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EUROPEAN JOURNAL OF MULTIDISCIPLINARY STUDIES

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Typeset by Revistia

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Man as Object. The Denial of Dignity

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Abstract

Considering and treating people as things, objects or instruments is easier than one may think. Marx and Lukacs have highlighted the fact that the different processes of reification (reducing man to an object) is rooted in market logic: philosophers of the Frankfurt School like Horkheimer, Marcuse and Adorno have identified their origin in the techno-scientific reasoning of capitalist society. In this paper I intend to demonstrate that their explanations embrace the phenomenon of reification in an incomplete way. Through Axel Honneth's social philosophy I intend to show that the reduction of man to an object depends on the misrecognition of the qualities and dignity of man. Such misrecognition does not depend on market logic or techno-scientific reason, but rather on a certain attitude that man adopts towards himself and others.

Keywords: Man as Object, Reification, Capitalist society, Market, Misrecognition.

Introduction

In the first part of this study I will examine the phenomenon of Reification (reducing man to an object) from the point of view of the studies carried out by G. Lukacs and the philosophers of the Frankfurt School, who reached the conclusion that this phenomenon is deeply rooted in the logic of the market and in the techno-scientific reasoning of capitalist society. To reconstruct the fundamental stages of their analysis, I will focus on the economic, social and cultural dynamics, which they believe to be the basis of the processes of reification. Thereafter, I will compare their position to Axel Honneth's perspective to demonstrate that such processes cannot only be attributed to market logic. From his viewpoint, the different forms of reification imply relational dynamics characterised by the absence of emotional involvement with regard to the sentiments felt and demonstrated by others. Reification derives from the cancellation of relationships based on sentimental participation of what other people are experiencing.

The market as a cause of reification

In *Grundlegung zur Metaphysik de Sitten*, Immanuel Kant affirms the necessity of treating human beings as ends rather than as means. Considered as means, human beings are treated as objects, as things to be used. "So act as to treat humanity, whether in thine own person or in that of any other, in every case as an endwithal, never as means only" (Kant, 1909: 47). At the beginning of the 1920s Gyorgy Lukacs, in *Geschichte und Klassenbewustsein* (1923), elaborated the concept of reification. The Hungarian philosopher clearly emphasises that man and social relations in a capitalist society are "reificied", reduced to things. This phenomenon, which he named reification, was analysed by Marx in *Okonomisch-philosophische Manuskripte* in 1844, who described it as "alienation". It has been said that Lukacs took up the Marxist concept of alienation and reused it. However, what is surprising is that the *Manuskripte* were unpublished until 1932, therefore making it impossible for Lukacs to have consulted them while he was writing his *Geschichte und Klassenbewustsein* published in 1923. Thus, while being able to reference other Karl Marx works and studies by Max Weber, his work was original.

Quoting Marx, Lukacs explains that reification occurs when "a relationship between people takes on the character of a thing". In his opinion, the progressive spread of this phenomenon is a principle of capitalist societies and is deeply rooted in the exchange of goods, which man does not control but is controlled by it. In the exchange of merchandise everything, including man, is considered as a source of profit. Man's abilities are perceived in view of profit. In this way, in a capitalist society the only people who count are those who have the suitable abilities to generate and maximise profit. Work is reduced to goods and with it the worker obeying, like all other goods, the laws of market demand and supply. This reality of mutual consent leads man to relate to others as goods.

Lukacs uses the term "as goods" to define the instrumental use of people, the consideration given to their abilities and needs. In such a world, according to the Hungarian philosopher a truly critical and practical approach cannot exist since "contemplative knowledge" is dominant and dictates conscience and science by elaborating strategies and conditions to favour profit optimisation. By "contemplative knowledge", Lukacs does not mean that the knowing subject is absorbed in involved and interested reflection with regard to what is being analysed, but, to the contrary, he implies a detached, uncaring, neutral and uninvolved behaviour. Such an approach is characteristic of the Scientist, whose thought is reificying and reificied and is dictated by calculation based on the distinction between subject and object, between theory and practice.

According to Lukacs, critical thought is possible only through dialectics considered not as a universal law of nature but as interaction between subject and object, theory and practice and their unity. Dialectics allows us to understand that the reification of man is not a natural fact but it is the historical-ideological product of certain activities of man such as those dictated by capitalist logic.

In Lukacs' opinion, in capitalism this reificying process exists on such a vast scale that it has penetrated the conscience of man who has acquired the habit of perceiving himself, his feelings, others and all living beings as "things", as simple objects. For this reason, Lukacs states decisively that reification has become "man's second nature". He identifies its origin in the market logic of a society dominated by the capitalist middle class. This point of view was taken up by the philosophers of the Frankfurt School in light of the assertion of instrumental reason in the modern era.

Technical-scientific reason and reificying processes

The concept of "reification", analysed by the philosophers of the Frankfurt School together with the rediscovery of Lukacs' ideas, was widely adopted, often to extremes, in the 1968 intellectual debate.

Horkheimer, Marcuse, Adorno and Habermas agree with the claim that contemporary society is dominated by a technical and scientific rationality that pursues a reificying approach with the aim to dominate the world. Their concept of reason recalls that defined by Max Weber. In his work *Industrialisierung und Kapitalismus im Werk Max Weber* (included in the *Kultur und Gesellschaft*, 2, collection, 1965), Herbert Marcuse highlights the connection established by Weber between reason, capitalism and dominion.

The specifically Western idea of reason is fulfilled in a system of material and intellectual civilisation -economy, technology, "way of life", science, art- which is fully developed in industrial capitalism, and this system tends towards a specific type of dominion, which becomes the destiny of the present age: total bureaucracy. Reason unfolds as technical reason, as transformation and manipulation of men and things due to the systematic-scientific *apparatus*, built upon the predictable capacity to perform; the rationality of such apparatus organises and controls things and people, factories and administrative bureaucracy, work and leisure time.

Marcuse states that in Max Weber's sociology, formal rationality becomes c*apitalistic* rationality; so it presents itself as that methodical organisation of the irrational "profit impulse. In this work of 'organisation' Western reasoning becomes the *economic* reason of capitalism: the rational and continuous tendency towards renewed profits in the field of capitalist endeavour. Therefore, rationality becomes the condition of *profitability,* based on systematic and methodical calculation, on the "calculation of capital". Thus, it is not difficult to recognise the different phenomena of reification produced by technical rationality, which acquires the features of economic reason of capitalism. In *Dialektik der Aufklarung* (1947), Horkheimer and Adorno (2007) observe that scientific reason reduces nature, life and man to objects of analysis in order to dominate and manipulate them as required. It constitutes a formidable instrument of capitalism which, with the invention of the "culture industry" with its channels of entertainment and distraction, kills critical reasoning and annihilates that reason which pursues the liberty and emancipation of man from all forms of reification and alienation.

Technocratic rationality leads to indifference and passivity, acceptance and submissiveness to the *status quo*. Upon the reification of reality is based technical and scientific reason, which is seen to be increasingly formal and commanding in character, indifferent to nature and life, and instrumental in the subjugation of man. Horkheimer claims in *Zur Kritik der instrumentellen Vernunft* (1967) that with the modern industrialised civilisation, instrumental and calculating reason appeared as irrational dominion over man and nature. Such a capitalistic society reflects the contradictions of instrumental reason: it possesses the means and technological-scientific tools to eliminate material misery and to make man happy but, in actual fact, it does none of these. For this reason, according to Horkheimer, capitalism is an irrational system. He

observes that an individual was once able to see reason as an instrument of self; now he finds himself faced with the reversal of this reification of self. The driver of the car has been thrown out while the car is blindly racing into space. At the pinnacle of the process of rationalisation, reason has become stupid and irrational (Horkheimer, 1967).

What is instrumental and reificying reason based on?

In a capitalistic society technical reasoning, in its most powerful form, is implemented to manipulate, to control, to monitor, to punish the masses and to provoke a "sense of interior emptiness" which is recognised only superficially and distortedly as lacking material goods. Besides technical reason, a capitalist society is allied with political thought, which depends on the economic-financial and technical sectors in its decision-making process.

