.03 < 0, 05$  (significant)

t-value (Money) =  $2.5 > 1.96$  (significance)

t-value (Interest rate) =  $|7.2| > 1.96$  (significance)

t-value (GDP) =  $2.22 > 1.96$  (significance)

then, we can re-write the equation as:

$$\hat{\pi} = 28.43 - 0.25 \text{ Money supply} - 0.99 \text{ Interest Rate} + 0.63 \text{ GDP} + \varepsilon$$

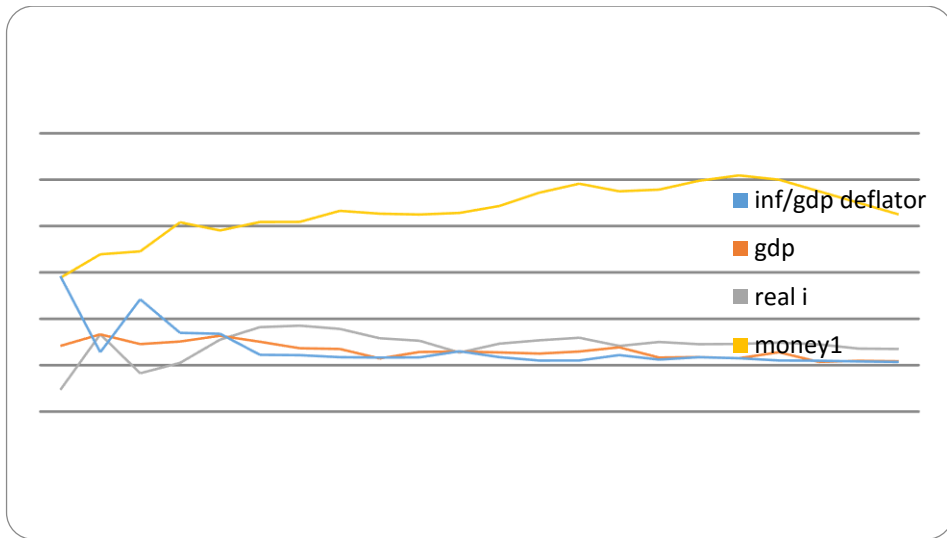
If 1% increase in growth rate of Money will cause a decrease of 0.25% growth rate of inflation.

If 1% increase in growth rate of Interest rate will cause a decrease of 0.99% growth rate of inflation.

If 1% increase in growth rate of GDP will cause an increase of 0.63% growth rate of inflation.

Hence, these results could be linked to the negative impacts that have *i* and *money supply* toward inflation. During recession and economic crisis periods, if the financial system increases the interest rate for deposits or loans, then more money will be deposited and fewer loans will be taken from the private sectors. Then, less supply of money will be in the market by causing a reduction of inflation. If, we see the graph below, Albania has passed an economic crisis caused from global crisis and especially the European one. The private sector reduced the demand for loans by reducing further the private investments, because of the reduction of the demand for goods and services. On the other side, individuals and small enterprises decided to increase savings, by reducing the level of money in circulations. The uncertainty of future government policies is high and businesses are afraid to start financing their projects.

**Graph 1: The relationship of inflation with M<sup>s</sup>, GDP, and interest rate**



In the Albanian case, the interest rate and the money supply are linked to each other, because the only supplier of money is the financial system. Albania has no active financial market and stock exchange institution. Furthermore, the increase of economical growth causes an increase of inflation, but during the last 5-6 years, the economic growth of Albania has been reduced steadily even with positive signs. Hence, with the reduction of economic growth, inflation has been reduced too, because the rhythm of development has been reduced through the reduction of demand from private sector and consumers.

From the empirical results, we can say that the Keynesian theory of money and the Modern Approach (Friedman framework) have been confirmed, where the demand and supply of money are based on the income of people. According to Keynes, since Albania is not in a full employment situation, there are no private and public investments, no consumption spending and then inflation is not the case. Furthermore, the Fischer effect is supported that interest rate is related to money supply. Moreover, the relationship of inflation and unemployment is short-run and not very strong, because of the interventions of the government. Here, we can say that since money supply has been reduced, then unemployment has been increased. That is the case of Albania, where changes in money supply do not play a very important role in price levels, by saying that the most important factors in the determination of prices are the demand and spending on goods and services, by giving the income level and the wealth of people the most important role. Albania is the country with the lowest level of GDP/capita in the region and Europe.

Moreover, Albania has changed the tax system from proportional to progressive one at year 2014. This change was not positive towards businesses' investments and the reduced level of loans and money supplied came from the low possibilities of businesses to produce and to invest. Hence, governments should apply expansionary fiscal policies, by reducing the taxes and increasing the public investments. If the bureaucratic procedures will be reduced, corruption and fiscal evasion will be monitored and strongly controlled, then the government will extend the tax base. This extension will bring more money to the budget, by creating more possibilities for the government to pay the unpaid bills to the private

sector. Furthermore, if the tax rates will be lower, then businesses will have more earnings, by stimulating investment and employment.

## Conclusion

The paper summarizes the Theories of Money and the effects of Inflation. It was proven theoretically and empirically that money supply is related with inflation. The initials were the classical that developed the aspect that interest rate has no effect on the demand for money. Fischer with the Quantity of Money assumed that  $V$  and  $Y$  were constant and prices were flexible and in the long run the economy is predisposed to full employment. The Cambridge economists suggest that the level of money is affected by wealth. Keynes brought the Liquidity Preference Theory, which was related the interest rate with the income. Keynes stated that a normal state under employment, will increase the spending and the previous effects will be not temporary. The modern post-Keynesian rejected that quantity of money has any independent fundamental role. The endogenous theory states that the Central Bank has indirect power and private sectors can increase the quantity of money by their transactions and velocity is fixed. Friedman argued that changes in interest rate will have not a great effect on the demand for money, because of any raise in return from the raise of interest rate will increase the return on money. New-Classical followed the "transmission mechanism" from Fischer effect that interest rates are related with money supply, and more money in circulation will cause inflation.

These theories are the base of further studies on money in different countries. The Effects of Inflation show the relation of Inflation with unemployment, wages, taxes and exchange. Countries with high inflation lose their competitiveness and suffer from instability.

The empirical part analyzed the theories of money and the relationship with inflation in Albania. The economic growth and interest rate have the correct signs based on the theory, while the money supply has the opposite one. This is the case, when the economic crisis has been reflected in the demand for money and investments. Furthermore, may be the case when the money supply is focused on investment and it is fully absorbed by the market, no free money is in circulation. Moreover, we can say that, there is a few supply of money, because the demand is low (from the private sector and consumers). Sometimes, the supply of money is less than demand, because of uncertainty and asymmetric information. In this situation, all the supplied money by banks is used for other purposes (payments of unpaid bills or accounts payables). From these results, the study shows that Albania has not enough money to stimulate growth, by causing a reduction in spending from the private sector and individuals. Financial crisis has brought a reduction of demand for goods and services, by consuming less and saving more. But, since Albania has the lowest GDP per capita, then even savings are very low. All the earned money are spent and absorbed by the system. To conclude, the model was significant and there is a correlation between Inflation and other variables (money supply, GDP and Interest Rates), by confirming the Modern framework of Friedman.

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## APPENDIX A

The passage is given as is cited in Ueda (2001). The inflation changes the effective tax rate in the nominal value of: 1) corporate depreciation; 2) corporate interest payments; 3) household interest receipts; 4) house holding stock.

1) To calculate the corporate tax, the depreciation is deducted from the taxable income. Because a rise (fall) in the inflation rate does not affect the nominal values of depreciation allowances, their real values become smaller (larger) and taxable income increases (decreases). When the inflation rate rises (falls), the effective tax rate rises (fall) and the post-tax real rate of return falls (rises).

2) On the assumption that a) the future inflation rate is perfectly foreseeable and b) both the nominal rate of return and the nominal interest rate change by the same amount as changes in the inflation rate (Fischer effect), corporate interest payments increase (decrease) and the taxable income decreases (increases), reflecting a rise (fall) in the inflation rate. Then the effective tax rate falls (rises) and the post-tax real rate of return rises (falls).

3) The rise (fall) in the inflation rate causes the nominal values of household interest receipts to increase (decrease). The effective tax rate on interest income rises (falls) and the post-tax rate of return falls (rises).

4) The rise (fall) in the inflation rate raises (reduces) stock prices. Even if the real values of households holding stock do not change, the nominal capital gains increase (decrease). The effective tax rate on capital gains rises (falls) and the post-tax real rate of return falls (rises). (Ueda, 2001)

## Organizational Change: Employees Reaction Towards It

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### Abstract

*The organizations, in the present days, are facing a dynamic environment which makes that no organization is immune towards change. Technological changes, innovations in communication, movements in the job market, globalization, make the organization face continuous challenges regarding competition, general non-stability of the macro-environment, merging and re-engineering of the work processes. To face these challenges, the organization reassesses the strategies, structure, policies, actions, processes and their culture. So the organizational change (OC) is inevitable in the environment where the organizations operate. Organizational change can be a very small change (additional) or it can be fundamental (transformative). Regardless of the form, function or size that the organizational change can make, there is an agreement between the community of the researchers that the pace of the organizational change has never been as high as in our days and it must be considered as a "feature which is present in the organizational life both in the operational level as well as in the strategic level" (By, 2005). Researchers already see the organizational change as a feature, present and continuous of the organizational life, inconsistent with the previous conceptualism that viewed the organizations as relatively stable systems, which developed over time through additional planned changes, which took place in regular and predicted phases (Burnes, 2004; Cummings & Worley, 2009). The famous expression "organizations don't change, people do", creates the need for change agents to understand that employees have different reactions to change initiative, because they have different personal experiences, motivation levels, socio-demographic characteristics, knowledges, values and different behavior models.*

**Keywords:** Organizational change, change agents, readiness of the employees, resistance.

### 1. Introduction-Organizational change

The organizational change is defined as the implementation of the strategies, created to change job conduct of the employee in order to improve the organizational performance (Porras & Roberston, 1992) and that the change can be affected by internal and exterior factors; it can take different sizes and shapes, and can affect all the organizations of the industry. In the organization most of the problems and challenges are created because of the competition, advanced technology, merging, extensions, maintenance of the product quality, or the increasing of the efficiency of the employees on one hand, and the fast growth, new business ventures, interesting opportunities, innovations, and new management approaches on the other.

The organizational change is defined as a displacement from one stage to another, or the change deals with the breaking down of the existing structures and creating new ones (Chonko, 2004). Barnett and Carroll (1995) defined the change as a transformation between two points in time, to compare the organization before and after the transformation. The change can be small or large; it can be related with the improvement, variation, change or modification of something (Bennett, 2001). Sources of change are internal as well as external pressures associated with the business expansion or with their need to respond to challenges.

Internal factors of change are associated with the growth of the organizations, while the external factors are associated with such cases as the institutional and market instability (Barnett and Carroll, 2005). Despite the form, function or size that the organizational change can take, there is an agreement between the community of the researchers that the rhythm of the organizational change has never been as high as in the present days and it should be considered as a "feature which is present in the organizational life both in the operational level as well as in the strategic level" (By, 2005).

Researchers already see the organizational change as a feature, present and continuous of the organizational life, inconsistent with the previous conceptualism that viewed the organizations as relatively stable systems, which developed over time through additional planned changes, which took place in regular and predicted phases (Burnes, 2004; Cummings & Worley, 2009).

One of the models of organizational change that explain the difference between the three stages is the Lewin model. This model is created by the psychologist Kurt Lewin in the years 1940. He recognized three stages of change, which are widely spread even in the present day.

These stages are:

1. Unfreezing, the equilibrium and the current state of the organization.
2. Change, passing to the desired state through regulation and relocation of the old models of conduct
3. Re-freezing, the new conducts defining them as new stable conducts to create equilibrium and the new state of the organization.

Lewin (1947) suggested that the major part of the employees tend to be around some safe zones and they are hesitant towards change. These employees feel comfortable in a constant environment and they don't feel comfortable when a change happens, even a small one. According to Lewin, the organizational leaders should minimize or eliminate the clamping forces that lead to the opposition of change, through creating leading forces pro change, or through using the combinations and tactics that make the employee accept the actual state of the organization and the techniques that create opportunities that the employees will adapt toward organizational change.

According to Lewin, these are tactics mostly used by the organizational leaders (the agents of change) to motivate the employees to accept the change.

These techniques involve:

1. Creation of trust.
2. Clarifying the reason that the actual state of the organization is no longer suitable through a compelling vision for the future desired state.
3. Promotion of the involvement and active participation in design and implementation of the actions for organizational change.

Lewin's three phase model and the efforts of his colleagues was a trampoline for most of the future organizational models of the management process of change (Burnes, 2004; Burnes&Oswick 2011; Cummings & Worley 2009; Weick& Quinn 1999).

In fact these basic elements and tactics are still present in many recent models of leadership of the organizational change.

Perhaps the most well-known is the model of John Kotter (1995-1996). He proposed an eight phase process, which should be followed by the organizational leaders to successfully implement the organizational change:



1. The increase of the urgency for change.
2. The creation of a group that deals with change.
3. The creation of the vision.
4. Communication.
5. Authorization.
6. The creation of short-term objectives.
7. Persistence.
8. Making a sustainable change.

Another process by Blanchard and his collaborators (2007), also suggests that the organizational leaders should follow a model of eight phases of change: 1. The expansion of the opportunities for inclusion and impact; 2. The explanation for the change; 3. The prediction of the future; 4. The experimentation to ensure harmonization; 5. Allowing and encouraging; 6. Commission and approval; 7. Collocation and extension; 8. The search for opportunities.

## 2. Employee's reactions toward organizational change

Numerous studies showed that there is a high percentage of failure in the initiatives for change (Beer and Nohria, 2000). As an answer to the high degree of failures of change, researchers have tried to discover the factors that can increase the chances to the successful implementation of the organizational change. Miller, Johnson and Grau (1994) argued that, the failure of the successful implementation of the change can be dedicated to many factors, some issues are as important as the behavior of the employees toward change. So, the agents of change must focus at the reactions of the employees toward change, which are positive (willingness toward change) or negative (resistance toward change).

Willingness for change is the most common positive attitude toward change, toward which, many studies have been undertaken in the literature of the organizational change. And actually, by reviewing the literature that Bouckennooghe (2010) wrote is concluded that 90% of the work about the attitudes toward change is defined as "beliefs, attitudes, and individual objectives, about the acceptances that how necessary are the changes and that how capable is the organization to successfully undertake these changes (Armenakis, Harris & Mossholder, 1993 pg 681)"<sup>1</sup>. Armenakis and Harris (2002), have discovered five beliefs that underline the individual willingness for change. Firstly, Armenakis and Harris argue that a message of change should create a feeling of *inconsistency* or a belief that the change is necessary. So, an individual must believe that the proposed change is *appropriate* toward a given situation. In addition, Armenakis and Harris argued that a message of change should create the feeling of *efficiency* that is referred to the abilities that an individual perceives that he has in order to implement an initiative of change (Oreg, Vakola & Armenakis, 2011). The fourth belief is *the initial support*, which evaluates the individual trust that the organization (supervisors, colleagues) will create support in terms of information and resources. This belief impacts the understanding of the efficiency of an individual about his ability to implement change. The last belief is *valence*, which has to do with the evaluation that an individual makes to the benefits and costs of a change.

Chawla and Kelloway (2004, pg 485)<sup>2</sup> define the resistance toward change as "participation in every attitude or behavior that prevents the objectives of the organizational changes". A passive reaction can be an expression of fear of losing something precious, a feeling of losing the control caused by fear of an unknown situation, and the fear of failure in the new situation which will probably cause the resistance to change (Tannenbaum and Hanna, 1985, Bridges, 1986; Jick, 1979; Dirks et al, 1996; Cheim, 2002).

In the literature, the resistance of the employee can be seen better as made of two components such as reactions of attitude and reactions of behavior to change. In the attitude of resistance to change, the reaction of the employee depends on the psychological rejection of change according to need; while the resistance of behavior maybe has to do with individual behaviors that reflect the absence of will to support change or the absence of the will to stay with the organization during this troubled period (the absence of commitment for change) (Chawla and Kelloway, 2004). According to Dent and Goldberg (1999), people not necessary resist change, but meanwhile they resist the loss of status, payment or commodities that can be associated with it. The reaction that manifests itself as anger or fear constitutes the resistance to change. According to

1 "Creating readiness for organizational change", Sage Journals, Human Relations June 1993, Vol

2 "Predicting openness and commitment to change", Leadership and organizational development Journal

Bove and Hede (2001), resistance is created in an organization because the process of change involves the passing from a known situation in an unknown situation that makes the individuals unreliable. So the employee can develop different thoughts, beliefs and attitudes about the organizational changes. Many researchers have promoted the importance of the perceptions of the employees about the organizational changes (Kotter, 1995; Armenaki et al, 1999, Holt et al, 2007; Elias, 2009). They argue that most of the failures of the programs of change happen because of the human factors, which are directly related with the individual and workplace determinants. Through these factors, the employee can develop positive attitudes and behaviors that can show the pleasure of the employee toward the organization (Martin et al, 2006).

### 3. Case study

The main goal of our study was to see employee's reactions to changes organizations have taken during the past 10 years. Another goal of this study was to see if the factors that have affected employee's readiness or employee's resistance to change in developed countries were the same factors affecting attitudes to change to employees in Albania, as a developing country. We studied factors that influence employee's readiness or resistance to change in a sample of 1000 employees in 50 different business organizations (manufacturing, service organizations, banks) in Albania. Some of the most important findings from our collected data are shown in the figure 3.1.

As it is shown from the chart, all of organizations have taken changes in products/services they produce/offer. This is a domino effect of technological change, due to 90% of organizations have made changes in manufacturing, communicating technology, etc. Few changes were undertaken to organizational culture, because it is a change which needs longer time to occur.

Success rate of change initiatives is still low (30%), compared with change failure (70%), in Albanian business reality (fig.3.2). This high rate of change failure, has a significant link with negative reaction of employees to organizational change, 62% of them have not accepted change initiative as appropriate to organization (fig.3.3).

Reasons why employees have reacted in this manner, refusing organizational change, are shown in the figure 3.4.

Our study revealed that there were different factors that impacted employees resistance to change. Employees perceived organizational change as a threat to keep personal control to their work, 79% of them thought that they will lose personal control due to change initiative. One of the most important reasons why employees have not accepted organizational change was fear of losing their job, only 17% of employees believed that their job position was safe after change implementation. This uncertainty is due to the fact that major changes were changes in manufacturing technology. Employees who manifested readiness to accept organizational change, believed that change will create higher levels of autonomy at work (50% of them). Also they perceived that change initiative was appropriate with organization need for change (35%) and 37% of employees reported management support as a crucial factor to accept change. They had positive feelings to a regular change process which begins with a clear communication to change initiative and ends with necessary trainings.

### Conclusions

Organizational change is an integral part of business organizations. It is created as a result of a gap identification at organizational performance or as a result of new ideas creation. Change can be triggered by external or internal environmental organization factors. Every change is created to improve organizational performance. The success of change implementation and change management depends heavily on perceptions that employees have toward it. Employees have different reactions to change initiative, because they have different personal experiences, motivation levels, socio-demographic characteristics, knowledges, values and different behaviour models. They are more likely to be resistant to change when they feel uncertainty for their work position, when they lose work autonomy and when they are not involved at change initiative. Also, employees will react negatively, when they see there is no need for organization to change, or when they perceive that change initiative is not appropriate to improve organizational change. On another hand, employees are ready to accept change when they are convinced that change is necessary to achieve a desired future condition; when they see that management support really exist; and when change is clearly communicated to them. So, when organization leaders treat employees as human beings and they stay closed to them during change process. Also, as far as employees perceive that the change will bring personal benefits to them (e.g., career growth, higher wages, etc.)

they are more likely to accept organizational change. At the end, one of tactics that fosters employees to accept and to engage for a successful change management is employees involvement in change project.

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## Figures

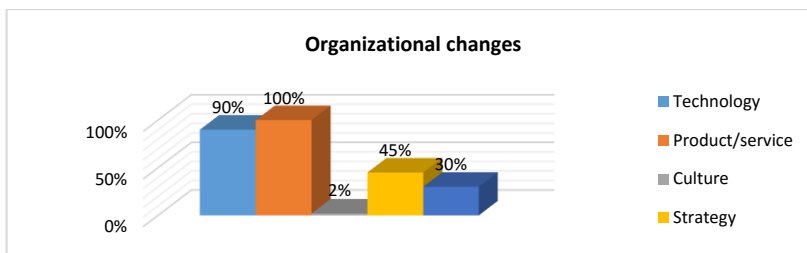


Fig 3.1: Organizational changes

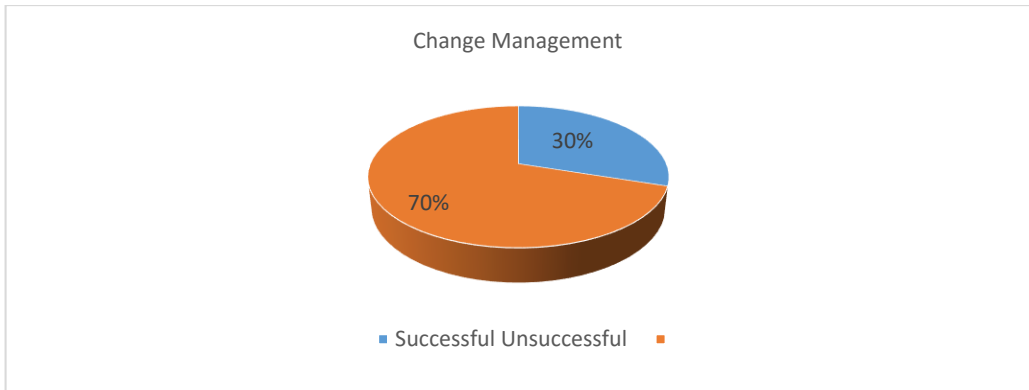


Fig 3.2: Change management effectiveness

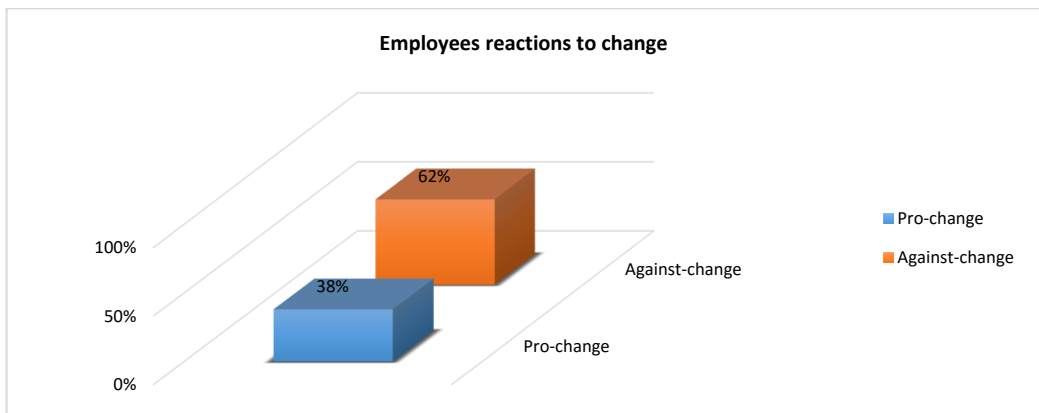


Fig 3.3: Employees reactions to organizational change

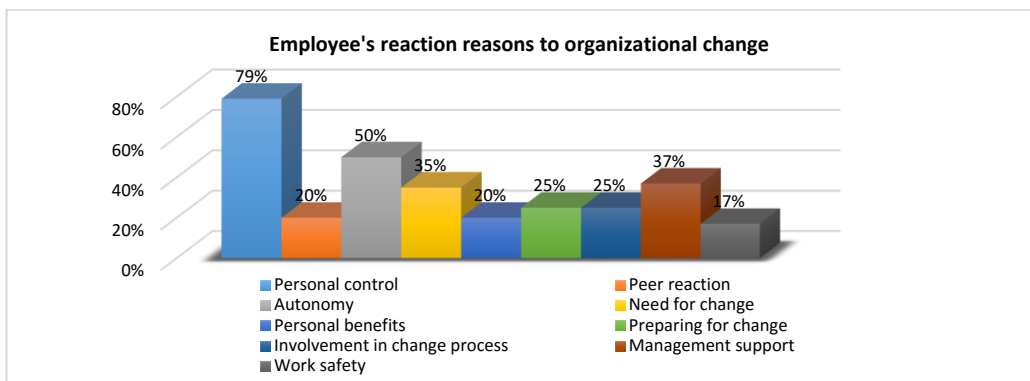


Fig 3.4: Reasons of employee reaction to organizational change

## Mass Media and Their Relationship with Criminal Law in Albania

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### Abstract

*Information is the currency of democracy. (Thomas Jefferson), Freedom of expression is part of the so-called "negative liberty" that imply their guarantee by the Constitution as inviolable and for their realization require non-interference by the state or by private entities. Media uses this freedom, to achieve its objectives where not rarely goes beyond violating the other rights and freedoms prescribed in the Constitution. The power that people gave to media has made it a powerful pressure weapon, but often also a victim of its "sacred" mission, that of informing public about everything that happens. The aim of this paper is to present media reports with criminal law, which are dualistic reports: approaching and contradictory. It will also be presented an overview of the situation in Albania, where the media and its influence play a significant role in people's opinion and in the progress of criminal proceedings. In the first part of the paper I have mentioned the central role of the media in democracy and the benefits that community and society receives from media's freedom. Furthermore, in the second part I have been focusing on the other side of the coin addressing key points in which the media is presented as violating the human rights and interfering in criminal proceedings. In the third and last part I have submitted the role of investigative journalism as an important link in the media but in Albania is still unconsolidated.*

**Keywords:** media, prevention of criminality, exceeding of powers, personal integrity violation, intrusion in the criminal process.