A detached approach towards reality, typical of instrumental and scientific reason, fosters capitalistic logic in the sense that instrumental reason treats everything in a neutral manner placing man, animals and embryos on the same level: that of things. With its impassivity and neutrality instrumental reason sees the world in an uninvolved way, downplaying the fact that being a human in the world consists in a sort of existential involvement, in an interested, concerned and practical relationship. Instrumental, scientific and technical reason positions the world as object in opposition to subject (Heidegger, 1980, Pansera, 1998). Heidegger claims that representing (*vorstellen*), establishing (*stellen*), organising (*bestellen*) and producing (*herstellen*) are essential to technical reason given the power over nature (2013). Reification is the natural consequence of such technical configuration (Vattimo, 1997: 66).

Reification as forgetfulness of recognition

In his work entitled *Verdinglichung* (*Reification*) (2005)*, Honneth observes that, like Lukacs, Heidegger is convinced that the primacy of the idea of a neutral representation of reality is responsible for the ontological blindness which has prevented adequate understanding of the structures of human existence. According to Honneth, for both philosophers, despite their different perspectives, it is possible to acknowledge the intention to destroy the concept of a knowing and contemplating subject that places the world before self, otherness. Such a configuration is characterised by a distinct separation between the knowing subject and the otherness of other people. In this sense, according to Honneth, it cancels any form of original relationship between man and the world based on emotional involvement.

For Lukacs reification produced by the market highlights a distortion of that original approach through which man establishes social relations. In his opinion it is a mistaken practice based on subject-object dualism and promoted by a contemplative and uninvolved behaviour. Considering Marx's structure-superstructure relationship, Lukacs believes that the economic sphere conditions and shapes cultural and social phenomena. According to Honneth, Lukacs' emphasis, by attributing the processes of reification to the processes of exchange, excludes a significant class of phenomena of reification such as that emerging from the diverse forms of brutal dehumanisation such as racism and human trafficking. What does this missing consideration derive from? For Honneth it derives from a sort of systematic blindness which depends on prejudice whereby only economic obligations can lead to the negation of the human characteristics of man (Honneth, 2005). In his opinion, the phenomena of reification can be traced back to human behaviours that do not originate from a capitalistic context but, rather more, from an approach aimed at cancelling forms of relations characterised by the "recognition" of a person's qualities and dignity. Such cancellation becomes possible when a neutral and detached attitude towards others dominates. By "recognition" Honneth refers to "attitudes and practices by which individuals or social groups are affirmed in certain of their qualities" (Honneth, 2002: 505). He thinks that "acts of recognition are oriented not towards one's own aims but rather towards the evaluative qualities of other" (Honneth, 2002: 513). In interpersonal relationships, when a sentimental dimension or sense of involvement with regard to what others are experiencing is lacking, the emergence of reificying behaviours is always possible.

Conclusion

In accordance with the analyses of Lukacs and the thinkers of the Frankfurt school such as Horkheimer, Marcuse, Adorno and Habermas (1981), many present-day observers and critics argue that the market has taken possession of our thought processes and our deepest aspirations to the extent that, as stated by Umberto Galimberti, we no longer know how to extricate ourselves from the market and we only know how to see what looks like a good: "Our lifestyle is suffocating in a reasoning made up of calculation, market, exchange, interests and assurances to conserve that withering treasure: life without beauty" (Galimberti, 2008: 123). Judgements, like: in a capitalistic world where social relations are dominated by calculating economic rationality and maximum profit-making, man loses his humanity, are now shared by people of differing

cultural backgrounds. For Axel Honneth this perspective does not explain the root of the varied phenomenon of reification. His analysis shows that reificying dynamics become a fundamental and dominating part of a society regarding the way in which human relations lack emotional involvement, feelings of solidarity and sentimental interest.

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Tayler Rule for a Highly Dollarized Country the Case for Albania

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Abstract

Targeting nominal interest rate as a policy rule to achieve the primary purpose of stable prices has become a standard monetary policy for Central Banks. Albania switched in 2008 from targeting money supply, M3, to targeting nominal interest rate. Taylor Rule, as defined by John Taylor in his 1992 paper, has become widely used as a means to establish the policy interest rate for Central Banks. This paper implies a conceptual framework where policy rules are a means to a more effective monetary policy. The Taylor Rule has influenced the decision of policymakers on interest rate. Taylor presented his findings at the Carnegie-Rochester Conference on Public Policy in November 1992 and can be stated as a mathematical identity: $r = p + .5y + .5(p - 2) + 2$. But can we use this rule universally? What about countries that are dollarized where the interest rate of loans paid in foreign currency depends on the interest rate of other countries? We expect to find that the standard Taylor Rule is not adequate and the domestic country, that is highly dollarized, should adopt an improved version that incorporates the expected interest rate, expected inflation and growth of the foreign country (ies) whose currency is present at large in the domestic economy. We propose a coefficient that puts downward pressure on the domestic nominal interest rate target when the foreign country's (the country that has "dollarized" the domestic economy) lowers its nominal interest rate target. And when the nominal interest rate differential between t_n and t_{n-1} >0 than this coefficient will have a upwards pressure. Thus we propose an adjusted Taylor Rule for foreign country interest rate and exchange rate to take the following form:

$$i^h_t = \gamma_q \, i^*_t + \gamma_\pi E_t \pi^h_{t+1} + \gamma_y y^h_t + \gamma_{st} q_t + u^h_{mt}$$

Keywords: Tayler rule, dollarized, country, Albania

Introduction

Inflation targeting is a new policy followed mostly in the last thee decades. Inflation targeting started with New Zeland, in 1990, and then spread to almost all countries. With the dawn of inflation targeting era by world central banks inflation has been maintained better under control. More freedom, through laws, given to central banks has helped to allow central banks to formulate and carry out policies to achieve its goals.

The economy can be influenced, cooled down or accelerated, by two instruments: First is the fiscal policy. This policy tool is in the control of the government. Through taxation and government spending the government can affect the national demand and GDP. The downside to using fiscal policy won't be treated here but suffice to say that the policy is widely debated.

The second tool to use is the monetary policy. This tool is in the control of the central bank. The central bank presses dhe pedal, i.e. pumps money into the economy through lower interest rates, repo purchases or other unconventional ways, when it feels that the economy is slowing down or sluggish. But it also can cool of the economy if growth is above potential or inflation is higher than the target.

Literature Research

Operational Instruments of Monetary Policy

Problems with using Money supply instrument

Dollarized countries tend to have lower inflation in part due to a tight money supply caused by the dollarization (see Zefi, Shehu, 2015).

In dollarized economics the transition mechanism of MP is hampered by the foreign currency widely used in the economy. In Albania dollarization of deposits is at 60%. Euro is used widely by the population for pricing and exchange. The Central Bank of Albania, or any country with similar situation, can influence only 40% of money supply. Any increase of money supply by the QTM targets with the formula:

Quantitative Theory of Money for a dual currency country like Albania

QTM states that: "…*if* a change in the quantity of (nominal) money were exogenously engineered by the monetary authority, then the long-run effect would be a change in the price level (and other nominal variables) of the same proportion as the money stock, with no change resulting in the value of any real variable." **(McCallum, Nelson. 2010)**

The QTM is expressed as a mathematical identity in the form of:

$$M*V = P*Q. \qquad (1)$$

In other words: GDP of Albania = M*V.

So according to this identity, by taking V as stable BoA needs to print money at the speed the GDP grows plus the targeted inflation.

If GDP grows at 3% a year and the targeted inflation is 3 percent a year than BoA needs to print 6 % more money, increasing the monetary base by 6%.

These data suggest that in excess of 50% of the money supply used to fuel the economy is already in FC.

The adjusted Phisher's identity for such country would be:

$$(DMB + FMB)*V = GDP \text{ of Albania} \qquad (2)$$

Where: DMB = Domestic Monetary Base, FMB = Foreign Monetary Base, V = velocity, times money changes hands in a year.

The relationship between DMB and FMB is such that foreign currency monetary base is a percentage of the domestic monetary base.

$$FMB = x*DMB \qquad (3)$$

Where x = a quotient that express the relationship between FMB and DMB.

In this case we can change in Phisher's identity as:

$$(DMB + x*DMB)*V = GDP \text{ of Albania} \qquad (4)$$

This identity can be simplified to take the form as below:

$$DMB*(1+x)*V = GDP \text{ of Albania.} \qquad (5)$$

This conclusion is very important for monetary policy. It states that if the GDP grows at 3% and BoA's goal is to have 3% inflation than:

$$\text{Monetary Base increase} = 6\% \ (1 + x). \qquad (6)$$

This formula **(5)** implies that if money supply in Albanian Lek is equal to Foreign Currency, or x = 1, GDP growth is predicted to be 3% and targeted inflation is 3% then than BoA needs to increase monetary base by:

ISSN 2414-8385 (Online)
ISSN 2414-8377 (Print)

European Journal of
Multidisciplinary Studies

January – April 2020
Volume 5, Issue 1

Monetary Base increase = 6% (1 + 1) = 12%.

This is a very important conclusion and we are going to test it using the long term relationship between M2 and Inflation as well as a bivariate function of the influence of credit and deposit euroization on inflation and GDP growth.

Central Banks use mainly interest rate as an intermediate tool for achieving the targeted inflation. In the past money supply has been used but nowadays policymakers monitor money supply but don't hardly use it.

Problems with using interest rate as instrument of monetary policy

Real reason behind interest rate fluctuations: Interest rate is the equilibrium rate of demand for money and supply of money. A rise in the interest rate could be due to one of them.
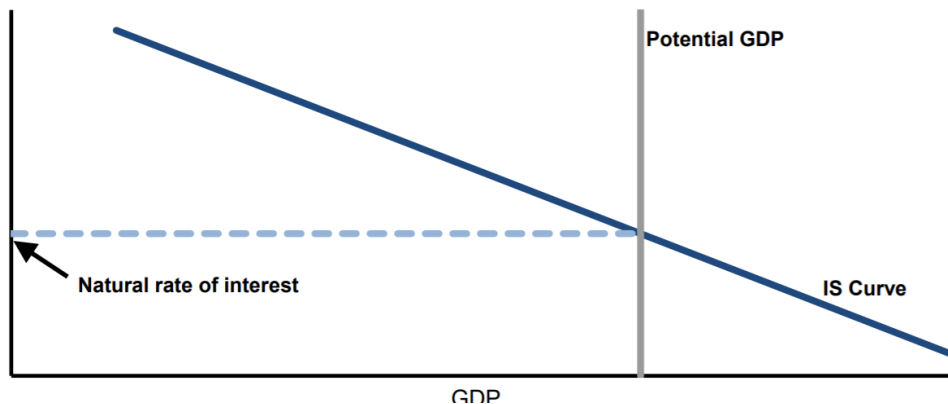
Figure 1. Determination of Interest rate. Source: Laubach&Williams (2015)

If investments rise and by doing so raise the interest rate then the Central Bank may not want to intervene to curb the growth in investments and also hamper with the corrective tool of the market, the rise in the interest rate. A rise in the interest rate may be good for the economy because it will help cool of the economy.

But if the rise in the interest rates is caused by a decline in the supply of loanable funds than the bank may want to intervene.

Interest rate differentials: Another problem with using interest rate as instrument to monetary policy is the inability of the central bank to control the spread between deposits and credit

Lag of interest rate policy: A third problem with using interest rate as instrument of monetary policy is that the interest rate effects the aggregate demand and supply of funds with a lag due to adjustments costs. According to the literature there are two aspects of this lag: its

length and variability. The former is often assessed at about six quarters to two years in the

United States, Britain and Canada. While there is agreement that there is some variability in

the length of the lag, there is no consensus on whether it is so long that changes in interest

rates, intended to be stabilizing, can prove to be destabilizing. Within the lag, the impact effect

(within the same quarter) of interest rate changes on real aggregate demand is estimated to

be quite low, while the long-run effect is now believed to be very significant.

Albania changed its main instrument of Monetary policy during the Financial crises, 2008. It went from controlling money supply to setting policy "repo" interest rate in order to control inflation. Inflation, though, has been under the targeted objective and has been combined with a strong currency, vs. the euro, and moderate GDP growth. Because of these factors the Bank of Albania has continued to maintain an accommodative Monetary Policy with historically low repo rate.

Taylor Rule

Taylor Rule was created by John Taylor in his 1993 paper famous paper "Discretion versus policy rules in practice". It was followed a another paper in 1999 that proposed a modified Taylor Rule where the coefficient of the deviation of current output from current output was given a value of 1 versus 0.5 in the original rule. Taylor Rule is a backward looking rule. It means that the interest rate is based on past inflation and past economic growth deviation from trend.

$$rT\ t = r0 + \alpha(yt - yf) + \beta(\pi t - \pi T)\ \alpha, \beta > 0 \qquad\qquad (7)$$

Taylor Rule is widely used in monetary policy to establish policy interest rate.

According to Janet Yellen (Yellen,2015) the simple Taylor Rule can be used to establish federal funds rate. In 2015 the Taylor Rule called for the ffr to be close to zero. Yellen write then that she disagrees with the implications of the rule for two reasons: first because unemployment slack is higher than the measurement of that time and second because of the equilibrium real ffr is low by historica standards. By arguing this Yellen is implying that a corrected Taylor Rule would better express the policy of the FEDs fund rate.

Taylor **(1996)**[1] says that the effectiveness of monetary policy can be improved through better inflation measurement, understanding better the transmission mechanism of monetary policy and through regulation, or in some cases deregulation, by achieving a better management of the banking system and institutions.

Governor Janet Yellen indicated that she used the Taylor rule to provide her "a rough sense of whether or not the funds rate is at a reasonable level"[2] (FOMC transcripts, January 31-February 1, 1995).

According to this approach Albania's currency is faced with a challenge by the monetary Policy of ECB. With it's accommodative moentary Policy ECB is making it more attractive for Albanian immigrants to send money "home" to buy assets and consumption. This money come in through remittances and BOP

Bank of Albania (BoA) changed in 2008 the intermediate instrument of monetary policy by targeting interest rate instead of money supply.

Data

But one fact that has been underestimated in the policy goals is the fact that our money supply, and the demand for money, is independent with the foreign currency most dominant in our economy, i.e. euro. Since over 50% of our deposits and loans are made in euros any decision on the interest rate of ALL should take into account the interest rate of loans and deposits in euro. This is because of two reasons

    i.   Replacement of the product

If the interest rate on loans denominated in ALL is higher than that in Euro than we would expect the rational economic agents to demand more loans in Euro rather than ALL. This replacement offsets any objectives that BoA, or any central bank with highly dollarized economy, wishes to have.

    ii.   The supply of euro

An interest rate of ALL much higher than that in euro area, as has been the case in the last 19 years since the launching of the euro, tends to raise the demand for loans in euro making euro a less good option to save and increasing the

propensity of the holders of euro currency to make purchases denominated in euro. When holders of euros make purchases denominated in euros it fuels the euroization of the economy.

iii.   Remittances preasure on monetary policy

Remittances fund a huge deficit in the Albania's large deficit of BOP. Remittances can

After European crises, which saw a gradual decline in remitances the amount euros immigrants bring to Albaina and invest here has increased.

Remittances, official aid for develoment and FDIs in % to GDP

First, remittances have picked up in the impact in the GDP expressed as a percentage but are still much lower than that in the pre crises levels. FDI is below but close to the long term average and the aid transfers have been falling.

Despite the steady influx of euros, it is significant that ALL has become a stronger currency. It seems obvious that the monetary policy in Albania has been tighter and has not considered development of the money markets of our main economic and trading partner, EU.

According to Taylor (1996) and logic we should assume that the basic principal of policy analysis be based on a coherent theory of how policy rules affect the economy and be supported by econometric models.

Thus having this high level of euroization we can propose two additional indicators that impact the policy interest rate of the CB in the Taylor model.

i.   Policy interest rate of the euro by ECB

Because banks have the free flow of capital and a low interest rate by ECB makes Albanian's market for loans in euro more attractive.