### Introduction

Today we live in the modern era of digitization where the information industry is one of the most powerful and influential in the world. Media is a powerful tool for strengthening and consolidation of democracy in a country and its independence is indicative of the emancipation of society itself. Its role is constructive and multidimensional and consists in: information, education, entertainment, prevention and monitoring. As such, it finds expression in many areas of everyday life: in politics, arts, culture, economy and justice, and is seen as an open encyclopedia where all have access.

From one side, the media through monitoring, information and mass coverage, gives people an image of reality in which they live, it reports in real-time political, social, cultural and criminal events. Furthermore, comparison of opinions and research of truth, often makes media an ally of justice in preventing crime through the denunciations of violations of officials, their power abuse in the various institutions.

The press and other mass media, often and particularly in societies in transition, exceed its authority by violating the progress of the criminal process, risking the investigation, infringing privacy, or publishing sensitive data. These violations contain in their self criminal elements, but their consequences are not only criminal, but also social and moral since the publication of these elements involve the personal and social integrity of the person.

### 1. Media as a powerful tool in fighting against crime.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Universal Declaration of Human Rights, Article 19, 1948). The freedom of a particular society can be determined by the freedom of the press and media. The first step, that usually take authoritarian or dictatorial governments, is to curtail or abolish the freedom of expression and media.

Media have a central role in democracy to inform the public and to review management of the public affairs without fear that can be pursued, indicted or pressured (Boyle, 2000). It can rightly be said that knowledge and information are necessary conditions for enabling citizens, state bodies, and institutions to perform their social works.

The influence of the media has greatly increased in the recent years in regional range as well as in global range. In terms of social activation factor to fight against crime and anti-criminal social development, a special role belongs to the citizen's right to be informed about the phenomena of delinquent and criminal behavior in the environment.

Media exposure of crime and crime-related events can be an effective strategy for crime prevention, and useful tool for raising the awareness and educating the public about the social problems that are understated or overlooked. The role of crime prevention can be a source of information on the causes and trends of crime (Capobianco, 2008).

Various media campaigns on human trafficking, victim support, mobilization for the safety of women and children in cases of sexual abuse, etc., have contributed to the successful initiatives for crime prevention, for informing and raising public awareness about these negative phenomena (Capobianco, 2008). Especially social media is playing a key role in reporting the crime in connection with sex offenses where victims may be ashamed or afraid to talk face to face with the authorities (The Australian, 2012).

Media usually participates in the distribution of public information on the strategies of self-defense and security against crime. Websites of police departments and social media sites often provide excellent platforms to post advises on crime prevention and security against it. Through the establishment of blogs which are interactive, stimulate dialogue among public and police departments by providing an important feedback for the community (Dennis P. Rosenbaum; Amie M. Schuck; Lisa M. Graziano; Cody D. Stephens, 2007). Due to the impressive number of individuals who rely on the media for information about crime, media can be very effective for reporting certain types of crime as well as their strategies for prevention. Media campaigns for preventing theft of flats, road accidents and information on the dangers of illegal drug and alcohol usage, illustrate the ways in which the media can have an important role in crime prevention.

And finally, the media can play a democratic role when it comes to the question of crime prevention (Pekelsma, 2010). For more information that is made public, the media educates the population on certain issues, encouraging critical thinking of the population and promotes the responsibility of institutions, agencies, organizations and government. Media can enhance supervision or monitoring system for cases of police abuse and corruption, the judicial system in cases of arbitrary treatment and discrimination, as well as the education system.

## **2. Coverage of the criminal phenomenon and violation of principles of criminal law, a dualistic conflict.**

Media are considered to have a dual character. On one side, the media reports about violation of human rights, however, on the other side, they make violations of human rights by spreading untrue allegations or instigating hatred. At the same time, freedom of expression can be conflicting with other rights such as: the right to a fair trial, to respect the private life, of conscience and religion etc. which are guaranteed by the International Covenant on Human Rights, the Constitution or other laws.

Some of the offenses that the media makes frequently in everyday life and which contradict the principles of criminal law are:

### **a) Violation of the principle of presumption of innocence**

The Constitution of Albania, in article 30, determines that: "Everyone is innocent until his guiltiness is not proven by a court's final decision." (Constitution of the Republic of Albania, 1998). The right to be presumed innocent is used against the suspects before the appearance of the criminal charges, before the trial and is kept in use until the guilt of the accused is confirmed, after the final appeal. Transmission of information from the media on the offense by linking the personal characteristics of the individual who presumed or committed the offense, even when this feature does not determine the qualification of the offense, establishes a practice that indirectly discriminates against individuals or communities because of these characteristics.

The presumption of innocence is not only a procedural guarantee in criminal trials, but its role is much wider. It is about the protection of anyone of the treatment of the bodies and state officials as guilty in committing a criminal offense before such a thing is verified by the court. Official sources of the Prosecutor General's Office show that in 5 years, 959 people, a large part of them, arrested by the request of police and consent of the prosecution have won acquittal by court. They are people who have appeared in the newspapers and television screens as different perpetrators, people who are "punished" by the media, in the "language" of the prosecution bodies (police and prosecutors), who even though win institutional innocence, their public image remains vulnerable. (Bregu, 2012). The pressure of time and negligence to

respect until the end and fully professional standards and the language used by the media in such cases, leads us to the problem of violation of the presumption of innocence of citizens accused for offenses.

#### **b) Freedom of expression and independence of the judiciary**

The court must protect the confidentiality, provide information to the media, while the media should convey professionalism and honesty, without getting into the area that could be the courts barrier (Haxhaj, 2013). From the interaction of these two rights, in naturally way the conflict generates (inconsistency in appearance) between the need to protect the judicial activity to an "unnecessary external influence and protection of the right of information" (Kasmi, 2013). The cases when the court holds the hearing behind closed doors, excluding the media and public participation are provided under Article 340 of the Criminal Procedure Code: "The court decides to hold the court examination or some of its actions in camera: a) when the publicity may damage the social morality or may divulge data to be kept secret for the interest of the state, if this is requested by the competent authority, b) in case of behaviours which impair the normal performance of the hearing, c) when it is necessary to protect the witnesses or the defendant, c) when necessary during the questioning of juveniles (Albania Law No. 7905 , 1995).

Independence in information is- as important as- the independence of the judiciary but not rarely during their reporting, media deviate from their information mission (Haxhaj, 2013). The courts are accepted as independent and impartial to ensure the rights and legal obligations for resolution of the relative differences between subjects, therefore, the public has respect and trust in the capacity of the courts to fulfill this function. For this reason, the consequences of an attack (or an apparent attack) on impartiality can also bring a damage to the authority of the court. What should be avoided are the opinions especially about Judicial Corps issues that are on a trial and without completing issuance of a final decision. There were times that the media has brought opinions of judges on duty, prosecutors on duty, and in media attempt to analyze rightly an event have come to the wrong conclusions. Also, often we notice that a judge, head of a justice, thanks to the good image offered by media, reaches career advancement, or the opposite, the destruction of his career.

#### **c) Publication of sensitive data and confidential aspects of the media**

In printed and electronic media often are published pictures of defendants and juvenile witnesses accused or damaged by different criminal offenses. Such publications are prohibited by the law. Concretely, article 103 par. 4 of the Criminal Procedure Code states: "It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence. The court may allow the publication only when the interest of the minor requires so or when the minor has reached the age of sixteen years" (Albania Law No. 7905 , 1995).

The respect for the provision of the above is very important since disregard this legal requirement may be associated with adverse effects of psychological character, social and familiar and also in special cases may violate the right to privacy.

Not rarely, media has been in the focus of criticism as a result of the publication of detailed data even very sensitive data, such as the contents of messages on mobile and pictures, tools which should be available by the prosecution and occasionally they are under investigation. It is worth noting that, under Article 279 of the Criminal Procedure Code, Investigative actions are generally confidential and only the prosecutor is allowed to publish them with a reasonable decision.

#### **d) (Do not) Care of media coverage of minors in conflict with criminal justice**

The media can often cause a "second victimization" on crime victims or survivors by increasing their feelings of violation, disruption, and loss of control. Concerns that victims express about the media include: interviewing survivors in an inadequate time; and their footage and photographs of the crime scene; full typing the name or address of the victim; the past investigation of the victim etc. The issue becomes even more sensitive when children are protagonist. The most recent case was the scandal of Kajtazi sisters, who poisoned their parents and burned the apartment to escape and search for a better life. Although underage, media published their personal data such as name, place of residence and their pictures (Nazarko, 2015).

Journalists should be familiar with specific ethical standards for media reporting on children, such as ethical guidelines of UNICEF, guidelines and principles of the International Federation of Journalists, and Reporting and Information Guidelines for Minors, BBC editorial principles for children (changing the name of the child, visual blurring the identity of the minor, also the identity of the minor should not be published as well as the place where they live etc.).



The interest of a state of physical and psychological well-being of an underage victim is so important that it justifies depriving the press and the public of their constitutional right to attend trials of criminal cases. For this reason, the court makes a decision, as appropriate, the development of closed-door trial is necessary to protect the welfare of minors from media exposure.

Bolivarian Republic of Venezuela, Law on "Protection of Children and Adolescents" said that: "To ensure respect for the best interest of the child, in case of a conflict between the rights and interests of a child or adolescent and the rights and interests of other equally legitimate, the former shall prevail" (Convention on the Rights of the Child, 2007).

United States in a number of decisions have accepted that the interest of a state in physical and psychological welfare of an underage victim is so important that justifies depriving the press and the public of their constitutional right to attend trials of criminal cases, when the court makes a decision, where appropriate, the development of closed-door trial is necessary to protect the welfare of minors (Prince v. Massachusetts, 1944).

### **3. Investigative journalism, as an analogue of the judiciary**

Investigative journalism is a form of journalism in which reporters deeply investigate a single topic of public interest, often including crime, political corruption or abusive acts of large companies or corporations. An investigative journalist may spend months or years investigating and prepare a report and it is a very important source and main thing in detailed information. It requires the implementation of in-depth investigations, on matters that affect the interests of citizens, violated corruption that grounds the state administration followed later in all cells of social organization.

Investigative journalism is characterized by features which differentiate it from any other kind of journalism. It is an expression of the degree of democracy and professionalism. It is not blackmail, pressure in the interests of the moment, also it is not a party, individual or electoral scoop.

Investigative journalism should be careful of manipulation. It should always be suspicious of the facts that are served and which its aim is manipulation. Verification of sources - is a necessity. Journalists should feel protected, but also knows how to convince others in the integrity of the evidence submitted by him, should not be afraid to face the lies, when its instrument is the truth.

When it comes to conducting successful investigations, Albania has its own specific problems. Too often, information that by law should be available are simply inaccessible. This, of course, that discourages investigative journalism (News, 2013). Another difficult hurdle for a successful investigative journalism in Albania is the reluctance of the principal editors to publish or broadcast articles or investigative chronicle. This is partly due to fears that the items or chronicles investigated in detail, especially those related to crime or corruption can lead to negative consequences - political or financial pressure. An important concern are also the working conditions and lack of incentives for investigative journalists (News, 2013).

No matter how hard it is, journalism remains essential for a functioning of a democratic society. If the media is the "gatekeeper" of democracy - investigative journalism is the eyes and ears of this gatekeeper. An ethic of information is always necessary. Information should be accurate, should not be subject to certain interests, individuals, specific groups of economic or political. Before starting the investigation - to verify the complete case for a journalist - the person who becomes the object of his investigation is considered - innocent.

### **Conclusions**

Freedom of expression is considered as a precious legacy, as rightly considered even as a dangerous instrument. It constitutes one of the essential foundations of a democratic society and it is applicable not only for "information" and "ideas" that are favorably received or regarded as inoffensive but also those that offend, shock or disturb. These principles are of particular importance in terms of media. It can be a great source of strength, but, on the other hand, it is open to abuse.

In criminal law aspects is important because the press, radio, television, and other tools of public information and communication, not only that affected to a large number of people, but by their misuse can be done a number of offenses as for example: inciting hatred, incitement to aggressive war, war crimes or sexual crimes, severe forms of insult, defamation, disclosure or dissemination of personal or family data. These and other offenses that may be committed via the press and other means of public information, usually pose social threats. For this reason, the Criminal Code of the



Republic of Albania, some of these offenses committed by means of public information are for example: inciting hatred, discord or national discrimination, racial, religious or ethnic, insult, slander, etc..., considers qualified forms of criminal offenses because the consequences that are caused are much more harmful than when they are performed in other tools and circumstances. In modern states, criminal legislation have been devised in various modes of criminal liability for offenses committed by public media. Most states have regulated this issue by special provisions of the criminal code.

Media through monitoring, information and mass coverage, gives the public an image of reality where he lives and beyond, makes an ally of justice through denunciations of officials violations, their abuses and abuses of various institutions, and this is the best part, but on the other hand, sometimes overcoming the limits of information or the inaccurate information leads to catastrophic consequences in the life of an individual or a society. For this reason it would be better to prosperous legal basis which allows the media to operate in Albania, by sanctioning the relevant provisions in criminal legislation and renewing existing ones, always without prejudice to the freedom of expression.

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## Aggregate Impact of the Country in Concrete Durability, that Works in Normal Environmental Conditions

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### Abstract

*Production and use of durable concrete in reinforced concrete structures is a necessity in our country. In this article it was treated as affecting the characteristics of aggregates in durable concrete production, when they work in normal environmental conditions. To achieve this goal have produced concrete of class C35 / 45 with aggregate taken in careers mountain and river. The other components are the same in mix design concrete. Water-cement ratio is 0.5 and 0:35 realized. Comparisons are made of the resistance to compression and water penetration. Cubes of concrete had been produced and treated in terms shipyard. There have been comparisons of results and following. Today in Durres, even wider, buildings constructed with durable concrete are very few in now days. Geological studies show that the soil in foundation has low retaining capacity for this city due to high friction angle. This is also one of the other factors that Seismicity of the area is very high, up to level 9 ball of Rihter. The purpose of this article is the production of durable concrete with low permeability of water. The project is constructed in our country and in particular in Durres where groundwater level is higher and the use of space efficiently needs to build parking with underground floor.*

**Keywords:** Concrete durability, aggregate, permeability of durable concrete, strength concrete

### 1. INTRODUCTION

With the use of concrete durability we go further and ask that concrete have much longer life not only to the destruction but their work time or as called "lifetime" or the time before the repair, be much longer. This requires that we seek concrete durability and longevity of the structure reinforced concrete. For this purpose we must consider:

1. To obtain concrete durability in use should distinguish between possible life of concrete as a material to be used in specific environmental conditions and longevity of concrete factual deed therefore be taken into account that concrete properties in the composition of the structure.
2. The water impermeable concrete with a resistance to water penetration under ISO 7031-1994 standard specifications, or otherwise rely on standard EN 206-1, permeability should be up to 20 to 50 mm.

### 2. MATERIALS AND METHODOLOGY

Concrete components produced by Albanian standards S EN 206-1: 2003, with resistance class C35 / 45, taken in Fushe Kruje by concrete and Shkodra Vega by Mat River to Dry Stream

#### 2.1 Materials

##### 2.1.1 Cement

The details of the experimental program have been reported in this study. Concrete ingredients produced by the Albanian standard S SH EN 206-1:2003, with resistance class C35/45, were taken in Fushe Kruja from Vega concrete production

site. The concrete is produced in SAG concrete plant. Composition of Portland cement, CEM I 42.5 R, from ANTEA, type cement conforming EN 197-1 was used in this study.

**Table 2.1.1: Chemical Composition of CEM I 42.5 R TITAN cement**

No.	Chemical composition	Units	Test results	Standard limit based on EN 197-1 standard
1	SiO <sub>2</sub> (Min.)	%	18.01	-
2	Fe <sub>2</sub> O <sub>3</sub> (Min.)	%	2.69	-
3	Al <sub>2</sub> O <sub>3</sub> (Min.)	%	4.58	-
4	MgO (Max.)	%	1.80	5.00%
5	CaO (Min.)	%	61.23	10.00%
6	SO <sub>3</sub> (Max.)	%	2.67	3.50%
7	(Cl) (Max.)	%	-	0.10%
8	I.R (Max.)	%	0.3	5.00%

**Table 2.1.2: Physical Properties of CEM I 42.5 R TITAN Cement**

No.	Physical characteristics	Units	Test results	EN 197-1 Standard limit
1	Specific surface, Blaine	cm <sup>2</sup> /g	3842	± 200
2	Specific density	g/cm <sup>3</sup>	-	± 50
3	Standard consistency	%	28	-
4	Initial setting time	min	2h:30min	60
5	Final setting time	min	-	-
6	Loss on ignition (L.O.I)	%	-	≤5%
7	Expansion	mm	0	≤10 mm

**Table 2.1.3: Mechanical Properties of CEM I 42.5 R TITAN Cement**

No.	Mechanical characteristics	Units	Test results		
			2 Days	28 Days	EN 197-1 Standard limits
1	Compressive strength	MPa	26	48	2Days > 20 MPa 42.5 dhe ≤ 62.5MPa 28Days ≥
2	Flexural strength	MPa			

### 2.1.2 Aggregates

Coarse and fine aggregates obtained from Mat river Perroi i Thate and Fushe Kruja quarry units have been used for this study. Maximum size of coarse aggregate used is 25 mm and specific gravity of ranging from 2.6 - 2.7 kg/m<sup>3</sup> based on standard S SH 509:1987; bulk density 1484 kg/m<sup>3</sup> and fine modulus 6.07. For fine aggregates maximum size used is 5 mm and specific gravity of ranging from 2.687 kg/m<sup>3</sup> based on standard S SH 509:1987; and fine modulus 2.74.

sitat mm	peshat g	mbetjet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	0.0	0.00	100.00
8.0	0.0	0.00	100.00
4.0	10.3	0.70	99.30
2.0	391.2	26.70	73.30
1.00	867.3	59.20	40.80
0.50	1082.6	73.90	26.10
0.250	1201.3	82.00	18.00
0.125	1278.9	87.30	12.70
0.075	1322.9	90.30	9.70
<b>Pesha fillestare gr</b>		<b>1465</b>	

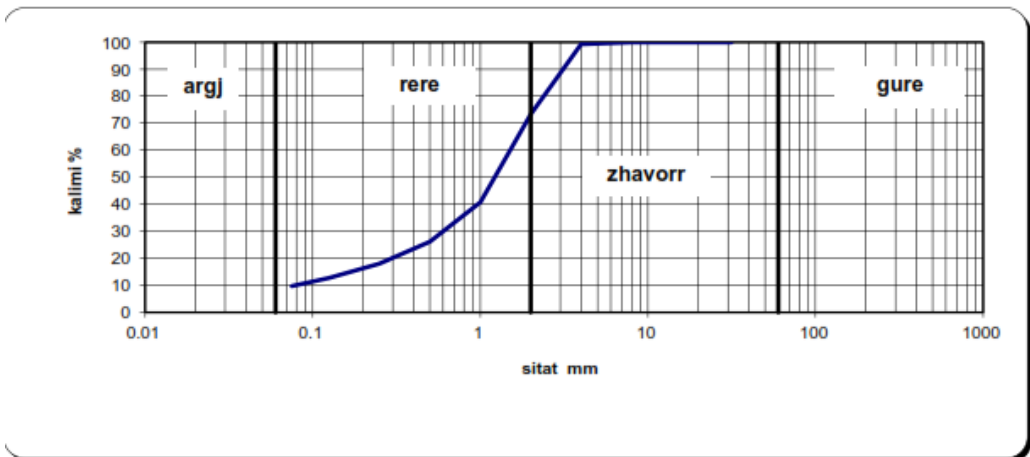


Figure 1: a) Coarse and b) fine aggregates PSD analysis river .

sitat mm	peshat g	mbetjet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	98.2	1.90	98.10
8.0	1849.4	35.80	64.20
4.0	5104.0	98.80	1.20
2.0	5109.2	98.90	1.10
1.00	5114.3	99.00	1.00
0.50	5119.5	99.10	0.90
0.250	5124.7	99.20	0.80
0.125	5129.8	99.30	0.70
0.075	5135.0	99.40	0.60
<b>Pesha fillestare gr</b>		<b>5166</b>	