Taylor's original rule is backward looking, but several recent versions of the rule include an expectation factor. Clarida, Gali and Gertler (1998) reject the backward looking rule in favour of a forward looking rule. However, they include the lagged interest rate as a regressor, thus formally making it a hybrid rule.

ii.   Balance of payments of Albania

A strong home currency adversely affects the competitiveness of our economy but putting our products at a disadvantage.

An issue actively pursued in further research on the Taylor rule has been whether or not asset prices and exchange rates should be included in this rule. The argument in favor of their inclusion is that shifts in them can change aggregate demand. However, some part of these shifts are often the result of changes in output and inflation, so that only the impact of their residual shifts on inflation and output would need to be offset through monetary policy. Doing so yields extended forms of the Taylor rule. Many empirical studies report that using some form of an augmented Taylor rule, such as incorporating changes in wealth or house prices or exchange rates, leads to greater stabilization of the economy.

Economic Model

Albania is highly dollarized with Euro being using in more than 50% of the economy. Thus the interest rate of ECB influences our economy. Taylor rule will perform better to economic conditions when We use a two-country model, with most variables defined as the difference between a home country Albania and a foreign country, the US.

The "h" identifies the home country, and "*" the foreign country. The monetary rules in the foreign and home countries are:

$$i^*_t = \gamma_\pi E_t \pi^*_{t+1} + \gamma_y y^*_t + u^*_{mt} \tag{8}$$

$$i^h_t = \gamma_q i^*_t + \gamma_\pi E_t \pi^h_{t+1} + \gamma_y y^h_t + \gamma_{st} q_t + u^h_{mt} \tag{9}$$

In Equations (8) and (9), i^*_t is the interest rate in the foreign country, i^h_t the interest rate in the home country, and the variable i_t is defined as: $i_t = i^h_t - i_t^*$

Where:

i_t: difference between home and foreign interest rates; for i_t and other variables, an increase indicates a rise in home relative to foreign rates; all interest rates are expressed at annual rates;

y_t: difference between home and foreign deviation of log output from trend;

p_t: difference between home and foreign log price levels;

π_t: difference between home and foreign inflation (with inflation first difference of log consumer price level [CPI]);

u_{mt}: difference between home and foreign shocks to monetary policy rule;

s_t: log nominal exchange rate (e.g., ALL/Euro, when Albania is the home country);

$q_t = s_t - p_t$: log real exchange rate;

E_t: mathematical expectations conditional on a period t information set.

Conclusions

Central Bank of Albania has followed an accommodative MP following the aftereffects of the Great Recession in Albania. We conclude that dollarization of Albanian economy, by the euro, has hampered the efforts by the Central Bank to bolster economic recovery. Natural rate of interest is in the negative territory and the policy real interest rate of the Central Bank has not fallen below the natural rate of interest. A policy real interest rate below the natural rate of interest is a policy that is accommodative.

We propose an adjusted Taylor rule that includes foreign country interest rate differentials and exchange rate. This would model would:

When foreign interest rate differential: In this case we would have a negative effect on the home interest rate. When the foreign country whose currency circulates largely (Euro zone in this case) in the home country, Albania, lowers their interest rate it would have a similar downward effect on the home country policy interest rate.

Exchange rate: A strong home currency versus the foreign currency denotes a high demand for the local currency versus the foreign currency or a shortage of money supply. Central bank would like for the national economy to be competitive to raise exports and improve on the balance of payments. A strong home currency should have an effect on policy interest rate of the home country. A weak currency is a signal of the excess money supply denominated in ALL or a decline in the demand for money.

We recommend the adjusted Taylor Rule for Monetary Policy with foreign country interest rate and exchange rate.

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Valiant, vital and virtuous - A time-snap review

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Abstract

A time-snap review – moments captured pictorially – means the creation of multi-layered observation. The enquiring gaze then extends beyond the present moment: to its existential roots. However, it is not a question of presenting an historical list, a collection of topics of various types and periods. Of course, understanding the present also requires knowledge of the people and events of the past. In this way it also becomes possible to study the recurring nature of existence. Can war-related travel also count as cultural travel? Is it possible to talk about war tourism? Presumably, in many countries the answer to this will be positive. It relates to the history of ideas and also to national sentiment. This kind of cultural education may be indoctrinating in character, with the goal of insinuating into people's minds the concept of the incomparable excellence of their own nationality. The spirit of the 2010s contains shades of indoctrination. Fortunately, alongside this struggle to impress, education for democracy is also present. Photographs and poetry are powerful media, helping us to create a nostalgia for being. Then, too, a longing for the past is awakened. It is here that a philosophy of yearning or wistfulness is needed, providing an exploratory tool for analyzing the nature of the individual and the community. Modernity needs philosophical poet-travellers. They are adept at loving the wisdom of travel.

Keywords: valiant, vital, virtuous, time-snap, review

Introduction

At this point the author demands his readers' flexibility as he indulges in wordplay and neologistic adventuring. The sporty disport themselves. The cheerful cheer. The just adjust. Words wordify and enword. Language enlanguages. A picture pictures, depicts and picturizes. For the researcher, each of these features is a useful and practical tool. They also highlight an important means of self-expression. In other words, without them the philosophical essayist is unable to convey his thoughts to others. He falls silent, is struck dumb. Simultaneously the existential landscape existing between people is also muted. The time-snap remains empty of content and form. This cannot be allowed to happen. Otherwis the review becomes superfluous.

First, a person is a "what" and only after that a "who". He develops and is developed. So, is a person constantly something that will only be realized in the future? Is he seen merely as a blank that has to be shaped, ready and suitable for a later stage? And in what way will he be more ready and more suitable than at that initial stage?

At the turning points of existence the benefit to society may matter much more than the good of the individual. Then it is beneficial to think of people as a uniform, unanimous and like-minded group which is absolutely committed to promoting and achieving shared goals. In this way a powerful sense of nationality may also come about. Perhaps often we could also talk about national pride. Nevertheless, this should not be allowed to mutate into arrogance or chauvinism

When school students come to mean in the first instance future soldiers or members of the Lotta Svärd (the women's auxiliary defence force), then what kind of understanding of humanity, honesty and responsibilty is actually connected to the situation? Deeper analysis now requires a photographic perspective on the topic.

Photograph 1. The obligation of uniform and flag. [1]

What sort of educational goals were there during wartime? Whose interests might they have best served? What do written documents have to say about this? A good place to start the search for answers is J. E. Salomaa's book *The Direction and the Road* (1942). The book's succinct supplementary title was "The basics of civic education". True enough, the theme was not only bound up with the years of the continuation war, but extended timelessly into the following decade. Which is why it is still justified to say that the war and subsequent period of rebuilding were similar in terms of their educational ideals. They probably also laid the foundation for the educational and cultural thinking of the 21st century.

The main chapter of Salomaa's book is entitled "The Individual and the community". The idea of the obligating nature of uniform and flag would not be possible without the close mutual interaction of the individual and the community. They have to be powerfully intertwined one within the other so that a duality can be talked about as a single oneness. Professor Salomaa wrote about the topic and raised additional considerations: "Our spiritual being, our most precious side, has developed through contact and interaction with other people. We have acquired our opinions, our thoughts, our technology, our developed feelings, even our moral nature, from our environment, both the narrower and the broader. (..) Human culture has only been able to develop in society thanks to the collaborative activities of people – both past and present Only in society has humanity been able to develop agriculture, trade, industry and intellectual culture." (Salomaa, 1942, p. 159.)

As the author of this time-snap review I make so bold as to suspect that in photograph one some kind of human testing is under way. You could, then, assume that an experimental existential mood pervades the shot. The uniform and the swallow-tail national flag demand dignity. The boys' expressions were serious. They have probably committed themselves wholeheartedly and zealously to defending the nation. Alone, such dedication to anything at all would not have been possible. It required other people, interaction and collaboration. Only then is it perhaps possible to talk about the creation of some kind of culture.