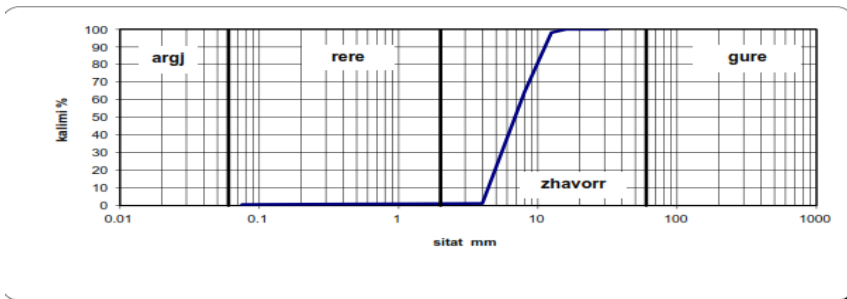


Figure 2: a) Coarse and b) fine aggregates PSD analysis river

sitat mm	peshat g	mbetjet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	3278.8	39.70	60.30
8.0	7234.9	87.60	12.40
4.0	8217.7	99.50	0.50
2.0	8242.5	99.80	0.20
1.00	8244.1	99.82	0.18
0.50	8246.6	99.85	0.15
0.250	8250.7	99.90	0.10
0.125	8251.6	99.91	0.09
0.075	8254.9	99.95	0.05
<b>Pesha fillestare gr</b>		<b>8259</b>	

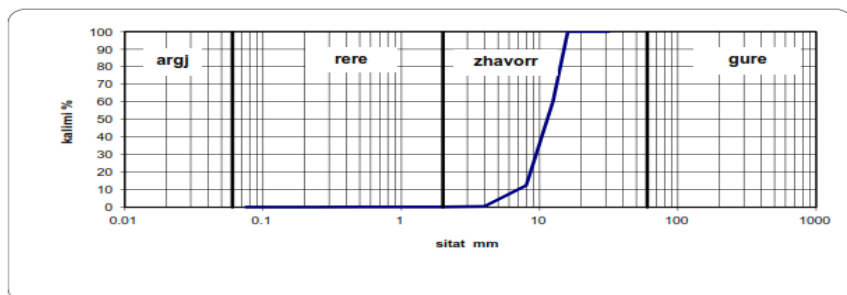


Figure 3: a) Coarse and b) fine aggregates PSD analysis river

Kampioni **Rere e lare lumi 00/08 mm**  
Karriera **Prroi I thate**  
Test Method : **EN 1097-6-2000( piknometer method )**

Nr	Pershkrimi	njesia	kampioni	
1	Madhesia e agregatit	mm	0-8	0-8
2	Temperatura	°C	20	20
3	Densiteti I ujit	g/cm3	0.9981	0.9981
4	Pesha e kampionit te thate	g	50.41	50.24
5	Pyknometer No ( 250 ml)	ml	2	5
6	Pesha e piknometrit	g	150.21	163.67
7	Pesha e piknometrit + uje	g	466.72	480.08
8	Pesha e piknometrit + agregate	g	200.62	213.91
9	Pesha e piknometrit + agregate+ uje	g	498.73	512.21
10	Volumi I piknometrit	cm3	317.11	317.01
11	Pesha e kampionit satured	g	51.31	50.99
12	Absorbimi I agregatit	%	1.785	1.493
13	<b>Mesatarja e absorbimit</b>	%	<b>1.639</b>	
14	Pesha specifike per cdo kampion	g/cm3	2.612	2.664
15	<b>Mesatarja e peshes Specifike</b>	g/cm3	<b>2.638</b>	

Figure 4: a) Coarse and b) fine aggregates PSD analysis river

Kampioni **Granil I thyer lumi 06/12,5 mm**  
Karriera **Prroi I thate**  
Test Method : **EN 1097-6-2000( piknometer method )**

Nr	Pershkrimi	njesia	kampioni	
1	Madhesia e agregatit	mm	"06-12,5	"06-12,5
2	Temperatura	°C	20	20
3	Densiteti I ujit	g/cm3	0.9981	0.9981
4	Pesha e kampionit te thate	g	100.12	100.21
5	Pyknometer No ( 500 ml)	ml	6	7
6	Pesha e piknometrit	g	202.93	208.71
7	Pesha e piknometrit + uje	g	794.71	797.58
8	Pesha e piknometrit + agregate	g	303.05	308.92
9	Pesha e piknometrit + agregate+ uje	g	858.14	861.14
10	Volumi I piknometrit	cm3	592.89	589.98
11	Pesha e kampionit satured	g	100.52	100.63
12	Absorbimi I agregatit	%	0.400	0.419
13	<b>Mesatarja e absorbimit</b>	%	<b>0.409</b>	
14	Pesha specifike per cdo kampion	g/cm3	2.699	2.703
15	<b>Mesatarja e peshes Specifike</b>	g/cm3	<b>2.701</b>	

Figure 5: a) Coarse and b) fine aggregates PSD analysis river

sieve mm	weight g	retained %	passing %
31.5	0.0	0.00	100.00
25	0.0	0.00	100.00
20	0.0	0.00	100.00
16	0.0	0.00	100.00
12.5	0.0	0.00	100.00
8	0.0	0.00	100.00
4	100.0	7.02	92.98
2	583.0	40.91	59.09
1	942.0	66.11	33.89
0.50	1191.0	83.58	16.42
0.250	1337.0	93.82	6.18
0.125	1393.0	97.75	2.25
0.075	1406.0	98.67	1.33
Initial Weight gr		1425	

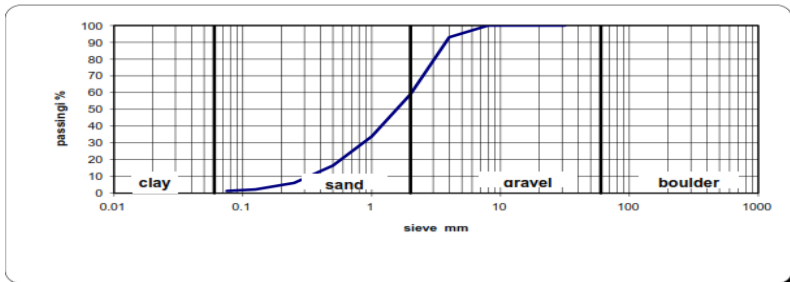


Figure 6: a) Coarse and b) fine aggregates PSD analysis river

Test Method: **EN 933-01**

sieve mm	weight g	retained %	passing %
31.5	0.0	0.00	100.00
25	0.0	0.00	100.00
20	0.0	0.00	100.00
16	0.0	0.00	100.00
12.5	15.0	0.61	99.39
8	1337.0	54.53	45.47
4	2442.0	99.59	0.41
2	2448.0	99.84	0.16
1	2449.0	99.88	0.12
0.50	2450.0	99.92	0.08
0.250	2450.0	99.92	0.08
0.125	2450.0	99.92	0.08
0.075	2450.0	99.92	0.08
Initial Weight gr		2452	

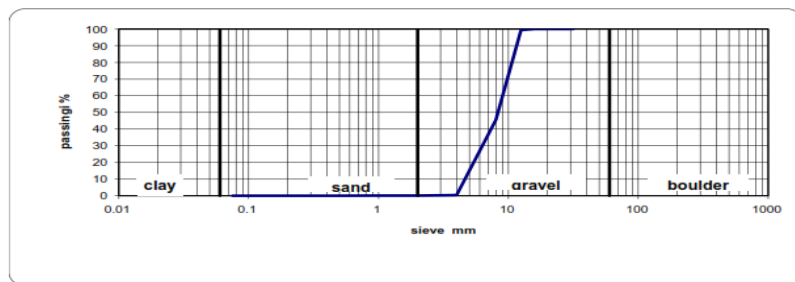


Figure 7: a) Coarse and b) fine aggregates PSD analysis river



sieve mm	weight g	retained %	passing %
31.5	0.0	0.00	100.00
25	117.0	1.71	98.29
20	2124.0	31.02	68.98
16	4466.0	65.22	34.78
12.5	6494.0	94.83	5.17
8	6843.0	99.93	0.07
4	6843.0	99.93	0.07
2	6844.0	99.94	0.06
1	6844.0	99.94	0.06
0.50	6845.0	99.96	0.04
0.250	6845.0	99.96	0.04
0.125	6845.0	99.96	0.04
0.075	6845.0	99.96	0.04
Initial Weight gr		6848	

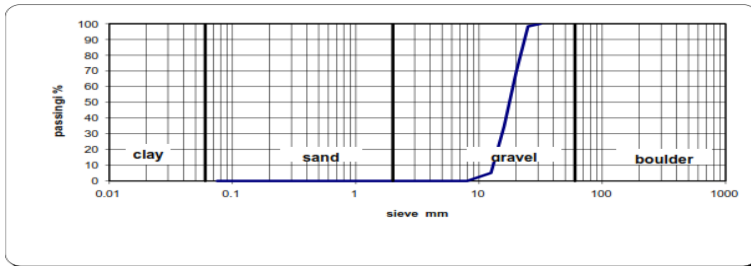


Figure 8: a) Coarse and b) fine aggregates PSD analysis river

**Table 2.3.1: The aggregate chemical composition**

Chemical composition of aggregates	Chemical composition in [%]			
	CaO	MgO	SiO <sub>2</sub>	Fe <sub>2</sub> O <sub>3</sub>
Vega Fushe Kruje (Mountain)	43.59	4.23	0.18	0.12
Perroi i Thate (Mat river)	5.36	15.98	48.36	5.89

Mount aggregates have been derived from carbonate rocks, with high content of limestone.

River aggregates are with originate volcanic and therefore have a high content of basalt.

### 2.1.3 Water

Potable tap water available production site was used for mixing and curing of concrete. The water is filtrate based on standard S Sh 2751:1987.

Table 2.1.3.1: Chemical analysis of water used in mix design

No.	Characteristics	Units	Test results	Standard limit EN 1008
1	Water resource		Well water	-
2	Colour		Transparent	-
3	Odour		None	-
4	Water density @ 190 C	kg/ l	1.0082	0.9982
5	Total hardness (CaCO <sub>3</sub> )	mg/l	2.91	-
6	Total dissolved solids at 180 °C	mg/l	3.82	≤4
7	pH value		7.61	≥4
8	Chloride content Cl-	mg/l	1241	≤ 1000
9	Sulphate content SO <sub>4</sub> -	mg/l	4996	≤ 2000
10	Salts content	mg/l	0.02	≤ 100

### 2.1.4 Concrete admixtures

Additives used in this project are; Chryso-Fluid Premia 180(superplasticizer) and in quantities 3 l/m<sup>3</sup> concrete. Additives were used to produce concrete class C 35/45 MPa and the result was decreasing the amount of water. The effect of using the lowest amount of water is increasing the durability and resistance of concrete.

## 2.2 Methodology

### 2.2.1. Durable concrete mix design

Mix design is a process of selecting suitable ingredients for concrete and determining their proportions which would produce, as economically as possible, a concrete that satisfies the Orion project requirements.

All mix designs data for durable concrete used in our project are represented in Table 2.2.1.1. In present study durable concrete class C35/45 was produced with river raw material. All mix designs are formulated based on specifications of EN 206-1:2003 standard. Date 10.10.2013

Table 2.2.1.1: Mix design of concrete from Kruja mountain

No.	Ingredients	Units/m <sup>3</sup>	Quantity
1	Crashed sand 0-04 mm	kg	895
2	Crashed river gravel 5-10 mm	kg	298
3	Crashed river gravel 10-25mm	kg	698
4	Cement CEM I 45.2 R/A-LL	kg	370
5	Additive Chryso-Fluid Premia 180 (superplasticizer) Reduction. 15%; Dosage 0.8 lit/100 kg cement)	lit/m <sup>3</sup>	3.32
6	Well water	lit	158
1	w/c ratio	-	0.4
2	Density	kg	2422
3	Temperature of fresh concrete	°c	19
4	Slump		S4

Date 27.11.2013

Table 2.2.1.1: Mix design of concrete from Mat river

No.	Ingredients	Units/m <sup>3</sup>	Quantity
1	Natural river sand 0-04 mm	kg	915
2	Natural river gravel 5-10 mm	kg	294
3	Natural river gravel 10-25mm	kg	695
4	Cement CEM I 45.2 R/A-LL	kg	380
5	Additive Chryso-Fluid Premia 180 (superplasticizer) Reduction. 15%; Dosage 0.8 lit/100 kg cement)	lit/m <sup>3</sup>	151
6	Well water	lit	3.56
1	w/c ratio	-	0.4
2	Density	kg	2440
3	Temperature of fresh concrete	°c	19
4	Slump		S4

The compressive strength of concrete is considered as the index of its quality. Therefore the mix designs are generally carried out for a particular compressive strength of concrete with adequate workability so that the fresh concrete can be properly mixed, placed and compacted.

After 28 days period of curing, the specimens were taken out of the curing tank and there were tested besides measuring the fresh properties (workability, air content and concrete temperature); following tests such as permeability of concrete cubes and chlorides contents are measured.

### 3. RESULTS & TABLES

#### 3.1 Compressive strength of concrete cubes

Compressive strength, of mixes was determined at various ages as per EN 12390-3:1999 and EN 12390-5:1999 are given in table 3.1. Cube Compressive strength at the age 7 and 28 days. After casting the specimens were covered with sheets to minimize the moisture loss from them. Specimens were demoulded after 24-hours and then cured in water at approximately room temperature till testing. Compressive strength tests for cubes were carried out at 28 days. All the specimens were tested in an automated compressive strength machine shown in Figure 3.1:

**Table 3.1: Test results obtained from durable concrete produced with Mat river materials**

No.	Normal water curing condition (Kruja Mountain crashed aggregates)			Normal water curing condition (Mat River aggregates)		
	Compressive strength	Water depth penetration	day	Compressive strength	Water depth penetration	
1	44.180	22.13	28	43.012	11.2	28
2	40.123	19.25	28	46.338	10.8	28
3	42.156	14.35	28	42.230	16.2	28
4	46.337	19.4	90	47.894	9.2	90
5	47.250	20.5	90	48.154	9.4	90
6	46.510	24.1	90	48.112	7.6	90

**Table 3.2: Test results obtained from durable concrete produced with Romanat materials**

**GRAFIKE**

### 3.2 Durability of concrete

The durability of concrete depends largely on the movement of water enters and moves through it. Permeability is a measure of flow of water under pressure in a saturated porous medium while Sorptivity is materials ability to absorb and transmit water through it by capillary suction. The porous structure of concrete is intimately related with its permeability. A low water/cement ratio results in concrete structures which are less permeable because they are characterized by having small pores which are not interconnected. The water penetration under pressure test is a standard test procedure (EN 12390-8).



Figure 3.2.1: Images of water penetration

## 4. CONCLUSIONS

Production and use of durable concrete is critical to increasing lifespan reinforced concrete structures. Durable concrete mechanical resistance also depends on the mineralogical composition of component aggregates. Broken Mountain aggregates, which have a high percentage of limestone, give us a rezistence concrete with almost the same as the aggregate of the river, but having a large water permeability. This is because using a greater quantity of water. They are more economical in the use of cement. River Aggregates, especially when they have high basalt backgrounds, are more compressed, give us concrete with high resistance, with low water permeability.

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## Urban Land Markets in Durres

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### Abstract

*After the fall of communist regime, Durres passed through an uncontrolled urban development and painful migration and emigration. Albania passed into process of transition from a centrally planned economy to a free-market based economy. Radical political, economic and social reforms had been undertaken. This means basic political and market institutions as well as the administrative, regulatory and policy frameworks required for a market economy had been developed. During the 1990's Albania went through a transformation of its entire economy that changed civil society, ownership structures and the labor market. As in other cases happen in transition, Durres experienced many problems with self-employment in the informal sector and small commerce and industries. The lack of formal job opportunities stimulated emigration of the working active population to neighboring countries, such as Greece and Italy. This explains the volume of remittances that are regularly sent into the country. Also thousands of farmers have chosen to abandon their villages and settlements and seek opportunities in the city of Durres. The city became the focus of mass emigrations from Albania. Many people migrated to Italy and other countries. Very large rates of growth among the 1990's, were result of increased movement of population to urban areas, which continued in high rates until 2003. The annual growth rate was 7%, but after 2003 it decreased in 1.4 % per year. Unemployment remains a big issue for the city of Durres, despite the progress that has taken place. The official rate of unemployment is 11%, but due to many unemployed persons who do not register as such, the unemployment rate is much higher (around 25%). Data from Standard Measurement Survey Living (VMNJ) in 2002 show that poverty rate is about 25%.*

**Keywords:** land market, Infrastructure, urban areas, regional development, Albania

### Introduction

The urban growth process of Durres city reflects similar phenomena known elsewhere in the country. It is based on informal land development processes and illegally subdivided land mostly situated in peripheral areas of the city where new residents undertake illegal constructions. The process of informal land occupation has resulted in large-scale informal neighborhoods that are poorly serviced or lacking basic infrastructure and municipal services (like the area of Spitalla, Porto Romano and Kenata). The urban reality in Durres contains unplanned, subserviced and sprawling urban development process. Also, it is noticed a process of densification and illegal occupation of vacant spaces within the inner city. Available spaces within neighborhood blocks have been occupied by all sorts of constructions for residential and commercial purposes. Furthermore, it can be seen rooftop developments and vertical as well as horizontal extensions of apartments blocks (and social housing blocks) that further deteriorate urban environmental conditions. It is chaotic process of building activities that violates all existing regulations and norms.

After 1991 the Albanian government enacted several decrees and laws to privatize land that had been in the hands of the State and urban households received ownership rights. Different types of laws regulate the distribution of land to farmers, the return to former owners (before 1944), the concession to private entities or sale to investors and the release of land as part of compensations. Between 1990 and 1994, agricultural land from collective farms was distributed to member families. In about half the rural areas, distribution followed the legislative requirement of equal per capita shares. The head of household received the land and was responsible for distributing shares to family members. In the other half of rural areas, local leaders distributed former cooperative farmland based in large measure on pre-1945 landholdings. In the fertile lowlands, pre-1945 landowners were initially excluded from consideration for land distributions. In 1993, legislation granted the pre-1945 landowners rights to claim or be compensated for non-agricultural land, as well as agricultural land in holdings up to 100 hectares. The resulting ambiguity in rights, coupled with limitations in the extent of land and amount of funds

available for restitution and compensation, have combined to leave the majority of original landowners uncompensated. The distribution of agricultural land created a system of small, fragmented landholdings. Eighty-seven percent of urban housing is privately owned.

The property market in Durres is imperfect. The years 2000 to more transactions are made to move the state properties that are privatized. I am talking about small commercial units, small and large including warehouses and factories. While in the years 2000-2010 there was more privatization for large enterprises (ex the former Savings Bank, ALBTELECOM). Today this market is slow because a large number of the properties in Durres have been privatized. Multiple transactions of buying, selling and rent purchasing can be seen in today real estate market. Throughout the transition period until today, the real state sector is characterized by a continuous expansion either in terms of investment, both in terms of contribution it made to the growth and economic development.

## 1. The market of apartments prices of Durres

Land market in Durres is different by area of residence. Of these the most obvious ones are: areas of the hill near the cluster of King Zog and near Currila Elbow, the city center and seaside promenade "Taulantia", where land prices now reach up to 400 €/m<sup>2</sup> or a ratio up to 40% expressed in Exchange Contracts formulated with landowners. • Further away from the city center prices come down up to 220 €/m<sup>2</sup>. The level of infrastructure is still low in the peripheral zone. In the beach area land prices vary according to distinct areas where they are:

- The areas along the shoreline with a land price of 300 €/m<sup>2</sup>.
- The areas bordering the highway and railway land at a price up to € 170/m<sup>2</sup>.

In 2006 in the coastal city of Durres tourist apartments prices did not pass the maximum 500 €/m<sup>2</sup>, the minimum was 300 €/m<sup>2</sup>, in 2008 the prices of buildings that overlook the sea were about 900 €/m<sup>2</sup>, while the minimum is 450-500 €/m<sup>2</sup>. Nowadays the prices have gone visibly down with a rate of 30%-40% off. Until 2008 the market worked until the supply and demand requests. But later, especially in 2009 with the reduction of constructions due to lack of construction permits in the center (the lack of supply influenced lower prices), the lack of buyers (especially the investment of money from emigrants), and the real estate market was in a break. In the market of apartment sales in the city center is noted an increase of price each year which ranges from city center 900 €/m<sup>2</sup> up to 700 €/m<sup>2</sup> area outside the city center. Selling prices for service facilities outside the center are 3000 €/m<sup>2</sup> and in the center reach up to 6000 €/m<sup>2</sup>. Furthermore, purchases of foreigners in the real estate market in Durres, as in all country, have dropped significantly. The global crisis and resistance of real estate prices in Albania appears to restrain demand. "Since 2008 the demand of foreigners stopped and this continues even today," says Marin Le Corre, director of estate agency "Balkimo" (2010). According to him, sales to foreigners have fallen about 90% if compared with the positive period 2007-first half of 2008.

The rental market is still relatively underdeveloped; almost of the tenants are students or persons coming from peripheral districts. Rent has grown from year to year. So, this free, since 1996 until now, has constantly increased, but still not in high levels comparing to Tirana that is the capital city near to Durres. Along the Commercial road, which is located in the center of town and there are relatively old buildings, the rental prices of local service shops or ranging from 15 €/m<sup>2</sup> ÷ 24€/m<sup>2</sup>. These values from surveys conducted within a five-year period had almost not changed. Even close to road "Deshmoret" in the area of the city center in the old palaces existing, rental prices of local service shops or reach up to 25 €/m<sup>2</sup>. Rent for residential homes along Boulevard (in the center) are up to 220 €/m<sup>2</sup>. Just outside the city center prices of rent decline, from 540 €/m<sup>2</sup> in the city center to 430 €/m<sup>2</sup> in periphery.

Agricultural land market by purpose of use is classified into two categories, for agricultural and construction purposes. According to registration office's information, the market of agricultural land for farming purposes is not currently developed.

## 2. Analyzing the factors that influence in the urban land market in Durres city, I can distinguish:

- Geographical position, giving priority to Durres as a tourist and economic developed city.
- The partially development or infrastructure in various areas, especially drinking water supply and electricity.
- Changing in demand and supply. (Nowadays there are no purchases of immigrants as a result of the financial crisis in all countries, and lacks the flow of purchases of Albanians from Kosovo, Macedonia, etc).

- The large number of population in the city, a result that migration from all regions of the country. So the demand for houses is high.
- Increase the percentage of construction area that landowners take. In Durres, as in all the country is developed an original form of the land for the construction market. As a result of no payment power value of the land area is converted into building area. In the city center land surfaces are limited. These increased the percentage of construction area the owners get (up 45% of construction area) and therefore increased the cost and value of apartments. This growth is also reflected in peripheral areas of city and suburban areas where new buildings are constructed, where the percentage of construction surface that owners receive has been increased in a rate of 25-30%.
- Residential buildings destination has changed in recent years. Buildings today, in addition to the residential area, have on average 2-3 floors with parking and services such as shops, offices, studio, etc., which increase the value of the investment amount, and reflects in the apartments and land price.
- Quality of materials and construction works. It should be noted that the quality of works in general is increasing. Construction materials are better in quality, more expensive and their values reflect in the cost of construction. In general it is observed an increase in the value of the materials that are used for construction and fuel price, so the cost of buildings being built today is higher than that of the three -four years ago.
- The lack of construction permits. Another reason is the malfunction institutions that approve building permits. Currently there is no new construction with permit because of the delayed legal procedures.
- Another reason that has influence in increasing the price is the strengthening of the fiscal system and the reduction of informality in employment. The last instruction of the Ministry of Finance on calculation the tax on ownership transfer will have direct impact on increasing the value of assets immovable property.
- Legalization and processes of property restitution and compensation. An influence on the growth of real estate value has been adoption of laws "On Property" and "Legalization". Assessment methodologies adopted by Parliament have oriented prices of land in different areas of cities, tourist sites etc. that are generally high, while the impact of legalization is difficult to measure, but is relied with security. It is natural that a titled property costs more expensive than an informal property.
- Besides the construction boom, another reason that influenced the changes of market was the non adequate infrastructure surrounding residential blocks especially in the beach area, lack of sufficient spaces, lack of drinking water, and in some cases the irregular power connections for many buildings.
- The main factor that has prevented foreigners to continue purchasing houses in Durres is the lack of financing from banks. Banks in all developed countries, but also in Albania, have declined since 2009 to make loans. The situation which lasted until the first half of 2008-seems to have already ended. The same thing happens with loans and real estate sales.

### 3. Privatization of urban housing

Despite successful privatization of urban housing, demand for urban housing has overwhelmed supply. The slow rate of construction of formal residences has caused housing shortages and growth of informal settlements, most of which are on public land. Informal land violations created confusing land ownership problems, multiple claims involving different actors for one single plot. The town is divided in non-homogeneous parts such as the central area, the informal city, the port and the urbanized coastline which is occupied mainly by tourist flats.

With the beginning of land reform, the Albanian laws have provided two methods for assessment of land and property. For transactions between private parties, their agreements negotiated in freedom can set the price of the sale or lease. For transactions involving state land acquisition by state or private land through expropriation or taking temporary, a valuation established by the decree of the Council of Ministers will be applied. State assessment method was defined in a decree the 2000. This decree stipulates that the IPRS database will record the prices of the sales and buys, leases or other transaction values, and leads experts representing a state agency to undertake a transaction to collect a group sales and buys like that have happened recently from these data. Market value can be defined as "the amount of money that can be taken by a person or persons willing and able to buy an item when the latter was offered for



sale by a seller voluntary". Deficiency increases the value and generally when the deficiency increases also the value increases. If the supply of a particular property type increases, the market value decreases and vice versa. The concept of value is very important because every time the value of a land price indicates the price for which demand and supply are equal, the price for which buyer and seller are prepared to buy is the same. In the actual fact, the price of land is determined by both supply and demand, depending on economic circumstances (Evans, 2004). Without planning controls, land markets acts like neoclassical situation. According to neoclassic, the price of apartments is high because the rent of land is high. The supply of land changes in time. But this was the city's tragedy, because everyone thought that could have enough land to build. This brought to an uncontrolled situation, informal settlements, poor infrastructure, environmental problems and lack of public supplies. Nowadays the legislation has changed and the State is stronger. Planning controls have stopped this rampant development, affecting the land market. In this case, the land market acts like in Ricardo theory. According to Ricardo the land is scarce and the supply of land is fixed (because of planning regulations). The price determines the demand, and the demand determines the rent. This is what is happening not only in Durres but in most of Albanian cities.

#### 4. Albania's Civil Code legislation

Under Albania's Civil Code, land tenure systems are private tenure system, public tenure system (state land or municipality land) and informal tenure systems. Land that is privately owned may be freely bought, sold or leased, and landowners have the right to possession, disposing and joy. According to Law 8743, dated 22.2.2001. State land can be leased to private individuals and communities and authority to manage and use the land devolved to local governments. State agricultural land can be leased for periods of up to 10 years for most crops; up to 30 years for livestock. Low forest, and protected land; and up to 99 years for tourism development, fruit trees, and high forest.

Albania legislation recognizes both individual and family landownership rights. Some legislation such as the Civil Code (1994) and the Private Property Law (1991) recognizes private and individual property and the right of all citizens to own and inherit property. Family landownership was tacitly established, as we saw, in the Law on Land. In addition, the Civil Code classifies agricultural land as family landownership (Article 222), not to be subdivided among family members except under specific conditions (Articles 226–228).

In 1994, the Law on Registration of Immovable Property was approved and is the basis for the current title registration system. The immovable property registration system is directed by the chief registrar who is appointed by and directly responsible to the Council of Ministers. The IPRS combines in a single system all property in Albania, whether rural or urban, public or private.

Albania's formal law allows people to access to land through inheritance, purchase, gift, and government land allocations. Most landholders obtain their land rights through: government land distributions; inheritance; purchase or lease on the informal market; occupation of plots in informal settlements; or use rights granted by local governments. Foreigners can purchase private residential land and commercial land, so long as the proposed investment is at least three times the value of the land. Foreigners are prohibited from buying agricultural land but can obtain 99-year leases. The problem in Durres and in all Albania was the receiving either rural land or urban apartments during the land reform process in the early 1990s. Durres suffered from wide-spread illegal occupation of land and illegal buildings due to the rapid internal migration and the inability of the state to efficiently provide or assign land to meet demand near the city.

Article 41 of the 1998 Constitution protects private property from expropriation; the state can expropriate land only when the taking is in the public interest and fair compensation is paid to the landholder. Landholders have the right to contest the amount of compensation paid. The 1999 Law on Expropriations and Temporary Takings of Private Property for a Public Interest (No. 8561) defines public interest to include: public projects and investments; protection of historical, archaeological and cultural monuments; and protection of public health and safety. If the project for which the expropriation was made does not commence within three months of the expropriation, the expropriation is deemed invalid and the land returned to the landholder. In that event, the landholder must return any compensation paid. What happen nowadays in Durres is that the "formal" informal settlers have the security that their houses are not going to be taken by the state, because of the process of legalization and registration of land. This has made them to invest in their houses to improve their life conditions. As Geoffrey Payne said, their house is not more a "dead" capital. This has raised the value of their property, affecting land markets. Although local government cannot collect taxes from them, their improvements have good influences in the social area of the community. However, their security doesn't help them to take bank loans. Even if they have got full title and they are poor, bank doesn't give them loans. So, full tenure doesn't necessary mean and of poverty. There is a difference

between formal legal property rights and de facto or customary property rights. Of course, they can sell their property, to a richer person but this still doesn't mean and of poverty. This is why security and legality are different concepts.

Civil Code defines the main ways of providing ownership, like: by contract, by prescription, with the good faith of movable items, by the merger, mixture, and processing, ownership of lost or found items, and on no owner things, by invasion, by expropriation, on the fruits of the property, by inheritance. Property subject are physical persons, legal person and state. In Albania Civil Law, is known public ownership. State or other civil entities do not have ownership rights on these items. For these types of properties, the entities mentioned above, may have the right of enjoyment and possession, but not disposition. In the the property arrangements of owner's right to enjoy, own and freely dispose his property respond to the obligation of an unlimited number of people that do not have the right to violate it.

##### **5. Analyze the contract of entrepreneurship**

I will analyze the contract of entrepreneurship the main stakeholders are the entrepreneur and the requester. The legal framework includes Civil Law, Chapter VII. Rights and obligations:

Requester can make changes to the project, in condition that their size does not exceed one sixth of the total fixed price. The entrepreneur has the right to be compensated for the main works carried out, although the price is fixed in total offense. Requester has the right to control the execution of works and their status at their own expense. When, during the conference, is detected that their conduct does not continue under certain conditions and standards in the contract, the requester may set a deadline within which the entrepreneur must comply with those conditions. When the fixed time has passed without bringing any benefit, the contract is terminated, without prejudice to the right of the requester to pay the claims. Requester, before taking over the work done, has the right to control it. Control must be performed by requester; entrepreneur just create appropriate conditions for control. If, despite the invitation of entrepreneurs, the requester fails to control without reasonable grounds, or when the outcome of the audit reports within a short time, the object is accepted. If the requester receives the submitted work without any reservations, it is considered acceptable although there is the control. The entrepreneur has the right to ask to be paid with the value assigned when the work is accepted by the requester, unless there is agreement to the contrary.

The ordering party may withdraw from the contract, even when the implementation of the work or performance of service has begun providing, with condition compensating the entrepreneur for expenses, for work done and for loss of profits. The contract may terminate because the implementation of the work has become impossible due to a cause that cannot be attributed to any party, the requester pays the past of the object to the limits within which it is useful for, in proportion to the certain price for all the work. The contract may terminate when the material given to entrepreneur by the requester, or when the work of preparing this material is lost or damaged, as and when the end of the object becomes impossible through no fault of any of them, but in any case after the entrepreneur is late in submitting the work, this is bound to reward the requester the value of the material and no right to ask him to pay the work done.

##### **6. Concluding remarks**

Concluding the analysis, the city of Durres has been relatively stable since the 1997 collapse of the pyramid schemes. However, there are conflicts over the failure of the government to properly implement restitution and compensation programs, especially in the coastal areas where the land is very valuable due to potential tourism development. The historical owners dispute the post-1991 privatization of agricultural land to workers of the cooperatives and state farms and the state has not adequately implemented the restitution laws for forests and pastures. In addition, there are many other property disputes which arise from overlapping privatizations and restitution decisions. In some cases the ownership of the land is different than the ownership of the buildings, creating conflicts between the two parties. As mentioned above, illegal occupation of both state and private land has caused social and political tensions, and the squatters have blocked the national roads on various occasions, demanding infrastructure services and legalization. Land conflicts are frequent and constitute about half of all cases in civil courts. Conflicts are generally of two types. The first type relates to overlapping claims to a piece of land, boundary disputes or conflicts about road access. In these cases, parties generally try to resolve their disputes on a personal level before turning to official channels of conflict resolution. The second type of conflict involves restitution and compensation claims of former owners.

Property rights in Durres, as in Albanian state, are still a fragile bundle of rights. Many "sticks" have been putted in, but they ate still not good regularized. Law framework is still not strong and the Urban Development Plan has still to be reviewed

and approved. Many conflicts have been raised between current owners and former owners. There are inefficient plans because of the fragmented land.

The consolidation of property rights may decrease the land transaction costs, provide better incentives for land sale — for those who are ready to move out of agriculture — and facilitate the enlargement of market-oriented farms without destroying the social and economic equilibrium in rural areas. Resolving agriculture land property rights is a key step to promote agriculture growth, investments and efficiency in Durres, thus more attention from the policy-makers for this issue and more research can contribute to the future of the sector. Furthermore, it would be important to combat inefficiencies arising from small plots by supporting the development of farmer associations, improving irrigation infrastructure, supporting modernization of equipment and distribution of high-quality inputs and investing in the development of agricultural knowledge and skills. Another important issue is the improvement of laws on land use and transfer; institutional strengthening of land management; and improvement of integrated land management. Local authorities that are already working together with a local partner e.g. NGO, should have an incipient experience with public-private partnership arrangements in urban development. The participation of civil society organisations in local processes and decision making should be strengthened by the city-wide initiative but the responsiveness of a local authority will depend on the existence of a local leadership, an active middle management staff that can mobilise confidence and support from inside the organisations.

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## Road Investment and Regional Development Some Evidencies from Albania

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### Abstract

*The purpose of this paper is to present an overview of current regional development and the forecast of the economic impact of transport (roads). Investment in Infrastructure (especially Roads) has for sure a very positive impact on regional development. The most common classification economic indicator of a country is Gross National Product per Capita. In fact income is an important criterion with the respect of the regional development. Investment in transport lead to general changes, which should be easily determine as direct and indirect benefit like reducing travel time, operating cost, increasing transport safety, but the contribution to regional development as a whole is subject of certain debates. There are some basically opinions about relation which exist between transport infrastructure and regional development. The first one states that infrastructure hardly influence the regional economic development. The second opinion is maybe the most acceptable one, that interaction between infrastructure and economic development is not a “linear” relationship. The third one is that regional development could be influenced easily by infrastructure investment. When analyzing recent development strategies, it can be accepted that the Republic of Albania is supporting the thesis that building infrastructure network is a prerequisite of regional development. In that context, Government investments in the regional and rural program are elaborated with expected positive effects on reduction of poverty and regional development. In this paper the case study of the “ Kukes- Morine ” road that will improve transport connections is selected in order to determine whether or not there is a justification for such belief.*

**Keywords:** Infrastructure, transport, regional development, Albania

### Introduction

The provision of good quality infrastructure<sup>1</sup> is often cited as the most important factor of local and regional development, through which the adequate conditions for the growth of new business and attraction of firms to less developed areas are provided. At the same time, the impact of infrastructure development on local and regional development is the subject of various discussions. For a long time, in a relevant literature there was a generally accepted belief that this relationship has a positive direction, i.e. “ *it happened after it was built so it must be because of it*” (Judge, 1998). But recent studies, such as Goodwin’s (2000) demonstrate that this argument is questionable and that, especially in the context of the European Union’s (EU) regional policy, a revision of this assertion is needed. The aim of this paper is to present a theoretical approach to the link between transport infrastructure and regional development, followed by empirical evidence based on the Albanian example. In the first part we focus on the relationship between regional development and infrastructure. The second part is devoted to a narrower description of transport infrastructure and its potential effects on the encompassing area. The example of the interaction between transport infrastructure and regional development in the case of motorway building and the Kukes region is provided in the third part. The paper ends with concluding remarks.

## 1. Infrastructure and Regional Development

Regional inequalities with diversified regional development are foreseen as a reality of all national as well as European Union policies<sup>2</sup>. Traditionally, regional economics has explained income differences on the basis of differences between regions in their endowments of natural resources, factors of production, infrastructure and technology. In that context, the removal of obstacles to the movement of goods and factors would itself cause convergence of factor returns and living standards. Underdeveloped infrastructure can be considered as important obstacle to the regional development, and its improvements should spur the economic growth in the region.

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1. Infrastructure is usually understood as basic public infrastructure, which forms the foundation for society and economics. As it is mentioned in World Bank report (2004): infrastructure is an umbrella term for many activities, it plays a very important role for industrial and overall economy.

2 Nearly one quarter of the EU citizens live in regions eligible to receive assistance under Objective 1 of the Structural Funds, the main instrument of the EU regional policy. Recent analyses demonstrate that convergence.

This notion is well recognized in the relevant theoretical literature.

Richardson and Jensen (2000) indicate that spatial differences in the EU cannot be reduced without a fundamental improvement of transport infrastructure and services to and within the regions where a lack of access to transport and communications infrastructure restricts economic development. Improvements of accessibility are seen as a critical priority in the development of the polycentric urban systems<sup>3</sup> and precondition for inclusion of economic development within an overall spatial strategy of harmonization.

At the beginning of the 1980s a scientific approach to infrastructure in the frame of economic development was initiated<sup>4</sup>. The reason for this is that standard cost benefit analysis (CBA), as an evaluation tool, considered only the direct benefits of infrastructure investments omitting a whole set of externalities. Additionally, many initiatives undertaken by the World Bank and similar organizations and institutions that promote economic development by investing into infrastructure projects have fulfilled their goals, although those investments did not achieve all the foreseen results.

Many project-oriented studies were undertaken to investigate the role of economic and social impacts of transport infrastructure on the monitored area. To mention some of them, Harris (1974) performed a study on the impact of alternative motorway routes in regional development. Delayque (1969) conducted a study on the impact of motorway building on the development of the Rhone valley and Simmons (1991) on the impact of the Channel Tunnel on regions in France and England.

A study by Goodwin (2000) is among the first that thoroughly investigated the role of investment in transport infrastructure and the benefits accruing from them. Goodwin has analyzed reports from The Standing Advisory Committee on Trunk Road Assessment (SACTRA) and concluded the following:

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3 The European Spatial Development Perspective (ESDP) has found polycentricity as an answer to the more balanced development. The ESDP promotes polycentricity at the EU level, firstly, to ensure a more regionally balanced development and, secondly, to enhance the EU competitiveness in the world market.

4 An overview of research dedicated on the effectiveness of public infrastructure *versus* private initiatives and its impact on regional development through production function can be found in a paper written by Rovolis and Spence (1998). See also Biehl (1986), Batten and Karlsson (1996), Banister and Berechman (2000) and Rietveld and Bruinsma (1998).

- There are no automatic economic or employment benefits from new transport projects.

Actually, some projects may even be harmful;

- For projects that produce economic benefits, the more economically deprived end of

the link may still experience greater economic costs than benefits;

- Cost benefit analysis as currently undertaken fails to elaborate the true economic impacts;
- The link between transport growth and economic growth can be broken and especially in the cases when charges (tools) are levied to correct market distortions.

Based on Goodwin's research it can be generally concluded that while taking an infrastructure investment it is incorrect to intuitively assume positive interaction with regional development.

For the future of the EU infrastructure projects, the EU (2002) has issued a revised edition of its guidance on the application of CBA to infrastructure projects that is more thoroughly requesting analysis, among other, upon impacts on regional development.

### 1.1. Complexity of Infrastructure and Development

As it was stated in the previous part, it is unequivocal that infrastructure has an impact on economic development. According to Padjen (1996) there are three theories that explore the relationship between infrastructure and development:

- Development through a surplus of infrastructure;
- Development through a deficit of infrastructure;
- Balanced development.

When infrastructure capacity is higher than production, it is assumed that infrastructure will have an initial and inductive role in economic development. The rationale behind this approach is that the existence of infrastructure is a prerequisite for the development of other activities. This concept is still used in less developed countries, as well as in Albania, which will be elaborated in the forthcoming parts. However, experience has shown that physical infrastructure, i.e. objects may guarantee economic development.

If economic growth is based on development, the growth of production, as a logical link a pressure to invest into new infrastructure, will be created. The idea is that production will speed up investments into infrastructure and create growth potentials. Of course, a minimum of existing infrastructure is requested. This approach is usually applied in developed countries.

Balanced development is focused on the idea that only the simultaneous development of infrastructure and production is sustainable, explaining that infrastructure is an integral part of production chain and its function is economic growth.

These theories also provide the framework for analyzing the link between the transport infrastructure development and regional development. We thereby proceed with reviewing the literature on indicators of transport infrastructure.

## 2. Transport Infrastructure

Transport infrastructure has a specific role in regional development. For a long time it was assumed that transport infrastructure has only a positive impact on regional development.

However, the role of transport infrastructure on regional development is evaluated through direct but also indirect effects, albeit whether they are positive or negative ones. Here, we only briefly discuss direct and indirect effects.

### 2.1. Direct Effects

Building of transport infrastructure directly influences transport costs<sup>5</sup>. These changes are followed by a decrease in fuel consumption, capital consumption as well as a decrease of the related compensations for employees. Changes are followed by changes in transport mode, transport route, time horizon and accessibility of movements within the region. (Ladavac,1999)

Reduction of transport costs combined with migration changes of households and business location leads to the increased productivity of the regions. Within households, decrease in travel times leads to the achievement of the same level of productivity but also consumption in a shorter time. It also stimulates elasticity relating to the migration process. Within the business sector, transport improvements lead to the effectiveness of production and positive impact on the 'just in time' principle. In the labour market, commuting time is significantly reduced.

Reduction of transport costs also leads to the increased accessibility of the region. Increased productivity and increased regional accessibility could impose an increase of economic activity. Vickerman (1991) summarizes such effects into two groups: 1. Objectively measured effects, reflecting changes in inputs and outputs of industries due to the changes in transport and 2. Subjective effects referring to changes in the perception of a region.

## 2.2. Indirect Effects

Indirect impact of building of transport infrastructure can be analyzed through changes of attractiveness of the monitored region, size of movement of goods and services and changes in the size of transport costs, i.e. changes in relative competitiveness of the regions. In addition to these changes, indirect effects also refer to changes in the environment, i.e. noise, air pollution, changes in the landscape, etc.

If the region is less developed, under indirect effects another two categories of impacts are considered; impacts on income and impacts on capacity.

*Impacts on income* are impacts derived from the time travel savings and reductions in vehicle operating costs, which directly influences the size of transportation costs. Within this category alone indirect benefits from the development changes within the region are considered, such as improvements from the building of new or improved existing infrastructure.

*Impacts on capacity* refer to the increase of regional production capacities. For example, increased transport capacity can increase the export potential of the monitored regions.

Within developed regions, changes in transport may bring only marginal benefits so transport improvements have the greatest impact when they remove a former bottleneck. (EC, 1996)

5. The traditional approach to the evaluation of the building of a new motorway usually focuses on reductions in journey times, increased safety and reduction in vehicle operating costs.

Nijkamp et al (2002) have summarized the basic effects of motorway building as shown in the following Table 1:

Table 1. Impacts of motorway building

Transport economics	Effects on environment and landscape	Effects on regional development
increased travel safety increased in journey travel increased in travel comfort  reduced operating costs lower maintenance cost user benefits	landscape air pollution water pollution  vibration change landscape conservation of nature Land development	development employment increase effects on trade, industry and tourism



Source: Nijkamp, P., Ubbels, B., Verhoef, E. (2002): "Transport Investment Appraisal and the Environment", Tinbergen Institute Discussion Paper TI 2002-104/3.

In 1996, the European Commission Directorate General for Transport issued a manual on methodologies for transport impact assessment that also includes impact on regional development (EC, 1996). According to this, APAS methodology (Action de Promotion, d'Accompagnement et Suivi et autres activités), impacts of transport infrastructure on regional development can be seen through:

- direct effects - analyzed through changes in employment,
- induced effects - changes in the accessibility character of a region, and
- catalyst effects - impact on other policy instruments.

All three effects are analyzed on different spatial levels, time framework and sectors

(see Table 2-4).

**Table 2 Socio-economic impacts of new motorway on different spatial levels**

	Local level	Regional level	National level
<b>Direct Effects</b>	Increased Employment in Construction Sector	Wide service sector employment due to multiplier effect	
<b>Induced Effects</b>	Increased office rents close to new interchanges	Decentralization of households into areas with enhanced accessibility	Increased competitiveness of firms because of reduced travel costs
<b>Catalyst Effects</b>	Increased business employment due to enhanced perception of		

Source: European Commission (1996): "APAS - Methodologies for transport impact assessment". Luxembourg: Office for Official Publications of the European Communities.

Table 3 Socio-economic impacts of new motorway at different temporal levels

	Short term	Medium term	Long term
Direct Effects	Increased Employment in Construction Sector		
Induced Effects	Some anticipatory relocation of households into improved corridors	Some agglomeration of firms close to interchanges	Further movements of firms and households, away from area due to congestion and high rents
Catalyst Effects	Additional employment in landscaping projects		

Source: European Commission (1996): "APAS - Methodologies for transport impact assessment". Luxembourg: Office for Official Publications of the European Communities.

Based on the APAS methodology, in the following part of the paper we will analyze the impact of the motorway construction on the regional development in the case of Albania.

### 3. An Albanian Case Study

Before 1990s Albania didn't use appraisal techniques to assess the impacts of transport infrastructure on development. In 1994, the first study on the social and economic impacts of motorway building in Albania was produced, while nine years later methods of capital budgeting for road building were systematized and obligatory applied in a project analysis. In 2003 a project called "Motorway Kukës- Morinë " was the first study that included indirect benefits assessment of its building, and it also investigated demographic and economic factors. Another important year was 2008 when a classification of rural and regional roads, based on RED (road economical decision) in Albania was produced by ADF in co-operation with Roughton Int company, and with the approval of the World Bank. In the following years, studies on the direct and indirect impacts of road building have become an integral part of technical documentation.

In 2009 the Albanian Development Fund and the Roughton Int, have produced a study on cost benefit analysis of 3000 km regional and rural roads, which also set up a framework for the implementation of them as model in Albania. Today, a revision of the CBA study has being made.