Over time flags have been hoisted for different ideals, flying simultaneously in support for both good and bad standpoints. And always educational objectives have also been associated with these endeavours. At the same time it is probable that in importance the interests of the community exceed those of the individual. Scouting, sports clubs, religions, political organizations, various ideologies, trade unions and trends in musical style are examples of things inciting fanaticism. It is at these moments too that the power of shared solidarity has been the incitement to all activity. Acting alone would not have produced anything of significance.

For this reason even the soldier lads in photograph one were an essential part of society. They reinforced national sentiment and the spiritual essence of the nation. In this way it was also possible to sustain trust in a bright future.

Sport

The following sample shot from the time-snap review shows Finnish baseball, which has also been called the Finnish national game. It was developed by Lauri Pihkala, who is usually given the additional moniker or nickname of 'Tahko' (= grindstone). It would seem that even behind every sports-related thought there is some kind of militaristic or other ideological aim. In other words, then physical exercise is merely of instrumental value on the pathway to an ultimate educational or propaganda objective. Here again, the interests of the community are prioritized over those of the individual. (See also Pihkala, 2018.)

Photograph 2. Sport creates the sporting spirit.

What do written documents have to say in support of the time-snap review's credibility? An essential work that links together several decades is Aukusti Salo's *Introduction to general education.* It appeared posthumously after professor Salo's death in 1952. Even though this was a time of rebuilding and the year of the Helsinki Olympics, the book lends itself to an examination of the continuation war period.

Salo drew attention in an interesting way to the educational significance of competition and prize-winning: "Besides being a factor in the development of personality, competition has, with full justification, also been called the life nerve of social and cultural life as well as of all progress. (..) The community is an important reinforcer of the competitive drive, even amongst those who are growing up, although the need for development-promoting activity is often so powerful in them that this is enough in itself to generate pleasure. Children don't often get disheartened if they lose as long as they have been able to act and exert themselves. Nevertheless, competition increases energy, strengthens the will, enhances performance and revitalizes self-assertiveness and sense of worth – understandably only to a certain individual limit. In addition to everything else, competition always presupposes physical and mental fitness." (Salo, 1952, pp. 255–256.)

Photograph two arouses a feeling of sadness in this one-man time-snap review research team. The boys are full of joy, enthusiasm and energy and they seem to be totally immersed in their game of baseball. They were probably quite unaware of any possible educational objectives in what they were doing. And that was the way it was supposed to be. Indeed, it may well be that our national game was able to function as a "life nerve" of cultural and communal life, in accordance with Salo's characterization. The boys in the picture are still children. Often an element of indoctrination is associated with education at periods of existential change. Then the activity is craftily insinuated, manipulating towards some specific direction. Under the guise of play and sport the boys were probably being steered towards the martial. No doubt this didn't bother them. Presumably the mere excitement of competing was enough to inspire dedicated involvement. And that was already reward enough.

Should baseball then engender sportliness or heroic courage? Was the cloth-capped young pitcher perhaps thinking of a hand grenade as he tossed the ball into the air? That seems quite hard to believe. If playful recreation strengthened the will and increased energy, then so what? Why or for what purpose were these, or an invigorated sense of personal worth, actually needed? Could the boy standing in the background with his military headgear have been thinking about conditions at the front? Was he possibly drawing a parallel between the baseball bat in his hand and a weapon? Probably not.

This situation with the boys' increasing physical and mental fitness benefited the community. Or at least it was supposed to increase. For the players themselves it was probably enough to be caught up in the game and enjoy the heat of a summer's day. Of course, to them the time also meant a summer of childhood and togetherness. In fact, it would be the perfect title for the whole photograph: "A Summer of Childhood and Togetherness". Photograph two is indeed like an existential work of art, a moment shared together beneath Finland's summer skies. The eternal and the ephemeral are captured in one and the same picture.

Provisions

As far as food and feeding were concerned, the most important works were the *Lotta Svärd Catering Handbook* and the *Military Cookbook*. Food was and continues to be an important component of existence in many senses. The first edition of the *Lotta Svärd Catering Handbook* was published in 1928 while the *Military Cookbook* appeared in 1922. Here, too, we must resort to the narrative power of the photograph. A sufficiently high-quality time-snap review is not feasible in any other way.

Photograph 3. Dedication to a common cause.

Photograph 4. Mealtime.

The handbook provides a very detailed guide to the activities of the Lotta Svärd caterers. The following items to do with catering work are mentioned: preparatory tasks; preparing a meal; serving and clearing up (see Malmgren 1939,53). *The Military Cookbook*, on the other hand, precisely specifies requirements for the kitchen and its fittings. The need for cleanliness is particularly stressed: "In every dining group the kitchen section should include at least two rooms, namely a *kitchen* and a special *dish-washing room* since, if the cleaning of all the dishes takes place in the kitchen itself, it may all too easily happen that the necessary cleanliness is not always taken into account in the preparation of food" (Sotilas, 1922, p. 20).

The smiling Lotta Svärd members bring a warm feeling to photograph 3: their whole being gives the impression that they are in harmony with the tranquility of summer and nature. The totality conveys the sincerity of their dedication to a common cause. The photograph was taken when the follow-up tasks were underway, i.e. washing the dishes. After all, the importance of this phase was explicitly emphasized in the instructions. Practicality was probably also an essential factor, which is why the dishes were made of metal. Tinware was an excellent choice of material, given its practicality and the simplicity of washing it. Carrying, washing-up and eating the meal itself proceeded without a hitch and as smoothly as possible. Without observation of the guidelines it could not have been carried out as planned. Which is why the ideal of rigid adherence was valued in every way.

Photograph four shows seriousness dressed up as a game. In the thick of activity a mealtime was presumably an anticipated and significant event. The soldier lads were served food by young girls or Lotta Svärd lassies, also known as Little Lottas. One of the boys, second from the left, is very small, and all the other boy soldiers were also very young. Nevertheless, they seem to be taking part in the activity heart and soul. This is a very important element in the existential framework of the entire structure. The educational importance of playfulness can never be overemphasized. Seriousness will appear later in everybody's life anyway. Its arrival should not be expedited too early. In each human life childhood occurs just once. Its value should be cherished and fostered.

Conclusion

To end the day there was a need to gather together, to calm down and perhaps even be silent. A photograph is able to convey the essence of this moment.

Photograph 5. In the glow of the time-fire

A time-snap review realized in the glow of a time-fire: Is it then just a matter of futilely repeating the word 'time'? Or does this procedure point to some innovation achieved through experimentation and research? A researcher must always be able to be honest, at least to himself. This is why I now dare to argue that a time-snap review is a sincere attempt to

produce a nationally insightful totality for self-examination. For this we need language, picture, language pictures (=metaphors) and a picture language (=imagery).

Photograph 5 presents a multi-level existential arrangement, circular in form. The background displays an expanse of pine and spruce forest. Sections of the trunk of a felled tree, stones and the bare earth act as seats. And amidst everything the flames of a blazing fire. The end result gives the impression of having been carefully thought out and deliberately constructed. Yet it is also restful, thought-provoking and beautiful. In the outer ring there are people sitting. The inner circle surrounds the blazing fire. Back then in the war years did people think about the symbolism of the concentric circles of life? It is hard to believe that this was mere coincidence.

I need the help of Martti H. Haavio, erstwhile doctor of theology and later also professor, for a more thorough consideration of the matter. Haavio's *The Teacher Personality* would seem to be an ideally suited guide to further deliberation. In characterizing the importance of aesthetic life Haavio draws some interesting conclusions: "In the aesthetically cultivated teacher there is something fresh and flexible which survives into old age. He rediscovers his enthusiasm over and over again." (Haavio, 1948, p. 65.) Photograph 5 is indeed an aesthetic shot. Yes, there would be no hesitation in also calling it an art photograph.

Perhaps at this point it would be best to ignore every possible manipulative goal. Of course, it has to be admitted that the influence of the era, i.e. the continuation war, probably played a part in all educational activities. Patriotism was also certainly an undercurrent in the harmonious existential atmosphere displayed in photograph 5. Nevertheless I would say that the adults in the picture have been brought up, at least in some way, to be aesthetically cultivated, civilized. Even though a uniform imposes obligations on its wearer, it does not completely remove the cultivated side of a human being. Probably all the people sitting there on a summer evening were equally enthusiastic about joining in a campfire sing-song. Hopefully the soldier boys were also able to carry their freshness and flexibility in their attitudes to life into their adult years. Then the joyful twinkle in their eyes would not have disappeared even when they were grown older. Even after many years they could return to the blaze of the time-fire. Its radiated warmth was timeless.