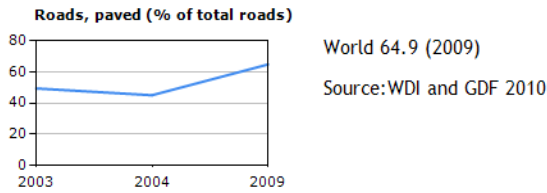
On gaining its independence, the Albanian transport system could be described as recuperated after 2005, being linked, but showing some maintained infrastructure problems.

**Fig. 1 Distribution Map of the regional and rural roads to be financed by WB, EIB, IBRD, OPEC, OFID, KfW, IPA and Albanian Government**



However, transport development strategies attitude towards the role of transport infrastructure, and in particular road infrastructure in the context of regional development, has significantly changed. Today, building of road infrastructure and transport policy in general is seen as a main factor for the cohesion of Albania territory, within European space. As an example, the action plan for motorway and regional roads building and their maintenance (Kukës Morinë 2009) are explicitly

proclaiming that intensive investments in building of motorway - regional roads network which are seen as the main factor that will improve territorial cohesion of Albania.



### 3.1 Kukes Morine Motorway

Since the end of the Kosovo War of 1999, hundreds of thousands of Albanians have passed through the poor old mountain road to get to Albania's beaches. Building a highway would "crystallize a year-round tourism industry and double the size of the Albanian market", while allowing both communities to rationalize agriculture. Travel times are expected to be lowered to two and a half hours or less, down from seven.

Once finalized, the project will link the Adriatic Sea with the Pan-European corridor X at the E80 near the town of Merdar between the contested Kosovo-Serbia border.

In 2009 the highway Kukes Morine were substantially completed. During summer 2011 the whole project was finished. It is expected that the motorway will become a toll highway to cover the costs of maintenance.

This road provides Kosovo with Albania and the Adriatic coast. It was also associated with a similar project in Kosovo, Merdare highway Vermicelli, currently under development.

Kukes is an important district on north- east of Albania, and Durres the most popular touristic place in Albania which has been used from Kosovo population, so a high quality transport network is a major priority.

The construction of the motorway has started in 2007. It is a four lane highway being built since 2007 by the American-Turkish consortium Bechtel-ENKA between Albania and Kosovo. At present, the highway starts at Thumane, Albania and ends at Duhel, Kosovo. Ultimately, the highway will start at Lezhe, Albania and end at the E75/Corridor X in Doljevac near Nis, Serbia as part of the South-East European Route 7. Once the Kosovo part of the project is completed, the motorway will link the Adriatic Sea ports of Durres and Shengjin in Albania with the Pan-European corridor X in Serbia through Pristina, Kosovo.

Dubbed the "patriotic highway," the project links Albanians in Kosovo and Albania, helping to boost cultural and economic ties. The project is Albania's largest in decades, costing 826 billion euros the highway and 280 billion euro the longest tunnel 5.6 km in Balkan, making travel and trade easier for the hundreds of thousands of Kosovo Albanians vacationing in Albania during the summer holidays and for business. It was projected for a 1500 vehicles to be loaded daily, but during the summer passed around 12 000 vehicles.

Generally, the motorway Kukes- Morine reduces the distance from many Kosovo towns to Albania. As the presented data reveal tourist did not come more to the region just because of the infrastructure improvement. In addition, when tourists make decisions about destinations, there are many different factors that might have impact on their choice. If we analyze only the recent years, the index of tourist arrivals from Belgium, Denmark, France, the Netherlands, countries that are quite far away from Albania, were higher than average; thereby we can conclude that the motorway had a positive impact on the tourism sector, particularly for tourists from distant countries. New roads also augment attractiveness of undiscovered country coast for neighbours primarily, Italian Slovenian, Czech, English tourists who come for one – two days<sup>11</sup>

11 For the more detailed research we need additional data that are not available at the moment.

Due to that situation I performed a small research on terrain and found that some mountain houses turned into hotels or restaurants are increasing their activity and in some villages inside Kukes, Tropoja town after the building of the motorway. However, since those data are not officially published and substantiated by the longer research studies, we consider them only as a preliminary confirmation of my assumptions, and not as firm evidence.

In my opinion, new infrastructure also increases the attractiveness of the entire county, because the prices of real estate on the coast have been growing approximately 8 % per year, while inside the region, the mentioned index was increased by 150% and more during last seven years. Although, many data which can prove the statement of the positive impact of the motorway on the Kukes Morine tourism sector are not official, we consider that there is an intensive and favorable relationship.

#### 4. Concluding Remarks

With a general assumption that building of motorway network has an impact on the region that is encompasses, the aim of this paper was to envisage to what extent this assumption can be validate in the Albania case.

We have chosen to analyze the case of motorway Kukes Morine, because effects of its construction are dominantly distributed on all touristic regions of Albania. Before motorway building, existing road network was such that there wasn't a good connection between cities in the County. However, during the summer there were severe congestion problems and, even more, problems regarding, long time of journey, security of pedestrians since the main regional road was going along the mountains, far away from tourist destinations of the Adriatic- Jon coast line and the Ports. In that context it was to build a new road – motorway, with the two main goals: the first shorten the distance and the time of the tourist to reach the Albanian coast and the second one to increase accessibility of other Eastern Country to stimulate the movement of vehicles by road to Durres seaport. Construction of the motorway has started with the project since in 2003 up to 2009-2011 170 km out of 170 kilometers have been built and put into operation. After a decade a general conclusion is that the building of the motorway Kukes- Morine has directly contributed to the reduction in the journey time and in that sense reduction in the vehicle operating costs. Regarding number of accidents it is also notable that building of the new motorway has contributed to the significant reduction in the number of accidents.

As our analysis has confirmed, and based on the APAS methodology, building of motorway has an impact on the employment and especially within the construction sector. Furthermore, a positive interaction related to better accessibility through motorway network and tourism is verified. There are also particular trends, such as a huge increase of real estate prices but it is very difficult to extract to which extent it is due to the perception of better transport accessibility or to the exceptional increase in demand.

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## Assessment of the Capital Structure and Cost of Capital Using Financial Indicators, the Case of Large Businesses in Albania

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### Abstract

*The assessment of capital cost and capital structure is a complex field of financial activities, integrating all long term decisions of financial funding. Difficulties arise especially when financial markets are not liquid, as in the case of Albania, in terms of a new market that is economically, politically, legally, and fiscally fragile. The purpose of this paper is to assess the capital structure and cost of capital for large businesses in Albania that have a 100% Albanian ownership. Financial analyzes are based on the 2013-2014 financial statements of 50 companies, within 5 most representative sectors of the economy. The performed analyzes are based on multivariate regressions and the application of financial formulas. According to estimates in Albania, it results that companies do not have an optimal structure of capital, and furthermore the diversification of capital structure is merely a theoretical concept. Therefore, businesses face a high cost of capital. Even their level of systemic risk "beta" ranks them with more risk. Consequently, these businesses will not be able to achieve exports of goods and services to compete in international markets.*

**Keywords:** optimal capital structure, cost of capital

**JEL classification codes:** C58, G12 and G32

### A. Introduction and literature review

The financial crisis of 2008 which included capital markets in developed economies initially in USA and Europe and then in other countries of the world, had major consequences not only in the global financial sector but also in the real economy. Even nowadays many countries still continue to suffer the consequences of this crisis. Many economic experts link the current economic crisis in Europe with the financial crisis of 2008-2009.

The first effects of financial crisis included the reduction of debt levels and consequently reduction of equity financing to businesses. This phenomenon led to the beginning of the economic recession in the USA, then Europe and worldwide. With the bankruptcy of several financial institutions like Lehman Brothers, many other financial institutions limited the volume of financing, increased control and coercive measures against debtors. Businesses began to experience the first significant financial constraints globally. Although the "Troubled Asset Relief Program" succeeded in preventing the growth of the financial crisis in USA, this program did not result as it was expected in increasing lending by financial institutions. In this context, many scholars of the financial crisis, such as Fosberg (2012), analyzed how the financial crisis of 2008 led to the reduction of emission of companies securities and reduction of loans (and other forms of borrowing) from financial institutions. But also due to the decrease in the market value of shares in the stock exchange, the capital structure ratio changed significantly, increasing the weight of debt and the financial risk of these companies. In these circumstances, many businesses experienced changes in capital structure, apart from the optimal structure of financial theories.

Finding the optimal level of capital structure means to achieve the goal of value maximization regarding risk and profits. In financial literature there is an open debate since the late 50-s to nowadays, whether there exists an optimal structure of capital. Those who think that there exists an optimal capital structure support the traditional theory, stating that the capital structure is optimal when the cost of capital is minimal. While objectors to this theory, started with Modigliani-Miller model in 1958, which will be analyzed below.

One of the most important financial and managerial challenges of a company is determining the optimal structure of capital, which in fact as any other financial optimization is a problem with many variables and conditioning (external macroeconomic factors and internal factors of the company). However it is accepted that in an economy, or branch of economy, the leading companies are those companies that have managed to optimize their capital structure and also to minimize the average cost of capital. If we analyze the economy, companies with higher performance and greater level of sets, performing as the best companies in the market for a long time, it is observed that they could managed to optimize their financial structure. Understandably, other companies in the market will want to follow these leaders or will tend to imitate them.

The relationship between capital structure and the company value was first observed by Modigliani and Miller (1958, 1963). Later studies on capital structure of companies were assessed by Leland and Pyle (1977), Rajan and Zingales (1995), La Porta, Lopez-de-Silanes, Shleifer and Vishny (1996, 1997, 1999), etc. Optimal capital structure means finding the debt ratio and equity ratio in order to maximize the company's value with minimal risk (Myers, 1984). Based on Modigliani-Miller model and by correcting the information asymmetry, Heinkel (1982) argued that the optimal levels and balance of capital structure are related to expectations of investors. However there are other factors affecting the capital structure, such as ownership of the managers in the company, etc. (Dewatripont and Triola, 1994). To analyze the determinants of capital structure, a comprehensive study was conducted by Rajan and Zingales (1995) who analyzed the panel data of companies for the period 1990-1996 in Canada, Denmark, Germany, Italy, Sweden, UK and USA. Models of these authors will be subject of analysis application for large businesses in Albania, further in this paper.

The benefits and risks of companies are treated in many dimensions and profiles. There are some financial indicators that make the analysis possible, such as: capital level, return on equity, earnings per share, operating profit margin, financial leverage and total leverage, etc. A significant indicator to determine the discount rate of the company's stocks is the financial indicator ROE ( $ROE = \text{Net profit} / \text{Average equity}$ ), (Velez-Pareja, 2000). It is also observed that there is a stable and statistically significant relationship between ROE and the discount rate of stocks for companies listed on the stock exchange (Hever, 2014). Assessing the profitability of shares listed on the stock exchange is based on the capital asset pricing model (CAPM), where the asset is evaluated based on the risk-return relationship (Traynor, 1961; Sharpe, Lintner 1964, 1965). The CAPM model application is impossible in countries that do not have capital markets or where the markets are not liquid (as the case of Albania). However, the ratio ROE is a good indicator of the discount rate valuation for stocks, in the absence of CAPM model application, (Hever, 2014). Many financial consultants in countries with developed financial markets initially refer to the ratio ROE as a comfortable and approximate method of assessment, to make estimates derived from CAPM model (Graham and Harvey, 2001).

The purpose of this study is to analyze the capital structure of Albanian companies and to assess the optimal level of capital cost in the private market in Albania. There are no previous quantitative studies of this field in our country. Our analysis will focus only on one financial reporting period (financial statements of one year) for companies with 100% Albanian capital and that do not offer financial services (bank, insurance company or financial institution are excluded from the study). The analysis includes 50 leading companies in the country, with the higher financial performance for the period 2013-2014 (Directorate General of Taxation in Albania, 2015). Companies are distributed in all major sectors of the economy and at the same time representing the real economy. This sampling represents 50 out of 830 large companies in Albania (6%); it is a very representative selection of companies with the highest potential of capital structure diversification in the market. At the same time, by finding the optimal capital structure of our selection and by evaluating the capital cost, we can indicate the level of wealth maximization that the Albanian market offers for the investors.

## B. Methodology and data

Initially in this paper we will present the techniques and analysis of linear regression model building to assess the relationship of several independent variables that are indicative of the financial performance and structure of companies in our research, determining the debt ratio of companies as the dependent variable. So the analysis will start with finding statistically significant variables in the model:

$$y = b_0 + b_1 \cdot x_1 + b_2 \cdot x_2 + \dots + b_n \cdot x_n + \varepsilon$$

The model includes the indicators as following:

y = the dependent variable (in our paper we have only one independent variable which is the debt ratio).

$x_i$  = is the independent variable for  $i = 1, 2, \dots, n$  are financial indicators of companies that will be explained further in this study.

$b_i$  = model parameters, or coefficients of independent variables in the model, for  $i = 1, 2, \dots, n$  (in our regression analysis the change in dependent variable  $\Delta y$  is explained with regard to coefficients  $b_i$ , under "ceteris paribus" assumption).

$\varepsilon$  = regression residual or error term, is the only variable that is not provided and must be stochastic.

To evaluate the parameters  $b_i$ , we will use the usual method of least squares (Gujarati, 2004), minimizing any error term:

$$\min \left\{ \sum_i^n (y_i - \hat{y}_i)^2 \right\} = \min \left\{ \sum_i^n (\varepsilon_i)^2 \right\} \quad \text{observations } i = 1, 2, \dots, n$$

The observed value of the dependent variable is  $y_i$ , whereas  $\hat{y}_i$  is the value of the dependent variable obtained from the regression.

The following financial analysis to assess the rate of return that will be used to discount gains on equity in the developed capital markets is based on the capital asset pricing model (CAPM). According to this model, the expected return (or discount) rate of a financial asset " $k_i$ " is given by the formula:

$$k_i = r_F + \beta[r_M - r_F]$$

- Beta " $\beta$ " represents the level of systematic risk (that can't be diversified by the composition of financial securities in a portfolio of securities, for the market  $\beta = 1$ ).

-  $r_F$  is the risk free rate, in the case of Albania we have used the interest rates of treasury bills with maturity of 12 months, (but according to Hever (2014), the risk-free interest rate is based on the treasury bond rate). However, in our study we have taken account of treasury bills with a maturity of 12 months, as this is the rate applied in indexing titles and financial contracts elsewhere in the country (as treasury bonds with variable coupon, interest rates on loans, etc. ).

-  $r_M$  is the rate of return on market. In this study, the market rate is expressed as the level of the average ROE, in the absence of a stock exchange market in the country (return on equity rate from 2013 to 2014 has a value of 18%).

The last step of the analysis coincides with estimating the cost of capital for companies included in the study. WACC formula in this case is explained as follows (Gitman and ZUTTER, 2010):

$$WACC = W_E \cdot K_E + W_D \cdot (1 - t) \cdot K_D$$

$W_E$  - the weight of equity in the company's total capital.

$W_D$  - the weight of debt component in the company's capital structure.

$K_E$  - the discount rate of capital of the company, in our study we have considered the financial rate ROE.

$K_D$  - the cost of debt for the company which is calculated as: rate of treasury bill with maturity of 12 months + credit risk premium = 3.415% + 5.55% = 8.965%.

$t$  - the rate of income tax to businesses in Albania, which is currently 15%.

The analyzed data in this study are financial data derived from financial statements of 50 companies with 100% Albanian capital, which resulted in 2013-2014 as companies with the highest level of sales. Additional data are taken from World Bank and the Bank of Albania publications. Companies taken into account operate in sectors of the economy, such as retail, petroleum, industry, construction, energy, transport and telecommunications. The variables included in the model of optimal structure evaluation are integrated financial indicators. We have presented a summary table reflecting the description of these variables and the authors who support the presence of these financial indicators in assessing the optimal capital structure.

### C. Variables and their meaning



In the following table we have summarized the financial indicators of companies and their relation with the optimal capital structure, by explaining the meaning of the ratio and the expected direction of the relationship according to financial theories of Yinghong Chen and Klaus Hammes (2003), Gitman and Zutter, and other authors as follows:

Table 1: Interpretation of capital structure variables

Code	Financial Indicator	The formula of financial indicator and its interpretation	Expected direction	References (authors)
BV	Book value = (Total Gross Debt)/(Total Assets)	Known as the debt ratio, this indicator of the company's capital structure measures the company's financial risk. In our model, this indicator will be used as the dependent variable.		Ross & Westerfield & Jaffe (2002)
T	Tangibility = (Net fix Assets/Total Assets)	This indicator retains the value of the company, since non-fixed assets such as goodwill can easily lose value, whereas fixed assets are more stable (specifically when the company is in financial difficulty). Fixed assets are part of a long-term investment.	Positive relation "+"	Harris & Raviv (1990)
P	Profitability = (EBIT/Total Assets)	This indicator measures the level of profit before interest and tax, standardized in relation to the company's assets. Mayers (1977) states that companies prefer the retained earnings more than debt and stock issuance, to finance their investments. According to this argument it is very important to analyze this indicator in the capital structure.	Negative relation "-"	Rajan & Zingales (1995) Fama & French (2012)
R	Risk = Standard Deviation (EBIT)/Average (EBIT)	EBIT = earnings before interest and tax. It is measured as an average of the market for financial time series data. This indicator measures the risk of business activity.	Positive relation "+"	Rajan & Zingales (1995)
G	Growth = (Total Assets – Equity + Market Value of Shares)/ Total Assets	This indicator is also a form of external growth and market valuation for the company, which significantly affects the structure of the company. In countries like Albania with no stock exchange, market value of shares is impossible to assess.	Negative relation "-"	Rajan & Zingales (1995)
S	Size = Ln(sales) or Ln(assets)	It is an indicator used to measure the company size. It serves to analyze the relationship between the size of the business and its risk level. The larger the company size, the lower the business risk level. Small companies can't afford to be financed with bonds and other alternative forms of financing, so they are limited in changes of capital structure.	Positive relation "+"	Titman & Wessels (1988) Whited (2012) Rajan & Zingales (1995)

Source: Literature review from the authors

According to econometric analysis for the panel data of at least 5 year series (quarterly data), the authors as referred in the above table, agree that the determination of optimal capital structure is obtained by the regression equation:

$$BV = b_0 + b_1 * T + b_2 * P + b_3 * R + b_4 * G + b_5 * S + \epsilon$$

The "Risk" variable is analyzed as a time series variable, but in our study the analyzed data are dashboard. So the financial risk variable will be replaced with the degree of financial leverage (Gitman and ZUTTER, 2010). Degree of financial leverage  $DFL = EBIT / [EBIT - Interest - (dividends) / (1 - tax\ profit)]$ .

#### D. Analysis of optimal capital structure



The capital structure of companies is a complex area of financial activities. Capital structure integrates all long-term financing decisions. In this context, the capital structure is influenced by many variables, especially in countries like Albania. The main factors that hinder or limit this calculation are as follows:

Firstly, finding the optimal capital structure means solving a problem of optimization with many variables and conditions. In the mathematical context, it is a difficult and delicate procedure of expressing reality in equations and functions.

Secondly, data taken into analysis are in the framework of the business's financial statements. The profitability of the companies in Albania has been and continuous to be affected by the economic informality and tax evasion, this factor increases the error margin during the calculation of values.

Thirdly, data of companies in Albania are only those taken from the financial statements; meaning they are static data with a periodicity of one year (lacking a dynamic measurement). In Albania the stock exchange is still non-existent, so the companies can't be quoted in the market.

Fourth, after 1990 Albania transitioned into free economy and free trade development (before 1990 Albania was part of the communist regime). Businesses in Albania are new and continue to experience market entry phase or lack specialized management and specific departments to consider diversification of capital structure.

Finally, as a result of a non developed market, the alternatives for financing companies are limited in Albania. This includes the business financing culture; most companies find credible only the banking sector. On the other hand the legal infrastructure has often been an obstacle to the development of new financing instruments.

Taking into account these limitations deriving from real factors of the Albanian economy, we have used the EViews 7 program and built a regression equation to calculate debt ratio (capital structure), as follows:

Table 2. Statistical assessment of capital structure parameters

Model's variables	Quantitative parameters of the model
Dependent variable:	BV
Independent variable:	
Coefficient = $b_0$	0.496373
DFL	0.020159
P	-1.874070*
S	0.017928
T	-0.595703*
Coefficient of determination $R^2$	63.79%

Source: Authors' calculations in Eviews 7.

The "\*" index indicates that the regression coefficients are statistically significant at  $p < 5\%$  based on t-test and the statistical significance is also determined at this level according to F test. The coefficient of determination of the variables is 63.78%, and the multiple regression equation is:

$$BV = 0.496373 + 0.020159 \cdot DFL - 1.874070 \cdot P + 0.017928 \cdot S - 0.595703 \cdot T + \epsilon$$

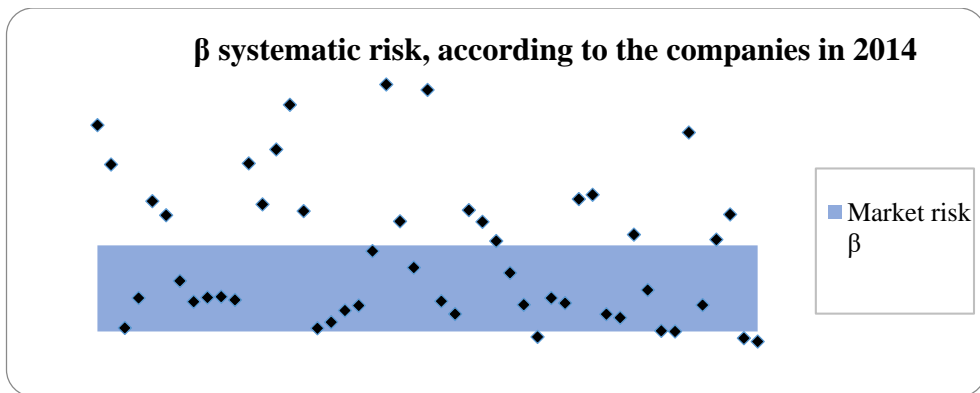
The parameters of this model are statistically significant and demonstrate a negative relationship between the capital structure of the company with the profitability indicators and the sustainability of value. According to many authors, there is a positive relationship between capital structure and the sustainability of value (Net fix Assets/Total Assets), which is adverse to the relationship identified for the Albanian companies. This is mostly related to the lack of equilibrium in using the long term financing sources by companies.

### C. Analysis of the optimal cost of capital (WACC)

We have analysed 50 leading companies in Albania and based on calculations, we found out that the rate of return on equity is 18%, which will be used as the market return of their shares for the year 2014 (as long as there is no stock exchange in this country and consequently the CAPM model cannot be used). Based on data published by the World Bank and the Bank of Albania, the rate of the Albanian Treasury Bills with 12 months maturity in 2014 was 3.415%. This value represents the risk-free rate in the economy. According to the CAPM model formula, for each company we can calculate an approximate value of their systematic risk in the market:

$$k_i = r_F + \beta_i[r_M - r_F] \Rightarrow \beta_i = \frac{k_i - r_F}{r_M - r_F}$$

We obtained diffused results from calculations and if we compare the systemic risks of these companies to the market risk ( $\beta = 1$ ), we obtain the distribution shown in *Figure 1* below:



Source: Authors' calculations in Excel

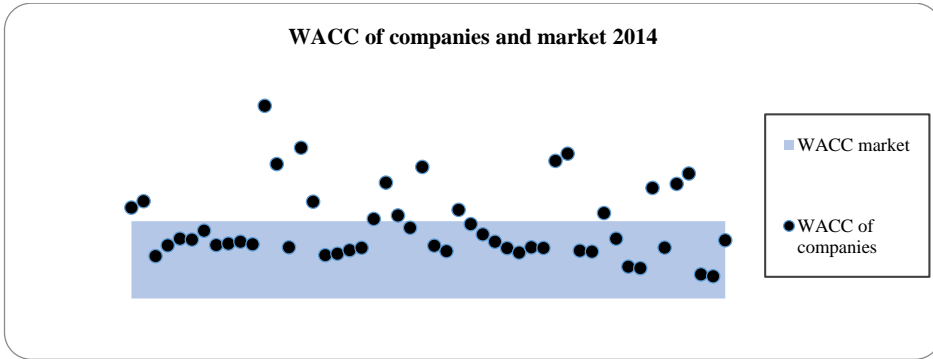
*Figure 1. The heterogeneity of  $\beta$  risk*

Although the sample obtained in the study refers to 50 companies with the highest performance (the highest level of annual sales for 2013-2014), 28 from these companies have the beta coefficient of their return on equity smaller than the beta of the market, meaning that some of the companies have continued following economic and financial strategies used in the past and have not undertaken any risks to change. Nevertheless this is an expected result as the market is represented only by these 50 companies. The most obvious element identified in the above figure is the high level of diffusion of "beta" parameter, which means that the analysed companies demonstrate different attitudes towards the relation risk-return, although being the leaders in the market. This indicates that companies do not have an optimal capital structure, or the capital structure of businesses in Albania is influenced not only by market forces, but rather by internal factors of the company (financial and managerial).

Based on the debt ratio of our study sample, the average capital structure of all companies is composed by 60% debt and 40% equity. Now let's analyze the cost of capital of companies taking into account this capital structure:

$$WACC = 0.4 \cdot 18\% + 0.6 \cdot (1 - 0.15) \cdot 8.965\% \approx 11.77\%$$

The calculations indicate that businesses in Albania face a cost of capital from 8.965% to 18%, depending on the capital structure. If we analyse each company individually, we obtain a distribution of WACC as given in *Figure 2* below:



Source: Authors' calculations in Excel

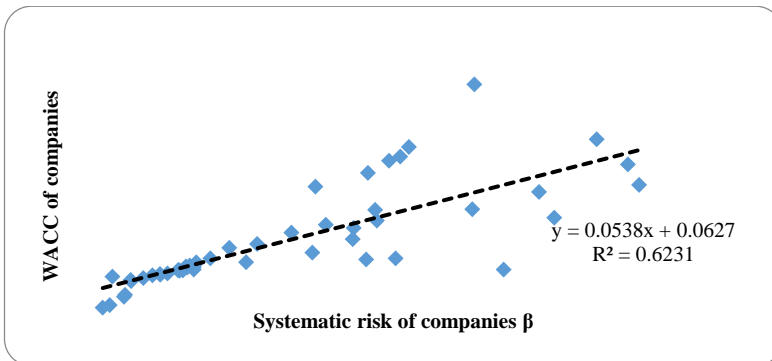
Figure 2. The heterogeneity of WACC

The graph shows that businesses in Albania face different costs of capital. This refers to two main reasons:

- *First*, different sectors of the economy have different costs of capital, but in our analysis we have grouped all the companies into 5 sectors, which does not justify such distribution.
- *Second*, the different distribution of the values of the capital costs of the companies shows that companies either do not have an optimal capital structure, or the capital structure of business in Albania does not demonstrate a model of optimisation. So, businesses are mostly oriented in accomplishing the traditional financing principle of profit maximization and not value maximization. The diversification of the capital structure is not subject of valuation by businesses or it is evaluated in short-term periods.

If we compare the degree of heterogeneity shown in Figure 1 and Figure 2, we can conclude that the cost of capital is characterized by a more regular behavior than systematic risk  $\beta$ . This emphasizes again the fact that the financial policies of businesses in Albania are mostly oriented to costs minimization or profits maximization, and do not consider the risk. Because of the lack of interrelation between risk and return in the Albanian market, the hypothesis that the capital structure of business in Albania is optimal, it is indirectly rejected.

We can better understand if the capital structure is diversified or not by referring to the Figure 3 given below, based on systematic risk assessment of companies and their WACC:



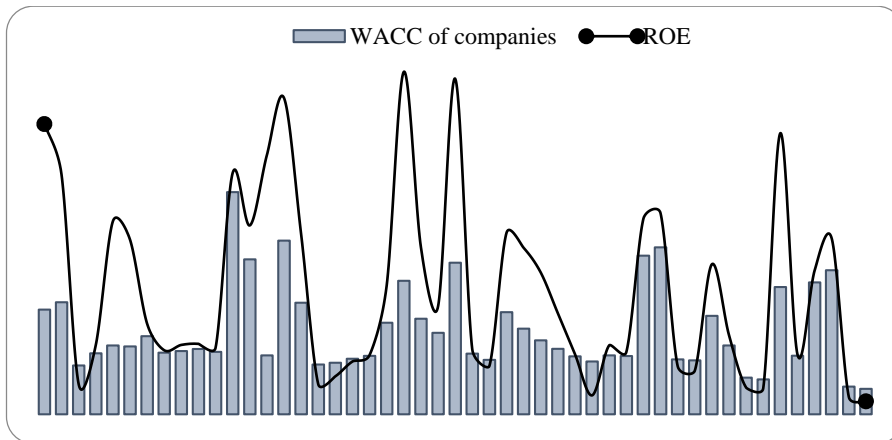
Source: Authors. calculations in Excel

Figure 3. Correlative analysis of the WACC

Figure 3 reflects an interesting effect in the relationship of WACC with the  $\beta$  risk, which are positively correlated. The coefficient of determination is 62.3%, almost to the same extent with the coefficient of determination of the regression of the optimal capital structure. These parameters can be used as a guide to the financial managers of Albanian large companies in calculation of capital structure.

All the above financial and graphical analysis emphasize the fact that the Albanian companies do not have an optimal capital structure, therefore they cannot be competitive in the market in the long-term, and they are unable to export goods and services to compete in international markets. This shows that companies financed 100% by Albanian capital are destined to operate locally.

However, if companies in Albania have not achieved the objective of value maximization (explained by the capital structure), then the question that arises is: have they fulfilled the objective of profit maximization? The answer to this question will initially be provided by the Figure 4:



Source: Authors' calculations in Excel

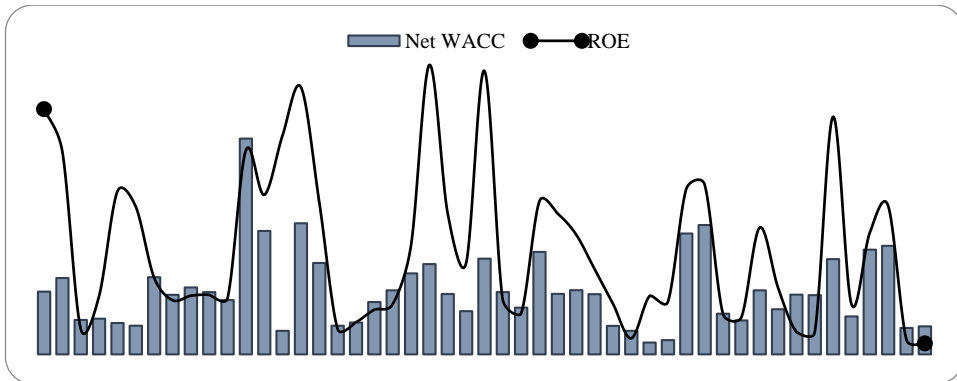
Figure 4. Cost-Benefit analysis of the companies.

We can see from the Figure 4 that half of the companies included in this study, although being considered with high financial performance (based on the level of annual sales), continue to have a cost of capital higher than the return on equity. This shows that profit maximization is not achieved, since many of the surveyed companies do not add capital value to their business. This phenomenon will lead to financial difficulties or financing restrictions in future, meaning that their long-term financial strategies are not working. This demonstrates that the domestic market has substantial business development problems and businesses face high costs associated with them. The diversification of the capital structure and its cost remain just a theoretical concept for these businesses. In such conditions, the needs for financial advice, financial specialization, separation of ownership and management are emergent action that should be undertaken. We should also mention some important factors which have significant effects on values of the Figure 4: the existence of the informal financial data, the development of not profitable projects by companies, or the lack of analysis on granting concessions from the Government of Albania to private enterprises.

Financing decisions of Albanian businesses are also oriented towards the use of short-term financial sources, such as: suppliers, payments in advance from customers, etc. Companies do not pay costs for these funding sources; therefore we should eliminate them from our analysis of capital structure. In this case, the debt ratio of our sample will change to 45%. Referring to this structure, we can calculate the cost of capital as follows:

$$WACC = 0.4 \cdot 18\% + 0.45 \cdot (1 - 0.15) \cdot 8.965\% \approx 10.63\%$$

As we can see, the value of the adjusted WACC (Net WACC) in this case is reduced, meaning that the internal cost of capital structure of large companies in Albania is lower than the cost calculated based on the debt ratio.



Source: Authors' calculations in Excel

Figure 5. Analysis of adjusted WACC and ROE of companies.

Referring to the above figure, we see an improved relationship WACC-ROE (compared to Figure 4), which gives a more realistic view of the market. Consequently we suggest that the 10.63% is the appropriate cost of capital rate that can be used by companies in Albanian market to discount future budgeted cash flows. On the other hand, the banking sector should accept to finance those projects with future financial benefits above Net WACC value.

#### D. Conclusions

The analysis of the capital structure and capital cost evaluation is very complex, especially for companies operating in undeveloped financial markets. In this paper we aimed to establish a clear methodology which can be applied for the financial evaluation of the cost of capital in the Albanian market. Due to a number of restrictions mostly related to the lack of a stock exchange in the country, we have conducted the analysis considering a certain margin of error.

Most of businesses in Albania, especially large businesses, have been developed during the last 20 year and still continue their operations in conditions of a fragile economic, political, fiscal and social market. The capital structure of the Albanian businesses is not optimal, due to:

- The lack of separation of ownership and management at companies' level;
- The restrictions of business financing from the banking sector,
- The alternation of financial and investment sources,
- The impact of creditors in business control and monitoring,
- The asset structure and the economic value sustainability,
- The economic life of companies and the need for additional debt financing,
- The level of profitability and profit reinvestment in the business, etc.

We have assessed the financial reports of the largest companies in Albania, financed by local capital, and established the model for the evaluation of optimal capital structure. The parameters of this model are statistically significant and show a negative relationship between the capital structure of the company with the profitability indicators and the sustainability of value. The correlation analysis indicates also the lack of equilibrium in using long-term financing sources by the Albanian businesses.

We have also performed analysis in the context of systematic risk, and found out that large companies in Albania are characterized by a high heterogeneity of "beta" indicator, which means that companies demonstrate different attitudes in the relation risk-return, although being the leaders in the market. Meanwhile, this emphasizes that these businesses do not have an optimal capital structure. This conclusion is also supported by the calculated values of the cost of capital, which provide additional evidence that Albanian businesses are mostly oriented towards the accomplishment of the traditional objective of profit maximization instead of value maximization, and that the diversification of capital structure is merely a theoretical concept.

Bazuar në lidhjen korrelative të kostos së kapitalit me riskun sistematik në tregjet shqiptare, hipoteza që struktura e kapitalit të bizneseve të mëdha në Shqipëri është në kushte optimale, bie poshtë. Rrjedhimisht këta biznese nuk janë në pozita konkurruese afatgjata në treg dhe të afta të realizojnë eksporte të të mirave dhe shërbimeve për të konkurruar në tregjet ndërkombëtare. Kjo tregon që vizioni financiar i bizneseve me pronësi 100% shqiptare është e destinuar për të qenë kompani me shtrirje lokale.

Based on the correlative relationship between the cost of capital and the systematic risk in Albanian market, the hypothesis that the capital structure of business in Albania is optimal, it is rejected. Consequently these businesses cannot be competitive in the market in the long-term, and are unable to export goods and services to compete in international markets. This shows that companies with 100% Albanian capital are destined to operate locally.

The cost of capital of the Albanian companies is about 11% according to the numerical analysis done (the value is adjusted referring to the characteristics of the Albanian market). This value is often higher than the return on equity of the companies, meaning that the profit maximization has not been achieved. Based on these results, we conclude that Albanian businesses face serious problems related to their capital structure.

After all these numerical findings, we suggest the financial managers of the companies financed by Albanian capital to use these parameters in determination of the optimal capital structure and in financial policies decision-making. Other actions that should be undertaken by the companies are the separation of ownership and management and the consultancy with financial experts. On the other hand, the creditors of such businesses should be more focused on providing financial analysis on the debtor's projects when applying for funds. Considering all the findings of this study, which can be used by financial advisors, policymakers, etc., we conclude that businesses in Albania face high levels of the cost of capital.

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## Factors Affecting the Profitability of Insurance Companies in Albania

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### Abstract

*Good performance of a company determines the position of the company in its market and the growth and consolidation of the market, giving as result the development of the economy as a whole. The importance of this topic further enhanced when dealing with insurance companies because: 1) insurance companies' transfers risk in the economy 2) provide a mechanism to promote savings 3) promote investment activities. The growing importance of insurance companies in Albania and the importance of profitability as one of the key performance metrics of a company are the reasons why we decide to write this paper. The variation of profits between insurance companies over the years, within a country, leads to believe that internal factors play a major role in determining profitability. We have taken under study the impact of growth rate, liabilities, liquidity, fixed assets, volume of capital and company size on the profitability of insurance companies. The methodology used is based on quantitative methods and the data are provided by reliable sources such as annual reports of insurance companies<sup>1</sup>, FSA<sup>1</sup> reports and NRC<sup>2</sup>. We have taken under study 7 companies, including non-life and life insurance companies, from 2008-2013. The results of the paper show that factors such as growth rate, liabilities, liquidity and fixed assets are the main factors affecting the profitability of insurers, where the growth rate is positively associated with profitability, while liabilities, liquidity and fixed assets are negatively correlated. Company size and the volume of capital are positively correlated with the profitability of insurance companies<sup>1</sup>, but their impact is statistically insignificant.*

**Keywords:** Insurance, profitability, correlation

### Introduction

It is necessary that insurance companies operate with profitability, so that the whole system can get the required development, taking into consideration the structure of the financial system in our country and the challenges faced by the insurance companies during the process of the development and consolidation of the financial nonbank system. Measuring the financial performance of the insurance market and the factors affecting its performance is a very interesting topic, theoretically and practically, to financial researches and to insurers. Profitability is one of the most important objectives of financial management, since one of the main tasks and goals of financial management is to increase shareholders wealth. At this point profitability is one of the main determinants of the performance of a company (Malik, 2011)

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1 Financial Supervisory Authority  
2 National Registration Center



**Which are the factors affecting the profitability of the insurance market in Albania** is the main question of this paper. Factors, which might affect the profitability of insurance companies, can be internal or external factors. This paper will focus on the impact of internal factors in the profitability of the insurance market, in order to try to determinate how factors depending upon insurance companies' decision affect their own profitability.

The second question, which will be raised in this paper, is **how these factors affect the profitability of companies operating in the insurance market**. The answer to this question cannot be given only through logical reasoning, but it requires a quantitative assessment by building a suitable model for this purpose. Finding reasonable answers to these questions is the focus of this paper. The answer to these questions and arguments to these answers together with the recommendations in this paper are intended to provide a clear framework of factors affecting the profitability of insurance companies.

## LITERATURE REVIEW

### The role and the importance of insurance companies in the economy

Recent research (Naveed, Zulfqar, & Ahmad, 2011) have shown that the efficiency of financial intermediaries and risk transfer, may affect economic growth, while at the same time the lack of their solvability lead to systemic crisis, which bring adverse consequences for the whole economy. In this way, we can say that today's business world would be unstable, without financial institutions like insurance companies. That because on one hand, it is a normal phenomenon that some business units are surplus and some are in deficit and on the other hand, businesses do not have the capacity to assume all risks with which they face in the uncertain environment in which they operate.

Renbao Chen (Chen & Wong, 2004) stated that high profits provide both the tools (bigger availability of funds), and the incentive for new investment (higher rate of return). Insurance companies have a dual responsibility, they must be profitable in order to be able to make new investments and they must be profitable in order to have the necessary solvability to convert other parts of the economy in previous state after the occurrence of damage.

### Factors affecting the profitability of insurance companies

The variation of profits between insurance companies over the years, within a country, leads to believe that internal factors or specific factors of a firm play a major role in determining profitability. Authors like Sylwester Kozak in Poland (2011), Jay Angoff Roger Brown in the United States (2007), Al-Shami in UAE (2013), Swiss Re in Egypt (2008), etc. have studied the factors that influence profitability of non-life insurance company. Other authors like Adams, Hardwick of Zou in the UK (2008), Sandra Liang in Canada (2007), Wright in United States (1992) etc. have studied the factors affecting the profitability of life insurance companies. Most of these researchers, as for life insurance companies, as well as for non-life insurance company, focus on internal factors, where most used factors are the company age, company size, liabilities ratio, the volume of capital, fixed assets and liquidity ratio.

### The company size

The company size can be expressed by many variables such as number of employees, number of branches, or total assets. Most researchers of the field use total assets to express the size of the company (Omondi & Muturi, 2013); (Burca & Batrinca, 2014); (Al-Shami, 2013); (Swiss Re, 2008); (Çekrezi, 2015); (Malik, 2011). The size of the company is considered as an influential factor because it shows that larger companies are better positioned in the market, operate with economies of scale, and thus enjoy higher benefits (Flamini, McDonald, & Schumacher, 2015). Most studies conclude that there is a statistically significant positive correlation between the size of the company and its profitability, expressed by ROA (Swiss Re, 2008); (Malik, 2011); (Al-Shami, 2013). However, there are discussions about the optimal size of the company, which positively affects profitability. A growth in assets that extends an optimal ratio may have negative effects, due to increased bureaucracy (Yuqi, 2007)

## Liquidity

Liquidity for insurance companies shows the ability of insurers to pay current liabilities, which have the nature of operating expenses or payment of compensation in case of damage. For the insurer primary sources of liquidity are cash flow from net premiums, investment returns and liquidation of assets (Chen & Wong, 2004). Most studies in this field treat liquidity as a factor affecting profitability, representing it by the current ratio (current assets / current liabilities). Regarding the relationship between liquidity and profitability of insurance companies, the results of different studies have been different. Some studies have concluded that there is a statistically insignificant link between liquidity and profitability for insurance companies (Naveed, Zulfqar, & Ahmad, 2011) while other studies suggest that there are statistically significant negative links between liquidity and profitability of the insurer (Chen & Wong, 2004).

## Liabilities

Total liabilities are the sum of borrowed funds, used to finance the operation of a company. Researchers use ratio of liabilities to equity, to express this factor in analyzing the impact of liabilities on the profitability of insurance companies. Taking into account the effect of financial leverage, i.e. the use of debt to increase benefits, we must assume a positive relationship between liabilities and profitability. Companies driven to the use of liabilities due to tax incentives. Theories of optimal capital structures indicate that profitability increases as the level of debts increase to the optimal ratio and then falls if the debts continue to grow beyond this point. Increasing debts beyond a certain point, increase company risks and depreciate company value (Chen & Wong, 2004). However, studies related to this topic (Omondi & Muturi, 2013); (Burca & Batrinca, 2014); (Chen & Wong, 2004); (Malik, 2011) show that there is a statistically significant negative relation between liabilities and profitability of insurance companies. Titman and Wessels (1988) concluded that there was a statistically significant negative relation between the profitability of insurance companies in the US and the level of liabilities. We explained this conclusion by the fact that the theories of capital structure argue that insurance companies with high rates of liabilities have lower ROA, but higher ROE (Harrington, 2005)

## The volume of capital

The capital of a company is expressed by the basic accounting equation as the difference between total assets with total liabilities. In studies related to factors affecting the profitability of insurance companies, the size of capital as a factor is represented by the ratio of shareholder equity to total assets, but this factor can be expressed by the carrying amount of capital insurance companies. These studies have shown that there is a statistically significant positive relation between the volume of capital insurance companies with their profitability, expressed by ROA (Al-Shami, 2013); (Malik, 2011).

## Fixed assets

Fixed assets are represented by the ratio between fixed assets to total assets. Results of various studies on the impact of fixed assets in the profitability of insurance companies have been contradictory. Hifza Malik (2011) in his study of the factors affecting the profitability of insurance companies in Pakistan in 2011 shows that there is a statistically significant relationship between fixed assets and profitability of companies. He argues that due to the fact that the greater the weight of fixed assets in total assets, the greater is the insurance company, profitability will be even greater. However, a study conducted in the UK by Yuqi Li (2007) shows that there is no statistically significant relationship between fixed assets and profitability of insurance companies.

## The growth rate of the company.

The growth rate for companies are generally expressed through the change in percentage of total assets of the company from year to year. In particular, for insurance companies growth rate expresses the percentage change in the total amounts of signed premiums from insurance companies. Studies related to these field show that there is a statistically significant positive correlation between the growth rate of the company and its profitability (Malik, 2011); (Yuqi, 2007); (Curak, Pepur, & Poposki, 2011). It is also argued about the fact that a company always has to increase its resources to have a better performance, and consequently to be more profitable. However, the relationship between the growth rate of the company and its profitability may not be positive, as it is expected to be, because in some cases, a greater growth rate could expose an insurance company to a higher risk and that means that the company needs to increase its technical reserves (Burca & Batrinca, 2014).

## Factors analysis and results

In this section, we present the analysis of factors affecting the profitability of insurance companies in Albania. These factors are subject to descriptive and correlation analysis. The conducted tests and their results are shown below.

### Descriptive analysis

The following table shows descriptive statistics for the factors affecting the profitability of insurance companies, as well as for the profitability itself, represented by ROA.