"Always be valiant, cheerful and honest!" could also be the professionally-cultured motto of an essayist grasping for profundity. And that is something which this philosophical one-man editorial team will not forget. It will also be the starting point for any future cultural reviews – combined with a hint of poetry.

Postscript

The 1918 Finnish civil war now?

A poetic study of remembering, forgetting and recurrence

A ring or a circle is perfect in form: each contains a beginning and an end as well as a departure and arrival. The relatives of the circle are the ball and roundness. It is as consistent with itself as is possible – without a before and after element. It also lacks spaciality because being above or below is not part of its essential nature. A ring indicates some kind of state of peacefulness and restraint.

The recurring circles of existence are constantly present. This is why a person carries the national yesteryear in his essential being. The time dictates whether fellow co-existers are friends or enemies. Good as well as evil recurs. Does a person anyhow learn anything at all? Or is he at an unending beginning which evolves into the next ending? (For more on the topic of recurrence, see also Itkonen, 1993a; 1993b; 2018; Nietzsche, 1995; Stambaugh, 1972.) Perhaps a poetic study of humanity is able to answer the question of existence:

> Look at
>
> me,
>
> take a close look.
>
> I am the same boy
>
> with whom
>
> you picked up earthworms

from the rain-soaked asphalt.

We walked the lakeshore,

as anglers, as friends, as indians.

We shared a tent together

and continued our hike.

We were intoxicated with the gleam of the evening sun

     and grew tired as the reeds hummed.

Who broke the spell

     and sowed the seed of violence?

Or more correctly

     took the past we acquired long ago

and changed it into the present.

Time repeated itself;

     and you seized your grandad's gun.

I was the same enemy

     who sometimes fell by the wayside.

I retold countless destinies,

I was a collective tear drop,

the pain of the past made present.

And yet I was the same me:

     your childhood friend

that breathed in rhythm with you.

Bury me the way you also lost me:

Bright-eyed and face-to-face.

English translation by Glyn Hughes

Remarks

All the photographs were taken on courses arranged by the Savonlinna Military District soldier boys' group leader. The courses were arranged in Warkaus (modern spelling Varkaus) between June 28th and July 6th 1942. The course leader was lieutenant Juntunen. (For more detail see http://sa-kuva.fi/.)

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Photographs 1–5. Photographer P. Jänis. Retrievable at *http://sa-kuva.fi/*.

Strong Disagreements West-Moscow on the Future of the World After World War II

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Abstract

The European continent after the end of World War II was completely destroyed. A destruction of such proportions was not even done in the 30-year War three hundred years ago, not even in the Napoleonic wars of the 19th century. Now the victors had to prepare the treaties. This did not turn out to be a simple task. For the first time the Council of Foreign Ministers of the victorious countries met in London from September 11 until October 2, 1945. The first problem faced by this council was the opposition of Soviet Foreign Minister Vyacheslav Molotov to accept France and China as allies. France was dissatisfied with the Soviet move and again felt excluded from major decisions. US President Harry Truman appealed directly to Stalin, but the latter did not respond. The Western allies proved determined. They would not allow any of their allies to be excluded from Soviet desires. This act was also the first disagreement between the Western foreign ministers and the Soviet foreign minister.

Keywords: WWII, treaties, decisions, alliance, desires.

Introduction

London`s Conference 1945

Disagreements between the West and the Soviet Union also came into conflicting views on the future of the Mediterranean and Eastern Europe, which Bevin as the representative of Great Britain has considered them as strategic areas for his country.

Molotov also considered areas of particular strategic importance to the Soviet Union. When it came to talking about Italy, Molotov demanded that the Soviet Union be given Libya in good faith, but he encountered Bevin's rejection. Molotov demanded that Yugoslavia must take the port of Trieste which was occupied by Anglo-Americans. Both Bevin and Burns (US Secretary of State) refused.

Bevin understood Stalin's game for the Mediterranean. He wanted as many safe harbors as possible in this space to play a key role in the Middle East and in Mediterranean. The UK could not easily allow it to be replaced in a strategic area for which it had invested for two centuries. But politics are relentless. The great powers have always replaced each other. British interests felt threatened from the Suez Canal to the oil fields of Arabia. While the UK sought to continue to be the first violin in the Middle East, the Soviet Union sought all of eastern Europe.

Molotov therefore rejected all Western arguments to allow a free process to choose the form of government in this area of Europe. Although coalition governments were formed in some Eastern European countries, the communists and pro-Soviet members of these governments were the real power. Even for Germany, no meaningful agreement was reached. Molotov repeated Stalin's request once again for the Ruhr area to be divided between the four occupying powers.

The Western allies rejected the demand, and in turn Molotov rejected their demand for free access to the Soviet occupation zone. The French used the Council of Foreign Ministers to request the Rhineland area to be detached from Germany and together with Saar to became part of the French economic system and Ruhr to be internationalized.

Neither with this french proposal they agreed. Being that they were unable to agree on fundamental issues, US Secretary of State Burns asked Molotov for a meeting of the three greats in Moscow in December. Molotov agreed with all of Bevin's objections. Even at the December meeting, the three foreign ministers did not find common language. The disagreements between them would culminate in the 1946 in the Paris Peace Conference.

President Truman was not liking the secretary of state. He complained that Burns had not protested long enough in order to stop the Sovietization of eastern Europe, the deployment of Soviet troops in Iran, and Stalin's refusal to sign free floats in international waters. In outrage, the president writes to Burns" *I got tired of spoiling the Soviets* ".

The secretary of state took the message and would take a tougher stance after the meetings. Peace Conference held in Paris on April 15-May 16 and June 15-July 12, 1946, produced a series of peace agreements. This conference "allowed" Soviet troops to stay in Bulgaria, Hungary and Romania, recognizing Moscow as a dominant role in this part of Europe. For Germany it was discussed on 29 April, 15-16 May and 9-12 July 1946. With difficulties was agreed on the Essentials. Burns attempted to reach an agreement that would keep Germany unarmed for twenty-five years and thereafter under the guarantee of four powers. Bevini and French Foreign Minister George Bidoult backed their counterpart's proposal. But the Soviet foreign minister dismissed it as saying that Germany was already demilitarized. Seeing the refusal stubbornness of Minister Molotov, Burns was convinced that the Soviet foreign minister would reject any Western proposal. He suspected that Stalin was simply waiting for the Americans to leave Europe to take over the rest of the continent.

2. Further aggravation of disputes

Burns and Bevin rejected Molotov's proposals for a division between the four Ruhr powers because they did not want any part of Germany to be economically separated. Bevin feared a Soviet control of the Ruhr because if allowed, Stalin would get his hands on the whole area and economically control Germany and the rest of Europe. In order to withstand Soviet pressure, Burns and Bevin agreed to unite their German economic zones in accordance with the Potsdam agreement. Although Molotov was in principle for a German union, he rejected the proposal. Bido also rejected the Anglo-American proposal. Moreover, France was opposed to any kind of German unification after being attacked four times in 80 years. The United Kingdom and the United States required the Soviet Union to send food to its occupation zone which it had not done so far. They also accused Molotov that the BS had received reparations from Silesia and Königsberg. Disputes over reparations have continued since the Yalta meeting. Molotov spoke as if Stalin did not want long-term peace with Germany. At the July 10, 1946 meeting, Molotov argued that the Soviet Union would not be able to sign a peace treaty with Germany until the latter paid the remaining penny for years. Burns countered that such an ultimatum would make it possible that peace would never be reached with Germany and that the Soviet position would lead to a revision of US plans to leave Europe.

At the meetings of the four foreign ministers held after the close of the peace conference, political incompatibilities between the Soviet Union and the Western allies were once again highlighted. British Foreign Minister Bevin knew that words would achieve no results. He sought to reach an agreement.