**Table 1: Descriptive analysis**

	Fixed assets	Liabilities	Company size	Volume of capital	Liquidity	Growth rate	ROA
<b>Average</b>	0.125827	1.305064	21.57140	20.78488	6.337284	0.135458	-0.002638
<b>Median</b>	0.123355	1.132017	21.32095	20.46779	5.662618	0.133821	0.020224
<b>Max</b>	0.412115	3.462019	23.06227	22.02148	27.82843	0.743296	0.081380
<b>Min</b>	0.022285	0.353759	20.28591	19.80254	0.440913	-0.173673	-0.500410
<b>Standard Deviation</b>	0.099577	0.789245	0.884033	0.811577	6.530994	0.184907	0.106779
<b>Number of observations</b>	29	29	29	29	29	22	28

Source: Generated from e-Views7

Over the past 5 years, the average rate of the profitability of insurance companies in our country has been (0.003%) with a standard deviation of 0.1%. These data indicate that there is a moderate variation between the profitability of insurance companies taken into study. Table 1 also presents data on the average, median, maximum and minimum value and standard deviation. Overall fixed assets of 0.12 indicates that fixed assets comprise on average 12% of the total assets of insurance companies in the study. Standard deviation of 0.099 indicates that the variation of fixed assets between companies is moderate. The average 1.31 on liabilities shows that insurance companies' liabilities taken under study exceed by 1.31 times companies capital. Standard deviation of 0.78 indicates that there is significant variation among the companies surveyed for this factor. The factor company size has an average of 21.57, which means that the total assets of the companies under consideration is on average 2.3 billion ALL and the standard deviation of 0.88 indicates that there is significant variation between companies in the study related to this factor. The volume of capital has an average of 20.78, indicating that the average volume of insurance companies' capital is 1.06 billion ALL and the standard deviation of 0.81 indicates that this factor has a significant variation between companies in the study. Liquidity factor has an average of 6.34, which shows that short-term liabilities can be paid three times from current assets. Standard deviation of 6.53 indicates that there is a high variation among insurance companies to this factor. Growth rate has an average of 0.14, which shows that the total premiums of the insurance companies taken under study have increased by 14% over the period 2008- 2014. Standard deviation of 0.18 shows that exist a sensitive variation among companies related to this factor.

### Correlation analysis

Pearson correlation indicates the strength and the nature of the linear relationship between two variables. The correlation coefficient takes values between -1 and 1. Below is shown the table of correlation between ROA (dependent factor) and independent factors

**Table 2: Correlation between ROA and independent factors**

	Fixed assets	Liabilities	Company size	Volume of capital	Liquidity	Growth rate	ROA
Fixed assets	1.000000	-0.265591	-0.290740	-0.201964	-0.054042	0.493112	-0.041875
Liabilities	-0.265591	1.000000	0.225706	-0.086315	-0.690919	-0.453095	-0.597070
Company size	-0.290740	0.225706	1.000000	0.950119	-0.467403	-0.151585	0.168505
Volume of capital	-0.201964	-0.086315	0.950119	1.000000	-0.245335	-0.002019	0.352124
Liquidity	-0.054042	-0.690919	-0.467403	-0.245335	1.000000	0.179353	0.239642
Growth rate	0.493112	-0.453095	-0.151585	0.352124	0.179353	1.000000	0.383001
ROA	-0.041875	-0.597070	0.168505	0.376661	0.239642	0.383001	1.000000

Source: Generated from E-Views7

The table above shows that there is a negative correlation between liabilities and fixed assets with profitability and that there is a positive correlation between company size, volume of capital, growth rate and liquidity with profitability. From the table above, we realize that there is a strong negative relation between liabilities and ROA, where the correlation coefficients is respectively (0.59). The correlation coefficient of 0.38 indicates that there is a significant positive correlation between ROA and the growth rate. It is important to notice that there is a strong positive relationship between two of the independent variables such as company size and the volume of capital, showed by the correlation coefficient of 0.95. This relationship can be explained by the fact that total assets represent the company size and the volume of capital is represented by the difference between total assets and total liabilities. A significant correlation between independent variables exist even between liquidity and growth rate (0.45), as well as between liquidity and liabilities (-0.47). Below, we will test the relationship between dependent variables and ROA, through student statistics (statistics t) and the level of significance (probability p)

**H1: There is a positive relationship between company size and the profitability of insurance companies in Albania**

**Table 3: Correlation between company size and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Company size	0.153604	0.695190	0.4949

Source: Generated from E-Views7

From the table above we can see that there is a positive relationship between company size and profitability. Even though statistics t and profitability p show that this relationship is not significant

**H2: There is a positive relationship between the volume of capital and the profitability of insurance companies in Albania.**

**Table 4: Correlation between the volume of capital and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Volume of capital	0.376661	1.818400	0.0840

Source: Generated from E-views7

The coefficient correlation shows that there is a strong, positive relationship between the volume of capital and profitability. With a reliability coefficient of 15%, this relationship is statistically significant, which means that we accept hypotheses 2 as true.

**H3: There is a negative relationship between liabilities and profitability of insurance companies in Albania**

**Table 5: Correlation between Liabilities and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Liabilities	-0.676004	-4.102575	0.0006

Source: Generated from E-views7

Statistics t and probability p show that there a significant negative relationship between liabilities and profitability. As a result, we accept hypotheses 3 to be true. The coefficient correlation of (0.597) shows that there is as strong relationship between these two factors.

**H4: There is a positive relationship between fixed assets and profitability of insurance companies in Albania.**

**Table 6: Correlation between fixed assets and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Fixed assets	-0.180412	-0.820286	0.4217

Source: Generated from E-views7

Statistics t and probability p show that the relationship between fixed assets and the profitability of insurance companies is not statistically significant. We cannot accept hypotheses 4.

**H5: There is a negative relationship between liquidity and profitability of insurance companies in Albania**

**Table 7: Correlation between liquidity and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Liquidity	-0.505287	-2.618588	0.0165

Source: Generated from E-views7

The coefficient correlation of 0.24 shows that the relationship between liquidity and profitability is positive, but not significant. This result means that we cannot accept hypotheses 5.

**H6: There is a positive relationship between growth rate and profitability of insurance companies in Albania**

**Table 8: Correlation between growth rate and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Growth rate	-0.693335	-4.302831	0.0003

Source: Generated from E-views7

The table above shows that the relationship between growth rate and ROA is positive and strong, with a correlation coefficient of 0.38. Statistics t and probability p show that this positive relationship is statistically significant. We accept hypotheses 8 as true.

### Discussion of results

Descriptive analysis showed that the average profitability of insurance companies surveyed for the period 2008- 2013 was -0.3%. Insurance companies in Albania operate with an negative average profitability, at a time where maximum profitability for the period does not go further than 8% and where the minimum profitability for the period was -50%, a very negative result. On the other hand, the standard deviation of 0.1 indicates that the variation in profitability among the Albanian insurance companies in the study is moderate, so we do not expect significant differences between their profitability. The main reason for this result is that the insurance market in Albania is still underdeveloped, modest and concentrated on compulsory insurance (Sharku & Bajrami, 2008). The insurance market in our country still suffers from phenomena such

as unfair competition, pricing below cost to artificially boost companies market share, the administrative costs for the legal process are too high, marketing abuses, which express their influence on the negative performance of insurers profitability (Petraj, 2013).

#### ***Size company impact on profitability of insurance companies in Albania***

Correlation analysis showed that company size factor had a positive impact, however insignificant in the profitability of insurance companies in our country. Other international studies on the impact of company size on the profitability of companies in general have also reached the same result or outcome that the impact of the size of the company is negatively related to profitability (Niresh & Velnampy, 2014); (Velnampy & Nimalathasan, 2010). One explanation for this result is the fact that financial sector companies, which include insurance companies, are less affected by the size of the company in their profitability, compared to industrial companies. However, the conclusion reached by the study is consistent by the results reached by Çekrezi (2015) on the impact of company size on the profitability of insurance companies in Albania

#### ***Volume of capital impact on profitability of insurance companies in Albania***

Correlation analysis showed that the volume of capital had a positive statistically significant impact on the profitability of insurance companies in our country. Regression analysis confirmed the positive nature of the relationship between the volume of capital and ROA, but it resulted in statistically irrelevant links. The early hypothesis of the paper was that the capital has a positive impact on the profitability of insurance companies, as a greater capital enables insurance companies to seize opportunities quickly and react quickly in case of loss. We can say that the impact of the volume of capital factor in the profitability of insurance companies could be subject to macroeconomic factors specific to each country, which are not considered in this study

#### ***Liabilities impact on profitability of insurance companies in Albania***

The result of correlation analysis showed that there is a statistically significant negative relationship between liabilities and profitability of insurance companies in our country. Result is consistent with the hypothesis raised at the beginning of the paper. Correlation analysis showed that the relationship between liability and insurance companies in our country in the study was a strong negative correlation coefficient of -0.6. The findings coincide with the results of international studies about the impact factor in profitability liabilities of insurance companies as (Chen & Wong, 2004); (Malik, 2011); (Burca & Batrinca, 2014); (Onaolapo & Kajola, 2010); (Titman & Wessels, 1988).

#### ***Fixed assets impact on profitability of insurance companies in Albania***

Correlation analysis showed that the link between fixed assets and profitability of insurance companies was a weak, with a correlation coefficient of (0.04), but negative. Regression analysis also showed that an increase in fixed assets variable brings a decline in the profitability of insurance companies. The result achieved rejects the hypothesis raised at the beginning of the paper. However, the above result is in accordance with the results achieved by Yuqi Li (Yuqi, 2007). The reason for this result can be explained by the fact that the increase in fixed assets beyond an optimal level does not affect positively the profitability of a company (Yuqi, 2007).

#### ***Liquidity impact on profitability of insurance companies in Albania***

The result of regression analysis confirmed the hypothesis raised at the beginning of the paper, so there is a statistically significant negative correlation between the profitability of insurance companies in our country and their profitability. The reason for this result is explained by the fact that the greater is the current ratio (through which represented liquidity) the smaller is the profitability (Chen & Wong, 2004), as funds held in the form of liquidity can be invested and ensure higher profitability (Chen & Wong, 2004).

#### ***Growth rate impact on profitability of insurance companies***

The result of correlation analysis showed that the impact of the growth rate of the insurance companies in their profitability is positive and statistically significant. This result agrees hypothesis raised at the beginning of the paper, where we

assumed that there was a positive correlation between the growth rate and profitability of insurance companies. The result is explained that by the idea that by collecting more premiums insurance companies provide more funds to carry out investment, have more capacity to respond to complaints in case of damage, manage to increase their market share, which reflected positively on profitability. The above conclusion is also consistent with the conclusions reached by international scholars (Malik, 2011); (Yuqi, 2007); (Naveed, Zulfqar, & Ahmad, 2011) about the impact of the rate of growth in the profitability of insurers.

## Recommendation

In accordance with the results of the study carried out in this paper, we can give the following recommendations:

Albanian insurance companies operate with a negative average profitability. Taking in consideration the nature of influence of the above factors on the profitability of insurance companies it is recommended that:

- Insurance companies in our country should avoid the very high levels of debts, as they have a negative impact on their profitability. On the other hand, high levels of debts could lead to bankruptcy due to inability to pay these liabilities.
- The negative impact of liquidity on the profitability of insurance companies leads to the recommendation that the optimal level of liquidity holding is an important issue for financial decision-making insurance companies. They must find a balance between the need to keep funds in the form of liquidity to pay their short-term liabilities and those that may engage in investment.
- The growth rate of insurance companies, reflecting the change in the level of gross premiums from one year to another, has a positive impact on the profitability of insurance companies. However, the increase in premiums must be accompanied by investing capacity, providing suitable products for both businesses and individuals, education and advice to the public about the importance of insurance, whether mandatory or voluntary, and not through price competition between companies operating in the market.
- Fixed assets negative have a negatively impact on the profitability of insurance companies, so insurers should not hold high levels of fixed assets. Insurance companies, as if financial institutions do not need many fixed assets, so they should be prudent in relation to the level of fixed assets.

This paper took under study 6 internal variables to explain the profitability of insurance companies in our country. Including other variables external nature and would enrich the macroeconomic framework of the paper and will give a complete view of factors that affect the profitability of insurance companies, which operate in our country.

## Further research

In a further study, we will discuss about the implications of the above mention factors in a multiple regression model with panel data, in order to determine the nature of influence of these factors on the profitability of insurance companies in Albania. The regression model helps on understanding how changes on independent factors, in our case growth rate, volume of capital, company size, liquidity, liabilities and fixed assets, affects profitability of insurance companies. This way, we can give suitable recommendation for the improvement of profitability of insurance companies in our country.

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## Strategies for Prevention: Mental Health Nurse Burnout and Stress

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### Abstract

*The aim of this critical review was to identify prevention strategies that may be effective in the reduction of stress and burnout among mental health nurses. Diminished staff wellbeing, due to high levels of stress and burnout, has significant consequences at both the individual and the service level. Therefore, identifying effective prevention strategies may be beneficial in raising recruitment of mental health nurses, in prolonging retention, and may also have a positive impact on patient care. A search of the literature was undertaken utilising selected systematic review techniques, which identified seven articles as suitable for review. The results of the review found that three main prevention strategies were being utilised: clinical supervision, psychosocial intervention and social support. While all these strategies had the aim of minimising or preventing stress and/or burnout, they were all somewhat different in their focus and in their outcome measures. This factor, coupled with the paucity of high quality randomised intervention studies, makes it difficult to draw definitive conclusions concerning which intervention is most effective. The best currently available evidence suggests that prolonged clinical supervision is probably the best of the three options for the reduction of stress and burnout among mental health nurses, given the lack of high quality evidence and the magnitude and potential impact of this problem.*

**Keywords:** Prevention, Stress, Burnout, Mental Health Nursing

### Introduction

Employee stress and burnout commonly lead to myriad health-related problems that result in significant organizational consequences. Stress-related physical illnesses include heart disease, migraines, hypertension, irritable bowel syndrome, muscle, back and joint pain, duodenal ulcers, and mental health problems such as anxiety, depression, insomnia, and feelings of inadequacy, all of which can directly contribute toward absenteeism, decreased work performance, and ultimately, burnout. Nurses, en countering ongoing stress, are also more likely to eat poorly, smoke cigarettes, and abuse alcohol and drugs, all of which can lead to negative health conditions affecting personal well-being and subsequently, the quality and efficacy of patient care<sup>1</sup>.

The consequences of these conditions can have a significant impact on individual nurses and the ability to accomplish tasks; specifically, poor decision making, lack of concentration, apathy, decreased motivation, and anxiety may impair job performance, possibly resulting in lethal threats to patient safety. In addition, absenteeism due to stress-related problems requires the administrative use of unplanned and expensive replacement staff from agencies, or mandatory overtime for staff nurses, which further contributes toward an environment of stress and burnout. Interpersonal difficulties commonly stemming from stressful situations may compromise group cohesion, thus impacting the efficient functioning of the complex work units within the health care organization, and ultimately adding work to the already over-burdened middle and senior management teams.

When base staffing levels are low, due to high attrition rates, hospitals are forced to increase use of overtime or contract personnel. These labor costs are "forced costs" and generally are higher since they are of a staffing crisis intervention nature rather than a negotiated or strategically planned expense. With the current national situation of greater demand than

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1 Barling, J. *Drowning not waving: Burnout and mental health nursing*. *Contemporary Nurse*, (2001) 11(2-3), 247-259.

supply of nurses, stress-related attrition simply adds greater labor costs to health care organizations, which are not recoverable from private or public insurance sources, and threatens safe patient care.

Low job satisfaction, controversial issues related to mandatory overtime, and poor staffing patterns create a ready culture for unionization. Consequently, additional costs to organizations will be incurred to deal with the union representatives, convene educational and public-hearing and community-relations related meetings, as well as manage the related distraction from the routine daily business of patient care. Union nurses are more willing to decline overtime and schedule changes to accommodate organizational demands resulting in less flexibility in staffing plans and more use of unplanned and expensive replacement staff from agencies. As such, interventions to prevent stress and burnout and retain nurses are critically necessary to ensure efficient and quality patient care and to potentially save hospital organizations billions of dollars annually<sup>1</sup>.

### Clinical Supervision

Clinical supervision is a formal process of professional support and learning (Edwards et al., 2006, p. 1008). Edwards et al. (2006) conducted a study to assess the effectiveness of clinical supervision involving Community Mental Health Nurses (CMHNs) working in eleven National Health Service (NHS) Trusts in Wales. The authors found that out of 260 respondents surveyed, 73 per cent ( $n = 189$ ) had experienced six or more sessions of clinical supervision in their present position (p.1011). Significantly lower levels of emotional exhaustion and depersonalisation were reported among CMHNs who had received six sessions or more of clinical supervision. The authors of this study believe that this indicates a potential correlation between clinical supervision and a reduction in burnout rates. They also found that CMHNs who were younger, male and who had not experienced six or more sessions of clinical supervision showed higher depersonalisation scores<sup>2</sup>.

However, as the response rate was only 32 per cent of the CMHN's population within Wales, it is unlikely that the participants in this study were a representative sample. Another study by Hyrkas (2005), in which participants who had undergone a minimum of six months clinical supervision were surveyed, found similar results to Edwards et al. (2006) in terms of factors that influenced the effectiveness of the clinical supervision. Young, male nurses with a varied shift roster showed the least response to clinical supervision and least improvement in burnout scores (Edwards et al., 2006, p. 1012; Hyrkas, 2005, p. 540). This similarity in findings highlights a possible correlation between gender, age, the duration of clinical supervision, and its effectiveness, especially considering the fact that Hyrkas (2005) had an 85 per cent ( $n = 569$ ) response rate across 14 sites, representing a wide geographical and professional spread (p. 540). A survey of mental health nurses, by White and Roche (2006) and the critical review by Edwards and Burnard (2003) also found that clinical supervision had a positive effect on the levels of stress and overall sense of well being experienced by mental health nurses. The three studies reviewed by Edwards and Burnard (2003) in their systematic review found that one year of clinical supervision significantly decreased the self-reported stress levels of mental health nurses. Furthermore, each of those studies had bias possibilities identified, limitations clearly defined and high response rates (average 82 per cent), thus supporting the findings of Edwards and Burnard (2003, p. 194). However, the survey conducted by White and Roche (2006) had a very low response rate of 21.2 per cent ( $n = 601$ ), of which only one third had received clinical supervision for one year on a fortnightly or monthly basis, for between one and two hours per session. Nevertheless, of the respondents who did receive clinical supervision, 65 per cent self reported via questionnaire that they felt more developed professionally and personally, and hence felt less stressed (White & Roche, 2006, p. 213).

### Psychosocial Interventions

Psychosocial intervention (PSI) training aims to assist nurses to view patients' problems in a more empathetic way, whilst providing them with the skills required to intervene effectively in problematic situations (Edwards & Burnard, 2003, p. 193). Some typical components of PSIs are relapse prevention, cognitive behavioural therapy and family interventions (Doyle,

1 Ewers, P., Bradshaw, T., McGovern, J., & Ewers, B. *Does training in psychosocial interventions reduce burnout rates in forensic nurses?* (2002) *Journal of Advanced Nursing*, 37(5), 470-476.

2 Edwards, D., & Burnard, P. *A systematic review of stress and stress management interventions for mental health nurses.* (2003) *Journal of Advanced Nursing*, 42(2), 169-200.

Kelly, Clarke and Braynion, 2007, p. 16). The studies conducted by Doyle et al. (2007) and Ewers, Bradshaw, McGovern and Ewers (2002) examined the impact of PSI training on burnout rates in mental health nurses. Ewers et al. (2002) found that after completing the 20-day PSI training course there were significant positive changes, with the control group showing very little change (Ewers et al., 2002, p. 474). For example, in the intervention group, emotional exhaustion scores decreased by an average of three points and depersonalisation by four points, with personal achievement showing an average increase of four points when measured post-PSI training (Ewers et al., 2002, p. 475). Although these results indicated a correlation between PSI training and a reduction in burnout, the small sample size and potential bias, due to the principal researcher working in the secure unit, delivering most of the training and collecting the data, need to be taken into account when drawing conclusions from the results (Ewers et al., 2002, p. 475).

Doyle et al. (2007) conducted a similar study to Ewers et al. (2002), with participants representing all areas and disciplines being selected randomly and then allocated to either a control or training group. However, the same positive effects on burnout did not occur when PSI training was implemented, with no significant variation between the control and training groups in pre and post-testing (Doyle et al., 2007, p. 18). This difference in findings could have been due to the shorter intervention duration in the latter study, or that the Ewers et al. (2002) study sample incorporated both unqualified and qualified staff. Another possible reason is that Doyle et al. (2007) did not have the same representation of gender within each group that Ewers et al. (2002) did. Furthermore, both the studies used sample sizes of fewer than thirty participants, which is another reason to view these findings with caution.

### **Social Support**

Jenkins and Elliot (2004) conducted a study in which a convenience sample of nursing staff from eleven acute adult mental health wards at four hospitals in London were assessed to identify the impact of social support on burnout. Social support was defined for the purpose of the study as support from co-workers, supervisors, spouse/partner, relatives and friends. The social support intervention involved substantial assistance and help with either a work task or emotional situation, such as listening sympathetically or the action of caring<sup>1</sup>. This study found a significant inverse correlation between co-worker support and MBI emotional exhaustion scores. Furthermore, support from supervisors was only half as effective in reducing emotional exhaustion as that from coworkers, with support from friends/relatives and spouse/ partner showing no significant change in emotional exhaustion scores. These significant differences in outcomes depending on who was delivering the support are notable. They could possibly be attributed to the fact that co-workers are more equipped to deal with work-related problems than people who are more distant from the real life context that mental health nurses are experiencing, or who are (in the case of supervisors) generally less accessible (Jenkins & Elliott, 2004, p. 628). However, due to the low response rate of 39 per cent, the use of convenience sampling and self-selection, the findings may not be representative and therefore no definitive statements can yet be made about the relationship between social support and the levels of burnout in mental health nurses (Jenkins & Elliott, 2004, p. 628). In addition, the reviews by Edwards and Burnard (2003) found that social support programs offered no significant advantage in the reduction of burnout. Moreover, a test six months after the intervention found that emotional exhaustion scores had returned to pre-intervention levels, highlighting an obvious need for social support to be ongoing in order to maintain effectiveness (Edwards & Burnard, 2003, p. 191).

### **Discussion**

The research into strategies to reduce the stress and burnout being experienced by mental health nurses focuses on three main interventions: clinical supervision, psychosocial interventions and social support. The findings of the studies in this area are conflicting. This is in no small measure due to the fact that interventions, while fitting into broad categorical definitions, differ significantly in the nature of their specifics, their duration, and in the use of both comparison groups and pre and post-testing. The research, apart from a few exceptions, is also characterised by low response rates, so it is difficult to conclude definitively that any one of the interventions is more effective.

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1 Tully, A. *Stress, sources of stress and ways of coping among psychiatric nursing students* (2004). *Journal of Psychiatric & Mental Health Nursing*, 11(1), 43-7.

However, some findings are suggestive. Of all three interventions, long duration clinical supervision currently has the best available evidence in support of its effectiveness. In order to establish better evidence for this, more studies need to be conducted to assess the exact length, delivery type and content of clinical supervision that is most beneficial. PSI training showed mixed results for reducing burnout. Therefore it would be reasonable to conclude at present that burnout in mental health nurses cannot be addressed effectively by implementing courses of this type until such time as further studies can be undertaken. The relationship between coworker support and reduced emotional exhaustion indicates that peer social (but not supervisor or family) support could also be influential in alleviating some of the effects of occupational stress, but again the lack of a body of research in this area makes it difficult to draw definitive conclusions about the effectiveness of this intervention.

All of the studies assessed for this review, except for Hyrkas (2005), used convenience sampling to select participants, thus raising the possibility of selection bias. This could operate in two ways. Participants could have chosen to participate as a way of making their feelings known or due to feeling particularly stressed or burnt out, which may have lead to inflated levels of reported stress or burnout. An alternative possibility is that the most stressed or burnt out nurses may have felt too exhausted and dissatisfied to participate, resulting in an underestimation of the real trends. Furthermore, the variance and lack of standardisation in sample sizes, duration of interventions and assessment tools used in the studies all contribute to problems with rigour and ability to generalize from the reported outcomes.