He had complete freedom of action from Prime Minister Etlli, but British power was no longer the same of the 19th century. Bevin was an anti-Communist. He disliked Molotov and called him "Mowlotov-Mullartov" (mow). From these offensive positions, Stalin declared that Bevin was not noble. The British foreign minister was convinced that the Soviet Union at the London and Moscow meetings had simply gained time to consolidate its occupations in eastern Europe. Bevin also feared that the Soviet Union would sign the peace treaty with Germany.

Although in principle he agreed with Bidos' position on the partition of Germany, he demanded that Western allies united into economic zones outside the Soviet influence. He saw this as the only way to keep American forces on the continent engaged. Bevin tried to persuade Burns to find an alternative to unifying Germany with Stalin. Soviet attempts to spy on the secret of the atomic bomb further reinforced Bevin's suspicions. It was clear that with the Soviet Union, co-operation would no longer be on the agenda. The world was de facto divided into two camps.

3. Dividing Europe into two ideological parts

Winston Churchill was, as always, the first to denounce the division of the world and especially of Europe into two camps with opposing ideologies. His famous speech in Fulton, Missouri, USA, in early March 1946, was harsh and overly fatal to the future of the world. He has stated that:

> "*From Stetin to the Baltic up to Trieste in the Adriatic, an iron curtain has descended on the continent. Police governments will take power in a large number of countries. Communist parties or the fifth columns will pose a growing challenge to Christian civilization. I do not believe that Soviet Russia requires war. What it wants are the fruits of war and the never-ending expansion of its power and doctrine.*".

Stalin was outraged and accused Mitchell of being a "warrior" who preached "racial theory" to which only English-speaking peoples had the right to decide the fate of the world. In fact, it was the Soviet Union that opposed any form of colonialism and was now seeking to establish its own ideological hegemony with the power of the bayonet. This harsh speech by Churchill was not welcomed by many US senators. They even went so far as they accused the former British prime minister of being an aide to Nazism after helping with his and the Conservative Party's policies to strengthen the Hitlerian regime. The fear of a new collision was being felt all over Europe. Would there be a war again?

4. Stalin takes control of his occupation area

The effort to decide together for the future of Germany was becoming more and more difficult. Political elections were obscuring diplomatic options. On the map, Germany no longer existed. The Nazi political and military apparatus had been wiped out. German society was destroyed. The winning allies helped. The three greats had not evenly divided the country. The US and Soviet areas had an area of 66,340 km with 17 million Germans each including millions of refugees. The British occupation zone covered an area of 97,000 km, but possessed the entire Ruhr region which was also the economic heart of Germany with a population of 22 million. The French occupation zone occupied an area of 40,000 km² with 5 million inhabitants and very few refugees.

The real Achilles heel for Germany was in the Soviet occupation zone. This was due to the fact that Stalin and his German associates had immediately started the revolution of the area and its gradual return to the communist system, a model that would serve all of Germany. The Soviet leader knew that one day he would have to deal with a resurrected Germany and he needed to be sure that the country had a social, economic and political system aligned with the Soviet Union. Stalin did not look at Germany with the eyes of Churchill and Roosevelt

or Etlli with Truman. Like the Soviet Union, Germany was also part of the European continent. Poland could have served as a division between the two states, but history has shown how easily the two countries could cross this divide to one another. Stalin loved and even demanded a united Germany. With the partition of Germany, he would remain the most undesirable part of the country. The Soviet occupation zone had very few assets. Geostrategically, it was connected only with Poland and a small part of the Baltic Sea. There was no need to tell the Soviet leader that his part did not exert any influence on the rest of Germany. This also naturally led to the lack of Soviet influence in Western Europe. Stalin's hope was to achieve German unity under the authority of the German Communist Party. His plan was simple, but it would be a great achievement. Initially, Germany had to become a state, even a bourgeois state, as it was in the era of the Weimar Republic. Socialist and Communist parties would exert their influence until the whole country became a leftist extremist. He began instructing Communist politicians to work closely with the Socialists and have the patience that with the time Germany would become Marxist.

5. Dilemmas for the Germany unification

Stalin saw the unification of Germany as a strategic necessity for the Soviet Union. Even a bourgeois Germany would be too good for him to pave the way for Stalin to influence all over Europe. At a meeting of the Political Bureau held at the end of May 1945, Stalin stated that: " *It would be an utopia if we were hoping for the peasantry of German society* ".

He wanted Germany to have good relations with the Soviet Union. For this reason he sent to Germany, Anastas Mikojan, his most loyal economic affairs man, to make a specification of the situation in post-war Germany and to recommend which economic path Germany should pursue to help the Soviet Union. With the issue of unity, the Soviet occupation zone had to serve as a base for the spread of Soviet influence by the Germans Communists. In the summer of the year 1943, Stalin had founded the National Committee for the Free Germany, which immediately after the war turned into Moscow's political spokesman. The leader of this group was Walter Ulbricht. On April 30, 1945, two and a half months before the Potsdam conference, this committee had entered in Germany. Ulbricht was directly Stalin's man for Germany. Based on the guidelines of the Soviet Foreign Ministry, Ulbricht began doing a study of post-war Germany. Some other groups of German communists were distributed to other areas of the Soviet administration. As they had planned, they immediately began working to print a newspaper, set up a radio and a publishing house. With the authorization of the Soviet authorities, they were transformed into trade unions and immediately began working the next day as administrators of the country.

The Soviets and Ulbricht made sure that all the staff of this union were made up of Germans who had lived in the Soviet Union or were his sympathizers. The contacts Ulbricht had in Germany greatly helped to select people and expose Nazi collaborators. Ulbricht's motto was:

" *Everything must look democratic,   until we have all the things in our hand* ".

On July 14, 1945, under the orders of General Georgiy Zhukov, the members of this union began to exert strong influence to unite all the German people around them. In the choice of Walter Ulbricht as his man to run Germany, Stalin had chosen a man like himself. Ulbricht was missing the popular support, but he knew how to take power. He was not a prominent speaker, but he knew how to organize the work. German policy was not unknown to him. During the years of the Weimar Republic, he had been a member of parliament as a member of the Communist Party. When Stalin had tried to shape the idea of the German Communist Party in the 1920s, he had relied on Ulbricht's allegiance. Ulbricht had left Germany when Hitler came to power. Initially, he had gone to France and then briefly participated in the Spanish Civil War. The Soviet apparatus had identified it as a potential leader for German communism. The Soviet Secret Service brought him to the Soviet Union where he spent the entire period of World War II. There he became a member of the Comintern. No one knew the German Communist Party better than Ulbricht. He was Stalin's right man. Stalin and Ulbricht began working immediately as soon as Germany surrendered. They launched a wide-ranging plan for the nationalization of industry in the Soviet occupation zone with the claim that everything that belongs to the Nazis had been taken. In mid-1946, a private property no longer existed in the Soviet occupation area. From his area, Stalin took what he could to bring it to the Soviet Union. More than a thousand factories were dismantled and all German technology shipped to the Soviet Union. The technological capability of the Germanic area under Soviet occupation had ceased to exist. Ulbricht had hoped that the Germans would support this reform, but it was quite the opposite. When it is related to the interest, nobody forgives. Seeing the savagery with which the Soviets were dealing (mass rapes and expropriations), thousands of Germans in the Soviet zone were migrating to areas administered by Western allies. Under Stalin's pressure, Ulbricht had to take vigorous measures to stop emigration.

Despite the great help, Ulbricht realized that communism could not triumph in Germany. Even in Austria and Hungary, the Communists performed poorly. Stalin was not happy with the situation. Many Social Democrats refused to merge with the Communist Party. The respected Social Democrat leader Kurt Shumaker came out against it. But under Stalin's pressure, the social-democratic leader of the Soviet occupation zone Otto Grotevohl did not resist. Despite President Schumacher's objections, Grotevohli declared the merger of the Social Democratic forces with the Communist Party in the Soviet occupation zone. According to German commentator Wolfgang Leonhard who was a communist himself, this merger had dictatorial tendencies.