## Conclusion

The most effective strategies for reducing the prevalence of stress and burnout in mental health nurses are yet to be identified. The complexity of the issue, with different clinical environments, different interventions and different outcome measures, makes it difficult to identify a single clearly effective strategy or set of strategies. Given these factors, and the relatively small volume of research in the area, it may be some time before this can be done. Further studies in the area need to address the identified areas of methodological deficiency, particularly lack of defined specificity for interventions and small non-randomly selected sample sizes.. Until these gaps in the evidence are addressed, the current best available evidence is that prolonged clinical supervision may be effective in alleviating the effects of stress and burnout for mental health nurses, and is the best option that we have at present for addressing this significant problem in mental health nursing practice.

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## Comparability of Limitation, Deprivation and Termination of Parental Responsibility in Kosovo and in Some Balkans States

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Kosovo

### Abstract

*The parental right shall regulate the relationships between parents and children as well as other persons of kin. The characteristics of this right shall be the various elements which are very important in accomplishment of relations between parents and children. In this paper we will be focused on limitation, deprivation and termination of parental responsibility. Even that the importance of elements comprising the parental responsibility is undisputed, our focus has derived as a consequence of the importance and sensitivity that these elements have in contrary to the other elements comprising the parental right. Limitation of the parental responsibility comes due to the abuse of children by their parents. In such cases the parents shall be limited to parental responsibility to that time limit such a situation lasts. Deprivation of parental responsibility may come as a consequence of parents, behaviors from which the personality or property of the children is at a high danger. Parents with such behaviors that endanger seriously the personality or property of children shall be deprived from the parental responsibility. Termination of parental responsibility happens in certain cases based on which the parents shall not be any more responsible for their children after there have been fulfilled the conditions foreseen by the Law. With the positive legislations of some countries included in this paper there have been determined expressively the cases of termination of parental responsibility. It is important to mention that not all countries have determined, in their Laws, the matter of termination of parental responsibility that makes the discussion of this paper more distinctive.*

**Keywords:** Parental responsibility, right, parent, child, limitation, deprivation, termination

### Introduction

The parental right shall be an important part of judicial system in Kosovo. Hence, we have decided to treat this matter.

Study object of this paper shall be the limitation, deprivation and termination of parental responsibility. Moreover, a special attention will be given to the causes of limitation of parental responsibility from which there shall be noticed the cause this responsibility may be limited from. Furthermore, attention will be given even to the causes based on which the parental responsibility shall be deprived, as well as rights and duties of parents during the period of deprivation of parental responsibility. A detailed treatment will be over the cases of termination of parental responsibility.

The purpose of treatment of these elements, between the legislation of Kosovo and legislations of some Balkans countries shall be the identification of similarities and differences between the positive legislation in Kosovo and legislations of the above mentioned countries.

### Limitation of Parental Right

The parental right may be limited if the parents behave without responsibility, abuse the parental right, endanger the personality, rights and interests of children.

Exercise of parental right should always be done in the interest of the child, but there is not always respected such a rule by the parents. In various cases, parents may act in that manner that will violate the general interest of children and endanger their welfare. State institutions should undertake all measures of protecting the children's interest and in such circumstances they should interfere proportionally in the created situation. Convention on the Rights of the Child determines the obligation of the state to undertake all legislative, administrative, social and educational measures for protection of the child in any form of physical or mental violation, insult or mistreatment, during the time he/she is under the custody of his/her parents or legal representative or any trusted persons (CRCH, 19). In Kosovo, the custodian body shall be obliged to

supervise the exercise of the parental rights and obligations. In cases when this body ascertains that there has been endangered the interest of child due to the abuse of parental right, or any danger to the child due to serious negligence of parental obligations, it shall be obliged to undertake urgent measures for protection of the child's personality, rights and interests (FLK, 147, Gashi&Aliu&Vokshi, 2012, 341). The matter of limitation of the parental right is regulated even by the Family Law in Serbia. However, unlike Kosovo Law, the Family Law in Serbia (79) determines more in details the supervision of the parental right by the custodian body, since there have been determined the prevention and correction actions regarding the exercise of parental right by custodian body. Supervision of the exercise of parental right by the Custodian Body, as in Kosovo, is conducted even in Montenegro, since Montenegro by Family Law (80) has determined similarly the competence of the Custodian Body to supervision of exercise of parental right. However, Croatia in the exercise of supervision of this right differs from Kosovo, Montenegro and Serbia. Family Law in Croatia (109) determines that the competent body to exercise the supervision of parental care shall be the Social Welfare Centre. Furthermore, unlike the above mentioned countries, Croatia, by this Law, has determined even the prevention and correction measures regarding the supervision of parental care.

Based on the comparative research regarding the exercise of supervision of parental care, it is proved that Kosovo, Croatia, Serbia and Montenegro have regulated institutionally the exercise of supervision of parental care.

It is important to emphasize that Albania has not determined the competence of the Institution on supervision of parental care which may be considered as a gap of Albanian legislation in regulating this matter.

If from the supervision of exercise of parental care by the respective institutions there is ascertained that the parental rights have been exercised and continue to be exercised in the damage to the child's interest then there shall be initiated the procedure at the court in order that the court shall, by a decision, limit the parents to exercise the parental rights and obligations, when there is ascertained that this will impact positively the interest of children (Podvorica, 2006, 192). Limitation or deprivation of the parental right may come into consideration in case the parents express negligence in the care of their children, as well as when they do not prohibit their child in conducting bad actions which will damage him/her seriously (Garber, 2010, 216).

There are two types of parents' rights and obligations for children that may be limited

a) Limitation of the rights and obligations against the personality of the child, b) Limitation of the rights and obligations against the property of the children (Podvorica, 2006, 192).

A) Limitation of the rights and obligations against the personality of the child – shall mean the limitation of those rights exclusively related to the personality of the child. With this kind of limitation of the rights, the parents are limited only to the rights related to the personality of the children but not the rights related to the property of the children (Podvorica, 2006, 192). In the case when there is ascertained that there is impinged the personality of the child, the custodian body shall undertake these measures with the purpose of avoiding the created situations that cause danger for children: a) giving remarks to the parents, b) continuous supervision of the exercise of parental right, c) taking away the child from the parent (Aliu & Gashi, 2007, 236).

B) Limitation of the rights and obligation towards the property of the children

Unlike the first case when then the rights of parents shall be limited only to the personality of the child, in the second case we have to do with the limitation of the rights of parents toward the property of their children. In such cases the parents shall be limited to the rights related to the property of their children due to mismanagement of the property of the children. Limitation of these rights may be done to one or to both parents. Kosovo, has regulated, by the Family Law (134), the matter of care for the property of the children by their parents as well as it has determined that parents should administer the property of their children in the right way. If there comes a point of misuse of the property of the children then the competent bodies shall take measures by which there shall be limited the rights of the parents towards the property of their children. Custodian Body or court may require from the parent to report regarding the administration of the property of the children, require that there shall be permitted the insurance means for the property of the parent from the court, require that the parent, in the aspect of administrating the property of the child, to be equalized with the position of custodian that means the parent shall be obliged only to administer the property of the child (Podvorica, 2006, 195). All these cases have been determined by the lawmaker with the purpose of establishment of legal security regarding the personality and property of the children as the most sensible part of society.



### **Causes of Limitation of the Parental Right**

Causes of limitation of the parental right shall be those circumstances, the existence of which causes the limitation of the parental right.

Limitation of parental right may be conducted by the competent bodies in those cases when there is impinged or damaged the interest of the child. Limitation of this right may be done only in certain cases when the undertaking of actions is necessary for the welfare of the children and when the interest of the children requires so.

Causes which may lead to the limitation of the parental right may be of various kinds. There are causes that may lead to the limitation of the parental right towards personality of the child and causes which may lead to the limitation of the parental right towards to the property of the child. Causes, the existence of which leads to the limitation of the rights and obligations of the parents towards personality of the children, shall be actions that endanger and damage the personality of the children and for this reason there shall be taken measures by which there are avoided such actions that are not in favour of the general interest of the child. Convention on the Rights of the Child has determined the obligation on the undertaking of all measures on protection of the child from every form of physical and mental violation, insult or ill-treatment, abandonment or negligence; actions which have a negative impact to the personality of the child, during the period of time he/she is under the care of his/her parents or one of his/her parents, legal representative or trusted person (CRCH, 19). Hence, according to this Convention the causes that may limit the exercise of the parental right towards the personality of the child shall be the physical and mental violence, insult and ill-treatment of the child as well as other actions. Kosovo has, as well, determined that when there is ascertained that there has been endangered the interest of the child due to abuse of the parental right, or any danger for the child, the Custodian Body should, with the purpose of avoiding such situations, undertake urgent measures for the protection of the personality, rights and interests of the child (FLK, 147, Gashi&Aliu&Vokshi, 2012, 341). In such cases, causes shall be considered parents' actions or non-actions from which there is damaged or endangered the personality and property of the children. Parents, by their actions, except the danger to the personality of their children may endanger or damage even the property of their children.

Moreover, the serious abuse with the children and exercise of violence against them by which there may be caused trauma with serious consequences that may have reflections to children from fear and anxiety experienced by the exercise of the violence by their parents may bring the situation up to the deprivation or limitation of the parental right (Brown & Alexander, 2007, 39).

In those cases when the actions of the parents are of that kind that cause damages or such actions may damage the property of the children there may happen the limitation of the parental right towards property of the children. Limitation of the parental right towards the property of their children shall be done in those cases when there are causes such as bad administration of the property of their children from which there is the danger and damage to that property. Administration of the property of the children by their parents shall be a right and obligation entitled to them until their children reach the adulthood. There may happen that during the administration of the property, the parents undertake actions that cause damages or endanger the property of the children. These actions are causes, the existence of which makes possible the limitation of the parental right towards the property of the children. Causes may also be actions or non-actions of one or both parents. If only one parent has undertaken such actions, then the parental right shall be limited only towards that parent who through his/her actions has caused damage or has endangered the property of his/her children, while if those actions that have caused damage or have endangered the property of the children have been conducted by both parents, in these cases the limitation of the parental right towards the property of the children shall be done for both parents.

### **DEPRIVATION OF THE PARENTAL RESPONSIBILITY**

The parental right shall be the right entitled to the parents; that right should be exercised only in favour and interest of children. However, in various cases there can happen that this right is exercised wrongly from which there will be seriously damaged or endangered the interests of children. Deprivation of parental right shall be the most serious measure that shall be imposed to parents who misuse the rights and obligations towards their children. In cases when parents cause violence against children, there shall be imposed measures which will prohibit parents to approach the victim, in this case children (LPADV, Article 5). Because of the high importance of the protection of children's rights, the deprivation of parental right



may be done only in cases foreseen by the Law, and for this reason this matter has been regulated in details by a legal framework. In Kosovo, the parental right may be deprived in cases when the parent misuses the parental responsibility or expresses serious carelessness in exercising that right (FLK, 149, Gashi&Aliu&Vokshi, 2012, 347). Moreover, similar to Kosovo, this matter is regulated even in Croatia (FLC, 111, 112, 113, 114, 115), Serbia (FLS, 81, 82), Montenegro (FLM, 87, 88, 89), Albania (FCRA, 228, 229) and Macedonia (LFRM, 90) where there has been expressively emphasized that the parental right may be deprived when the parents misuse or express serious carelessness in the exercise the parental right. The parental right may be deprived by the court with the decision to the parent who does not fulfil the rights and obligations towards his/her children (GCC, Book 1, 1. 266).

Deprivation of the parental right shall be done by the competent court decision when there exist certain reasons foreseen by the Law (LOCP, 107). The court may decide on deprivation of the parental right for one or all children, depending on the infringement of the interests of children. The court shall take the decision when ascertains that the parents have violated or infringed the rights of children, but it is important to mention that there are cases when the court does not take decision towards parents that are not guilty for the outrage of the rights of children, for example the parents that have no ability to act, or parents due to physical disabilities are not able to take care after their children (Begeja, 221, Podvoria, 2006, 197). Even if the court takes a decision by which there is deprived the parental right towards children, that court decision can not dismiss them even from the obligation for the food of children (Begeja, 221). Here we can ascertain that even when parents are deprived from the parental right, they are not deprived from the obligation for the food for their children. Cases for which there can be initiated the procedure for deprivation of parental right, the states of the region have almost the same regulation as this one. However, there are differences at the entities that may initiate the procedure. In Kosovo (FLK, 150.1, Gashi&Aliu&Vokshi, 2012, 350) the entities that can initiate the procedure for this matter shall be the other parent, custodian body and the court. Even by the Family Law in Serbia, there is determined that the initiation of the procedure for deprivation of the parental right may be carried out by the parent, custodian body and the court. In Albania (FCRA, 228), the initiation of the procedure may be carried out by parent, relatives of the child and prosecutor. However, in Montenegro there is determined the initiation of the procedure on the abovementioned matters may be carried out by the parent, child, social affairs centre and the court upon official duty. While in Croatia, the initiation of the procedure for the deprivation of the parental right may be carried out by the parent, child, social affairs centre and the court upon official duty. From this comparison we can ascertain that this matter is regulated at best by the Family Law in Kosovo and the Family Law in Serbia taking into consideration their legal determination regarding this matter, since we should take into account that such a legal determination shall establish a greater legal security in relation to the concrete case.

#### Causes of deprivation of parental responsibility

In cases defined by the Law, when the exercise of the parental right is not in the interest of children there may be deprived this right. However, this may be done only for causes determined by the Law. According to Kosovo legislation as cause due to which there may be deprived the parental right shall be: a) misuse of the parental right b) serious violation of parental right (Aliu & Gashi, 2007, 240).

Misuse of the parental right – shall mean the bad behaviour of parents who ill-treat their children physically and mentally, encourage them to condemn criminal offences that would have material benefit for their parents. Decision of deprivation of the parental right in such circumstances shall be taken by the court in out-contentious procedure. The parental right can not be deprived if there are not causes defined by the Law and if there is not developed a judicial procedure (Aliu & Gashi, 2007, 240). For such causes the parental right may be deprived since even by the Law there shall be guaranteed the protection of children from ill-treatments and various violence due to which there will be serious consequence (LFC, Article125, Gashi&Aliu&Vokshi, 2012, 289). If such actions are undertaken only to one of the children, then the parental right shall be deprived only to one child while when such actions are undertaken towards all children then the parental right shall be deprived for all children.

#### Serious Violation of the Parental Right

Parents shall be obliged to exercise the rights and obligations entitled to them in the general interest towards children. However, not in all cases, parents realize their rights and obligations in favour to the children. As a serious violation of the parental right may be considered any action by parents due to which there is endangered the health of children in cases

when the juvenile is not provided with the medical assistance or he/she is not sent for medical treatment, when he/she is not provided with clothes, food, accommodation (Oruqi, 1994, 142, Aliu & Gashi, 2007, 240 – 241), when there is no hygiene, no attention to the food (Alinčić & Bakarić – Mihanović, 1980, 217). Hence, as causes due to existence of which there may be deprived the parental right shall be considered any action of the parents due to which there is endangered the health of children seriously. According to international framework, states should undertake respective measures to provide all children the respective necessary medical assistance and care for their health, by emphasizing the development of primary health care (CRCH, Article 24 (2,b)). Furthermore, according to this framework there are regulated the matters of protection of children from use or sexual ill-treatment, trafficking for any purpose. This framework gives competence to the state that protects children from any form of use where there is endangered their welfare (CRCH, Article 34 (a, b and c), 35 and 36). Similarly, this matter is regulated even in Kosovo, where children enjoy protection from any job endangering or damaging their health, ill-treatment and sexual violence, use of psychotropic substances and drugs (FLK, Article 125 (5, 6 and 7)).

### **The Rights and Obligation of Parents During the Period of Deprivation of Parental Right**

When the rights and obligations of parents are exercised to the prejudice of the interest of children, parents shall be deprived of parental right. By deprivation of parental right, parents can not exercise the rights and obligations towards their children, hence, parents can not exercise the rights related to the support, well-growing up, education and administration of the property of children (Podvorica, 2006, 198). In such circumstances when there is deprived the parental right, then the children shall be under the custody or they shall be trusted to third persons for care. However, even that the parents are deprived from the parental right, they shall not be deprived from all rights and obligations towards their children, so, they shall not be deprived from the right of support and necessary food for the children (FLK, Article 293. Gashi&Aliu&Vokshi, 2012, 605). Moreover, parents shall be obliged to fulfil expenses regarding the support, well growing up and education of children, when they are trusted to the third person for protection and education (Podvorica, 2006, 198).

### **Termination of Parental Responsibility**

Parental responsibility is not permanent and it terminates in certain circumstances. By the termination of parental responsibility, there shall be terminated the exercise of all rights and obligations towards their children. Theoretical treatments and legal framework recognize some cases of termination of parental responsibility. The parental responsibility may terminate by a) reaching the adulthood of the child, b) termination of parental responsibility, c) emancipation of the child and d) death of the parents or child (Aliu & Gashi, 2007, 244).

a) Termination of parental right by reaching the adulthood of the child shall be when the child reaches the age of 18 and acquires the full ability to act and in this manner becomes fully capable to be bearer of the rights and obligations. It is important to mention that the termination of parental responsibility should not be understood as a sanction towards parents but as a natural circumstance which bring the termination of this responsibility.

b) Termination of continuous parental responsibility shall also comprise a circumstance based on which there shall be terminated the parental responsibility. After the termination of continuous parental responsibility parents shall not be responsible for their children since there are not anymore the circumstances that present the need the parents to take care after their children.

c) Adulthood shall mean the time when the individual becomes 18 years old and in this manner acquires the ability to act. However there are some cases when the ability to act may be acquired even before the individual reaches the age of 18. In case when the minor of the age 16 and 18 gets married with the permission of the court, he/she acquires the full capability of acting which means he/she acquires his/her full emancipation. The term emancipation means the ability of a person to take decisions independently and to be bearer of the rights and obligations. Hence, in the cases of emancipation of the child there is terminated even the parental responsibility from which it is understood that parents are not responsible for their child since he/she is emancipated through the manner foreseen by the Law. Furthermore, the minor may acquire limited ability of action in those cases when from the age of fifteen concludes an employment relationship, he/she shall possess and administer by himself/herself the income from employment relationship (Aliu& Gashi, 2007, 244).

d) Termination of the parental responsibility upon the death of the parent or child – This is manner of termination of the parental responsibility by the action of nature when there occurs the death of the parent or the child. When one of these entities dies there shall terminate even the parental responsibility. Since the parental responsibility is of the personal character, in case of death of parents or child there cease to exist the rights and obligation of the parents towards their children either because of death of the parents or child.

In comparative aspects of the termination of parental responsibilities between Kosovo and other states of the region, it is important to mention that Kosovo and Albania have regulated in principle the termination of the parental responsibility. They have determined, by their Laws, that the parental responsibility shall terminate upon the reach of adulthood of the child (FLK, Article 128.2 and 154, FRSA, Article 216). It is important to emphasize that Kosovo and Albania have not determined, by their Laws, other manners of the termination of parental responsibility which are treated through the theory as the abovementioned states of the region have determined in their laws.

Other states of the region such as Croatia, Montenegro and Serbia have a more advanced and more comprehensive normative regulation in comparison to Kosovo and Albania since they, by their Laws, have determined expressly the manners of termination of parental responsibility upon the reach of adulthood of the child, emancipation of the child, upon the termination of continuation of parental responsibility as well as upon the death of the parents or the child (FLC, Article 119 and 120, FLMN, Article 95, FLS, Article 84).

Hence, the legal framework of these states has included cases that have been treated by the theory and there can easily be ascertained their regulatory superiority in comparison to the legal framework of Kosovo and Albania.

## Conclusion

Based on the research of this paper, we have found that Parental Right shall mean the rights and obligations of the parents towards their children. The new legal framework regulates the parental right by constitutional and legal norms as well as by general legal acts.

From the comparative research there derives the fact that legal systems of the states of the region and beyond, regulate the matter of parents right by family Laws, while some other countries regulate this matter by civil codes.

Other research in this paper presents that the national legal framework has established norms which have regulated very well the matter of limitation of parental responsibility.

From the analysis between applicable legislation in Kosovo with the legislations of states of the region, regarding the limitation of parental responsibility and causes of limitation of that responsibility we find that parents can not be limited to actions by which there can be violated the general interests of children and endangered their welfare. According to legislation in Kosovo the parental right shall be limited when parents behave in irresponsible way, abuse the parental right and endanger the rights and interests of children. However, lawmaker in Kosovo has, with the purpose of protection of interests of children, determined the causes of limitation of parental right and has determined the mechanisms of supervision of exercise of those rights. It is important to emphasize that a similar regulation regarding the limitation of parental right is determined even by the legal framework of states of the region except Albania.

Object of normative regulation of legal framework of Kosovo shall be even the deprivation of parental right. According to legal framework in Kosovo the parental right may be deprived when the parents misuse and present carelessness while exercising the parental right. Moreover the legal comparative treatment of the deprivation of this right indicates that even the legal systems of the states of the region have similarities with Kosovo regarding the legal normative regulation on deprivation of parental responsibility but there are some differences regarding the determination of entities on initiation of procedure for deprivation of this right.

Study object in this paper has also been the matter of normative regulation of termination of parental responsibility. Regarding this, it is important to emphasize that there are great differences in normative regulation between Kosovo and states of the region. Kosovo has only determined in principle that the parental responsibility terminates upon the reach of adulthood of the child, where there is a lack of determination of other cases of termination of parental responsibility. The same regulation as Kosovo there is in Albania where there has been determined completely similarly that the parental responsibility terminates upon the reach of adulthood, however this regulation is rather shallow knowing that there are

other cases by which the parental responsibility terminates which have not been foreseen by Kosovo and Albania Laws. However, the abovementioned states have a more comprehensive determination regarding the normative determination of termination of parental responsibility. Croatia, Serbia and Montenegro in their family Laws have expressly determined that parental responsibility shall terminate upon the reach of adulthood of the child, emancipation of the child, upon termination of continuation of parental responsibility, upon death of parents or child.

In comparative treatments of legal framework of Kosovo with the frameworks of legal systems of mentioned states we find that the matter of termination of parental responsibility shall be regulated in a more advanced and detailed manner from the above-mentioned states of region, as well as it would be important to be taken into consideration these determinations when amending and supplementing the legislation of Kosovo and Albania and to be incorporated the mentioned cases in order that there shall be eliminated the legal gaps that actually exist within legal norms of Kosovo and Albania.

These brief conclusions present our views of a legal framework regarding the organic manner that refers to a spectre of problems, matters, concepts and legal solutions on the parental right within the legal system of Kosovo and other legal systems that have been treated in this paper. Treatment of normative aspect of regulating the parental right in the view of formal expression of legal normative regulation of the states of region consequently brings into incontestable conclusion the existing of common and distinctive characteristics in normative regulation of parental right.

### Abbreviations

- CRCH- Convention on the Rights of the Child,  
FLK – Family Law of Kosovo,  
FCRA – Family Code in the Republic of Albania,  
FLC – Family Law in Croatia,  
FLM – Family Law in Montenegro,  
FLS – Family Law in Serbia,  
LFRM – Law on Family in the Republic of Macedonia  
GCC – German Civil Code  
LOCP – Law on out-contentious procedure  
LPADV – Law on Protection against Domestic Violence

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