For the Western Social Democrats of the Allied occupation zones, it was easy to identify Grotevohli as a traitor. They did not take into account the terrible pressure the area's social-democratic leader was facing. On September 20-24, 1947, the second union convention (the first convened in April 1946) was called where out of the twenty-two speakers, only two belonged to the Social Democratic Party. Officially the SPD in the Soviet occupation zone no longer existed.

6. Conclusions

It was impossible for the Soviet and German Communists to win the people's sympathy. The Soviet army had entered in Germany from eastern Prussia and Silesia. The terror campaign had been terrible. Soviet soldiers were inspired by the words of Marshal Zhukov:

" *We will take revenge in a terrible way for everything* ".

Rape became the most widespread crime of Soviet soldiers in their area of occupation. Although there were Soviet officers who tried to stop this thing, even firing soldiers, they gave up as the hatred of the Soviets towards the Germans could not be stopped. Seeing the importance of the situation, Pravda newspaper recalled a Stalin article on February 23, 1942:

" *It would be ridiculous to identify the German people with Hitler. Historical experiences have shown that the Hitlers come and go, the German people and the German state remains* ".

Marshal Zhukov gave a firm order to maintain discipline, but the damage had already been done. According to statistics in the following years, more than two million German women of all ages were raped by Soviet soldiers. Despite these growing problems, Stalin and Ulbricht began to disagree on political issues. Stalin wanted to exert fear on the German population and could remove Ulbricht's authority with a swipe of his finger, but strangely he never discharged his trustee. Ulbricht too had mastered the art of deception to such a degree that he could throw it at Stalin, but again the Soviet leader did not

dismiss it. Ulbricht's ability to pursue policies, somewhat independent of his boss remains one of the biggest mysteries of international relations and post-war German history.

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The Creation of NATO and the Western Alliance

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Abstract

Stalin's actions in eastern Europe evoked fear and uncertainty in the West. The Red Army's fear of a Soviet invasion of the free part of the continent continued to be a major nightmare for post-war Europe. The coup d'etat in Czechoslovakia had the same effect as Stalin's military intervention in Poland. Stalin had ordered to intervene against a country that had great international sympathy for resistance to Hitler in the late 1930s. Whatever Stalin's goal was, he was completely unjustified. The Western Europeans were very afraid. If the Communists did not find it difficult to organize a coup in Prague, what would stop them from doing so in Rome or Paris? And if they tried to do something like that, who would stop them?

Keywords: East, Europe, West, Alliance, Reaction, NATO

Introduction

Establishing a Western alliance against Soviet military danger

British Foreign Minister Ernest Bevin had the great idea to establish a new military alliance that would strongly link Western Europe and the United States. Even French minister Bido agreed half-jokingly saying that he no longer wished to be at the top of a secret resistance in the event of an aggressor invading his country. France and Britain agreed to establish a new military alliance with the aim of appeasing European public opinion and showing that communism could not march as it pleased on this part of the continent. As they could not do without the United States of America, Washington was invited to participate.

British Foreign Minister Bevin argued that the survival of the West depended on the strong alliance with the United States of America with Great Britain and British dominance. With the Prague coup, he told Marshall not to lose time, but to create an alliance between the US and Western Europe. Seeing Marshall's reluctance, Bevin invited in 1948 the foreign ministers of Benelux and France to join a Western European military pact. Seeing the Soviet advance in central Europe, the US Senate voted for the Vanderberg Resolution, which urged President Truman to progressively pursue regional development for self-defense.

2. Creation of the North Atlantic Alliance

The process of treaty creation to include the North Atlantic countries began to expand even further. Talks on such an alliance began in 1948 with the participation of Britain, France, the US, Canada and the Benelux countries. At the meeting of September 9, 1948, they agreed that it was necessary to create a military alliance to restore European confidence.

In order to have a much broader scope, representatives of Italy, Denmark, Iceland, Norway and Portugal were also invited to the talks. All these states, on April 4, 1949, signed in Washington the treaty, establishing the North Atlantic Alliance. (NATO).

Like any alliance, NATO had its problems from the beginning. France insisted that the alliance equally determined to act against Germany as it did against the Soviet Union if it would endanger peace and stability. But it was soon realized that without Germany we could not walk. France and Italy were paralyzed by the strength of the respective Communist parties. The defense of Germany entered in the orbit of geostrategic interests of the time.

The most difficult test of the North Atlantic Alliance's defense system was NATO itself. This alliance is a union of values of a common history and culture. Of all the alliances that history has known this is the most powerful alliance. Western

Europe accounted for nearly half of US investment in the world. In the broad sense of the word, the ability of Western allies is shown to successfully cope with possible aggression. Here's why, at this very point even the biggest mistakes have been made that have in many cases led to deep crises within NATO.

In the Cold War years it was said that Americans had to keep up with Western Europe because it had the largest US bases there and it was necessary to have them there. In fact it is quite the opposite. It was Europe that had to keep up with America because American investments in every area of life made it possible to protect and operate half of the continent as a democracy. The United States of America had and has a strategic interest in Europe related to the possibility of American interests spreading into Euro-Asia.

With the change of geostrategic realities the survival of security is no longer in Europe, but it has shifted to Asia where all the Western Alliance's efforts are focused on power changes and above all one tyranny is not replaced by another. If Euro-Asia were ruled by a hostile force or a group of extremists, the threat to world peace and security would be constant. The key to controlling Euro-Asia is undoubtedly Western Europe, in close contact with US.

If the alliance between the US and Europe would break up, it would bring about a severe collapse of Euro-Atlantic values and lead to the loss of the Middle East and above all to violent overthrow in Africa. If all this were to happen, the states that would benefit most would be the Soviet Union and China. From a military point of view, this was unlikely to happen. It should not be forgotten that sometime in 1941, Germany almost did not sink Soviet Russia, and in 1954 a German-American alliance made Russian aggression impossible even when the latter was called the Soviet Union. The industrial resources possessed by Western Hemisphere countries are powerful. The Soviet Union was much in need for Europe's money, but without the opportunity to have the continent as its own property. This is because American troops did not leave Europe. The end of World War II did not bring Americans withdrawal from the old continent, on the contrary, it brought the growth of US investments in western Europe. The establishment of NATO also brought the first difficulties in American-European relations. That's because the Europeans headed by the French were faced with the dilemma offered by American strategic doctrines. Without a clear concept of the nature of the coming war and how to deal with it, even an alliance formed on the basis of the most honorable principles would lose out in finding an understanding of why it should exist.

In the absence of a comprehensive strategy for all partners, the announcement of a formally alliance, found no support. Even after its creation, NATO found it difficult to explain the nature of the protection that would provide to its allies. Whenever a war happens, a state initially decides to always resist as the degree of destruction will be very large. In the atomic age, the rate of destruction is at an unimaginable level.

Since its creation by the US, NATO has had many problems. The primary problem came after the Americans initially refused to share the secret of the nuclear bomb with their European allies. On the other hand, even the European allies were not willing to make the economic sacrifices necessary to have meaningful protection. Some of them even went so far as they preferred to detach from reality by denying the existence of danger. As long as the doctrine of the United States identified Europe's defense with the general war, the contribution of the Allies had to be inclusive. But the western European states did not have the resources to do a total war and their territorial proximity to the Soviet Union made these states even more vulnerable. So, their support for the United States seems to be non-existent. The country that understood the US strategic and leadership position better than anyone else was undoubtedly the UK. That is why America's help in defending Europe during the Cold War was indispensable. But if the United States was responsible for many inconsistencies in NATO policies with the exception of Britain, other European countries did not help overcome these difficulties as they were very eager to recover from the wounds of war and this was used as an excuse to avoid responsibilities.

However, NATO was and remains the key to the effectiveness of an effective alliance in the early days and during the nuclear era. If it were possible to devise an all-encompassing concept of protection for all partners, then the world would have spared all technological horrors. If NATO insisted on maintaining a doctrine with strategic differences between the partners then it would turn into a worthless alliance and all its efforts for world stability would be a waste. As a political organization, it could have validity, but as a military group would be ineffective. In any crisis that may occur, the risk of a gun blast especially in Asia would not save Europe from "pollution". Over time, the impression of powerlessness on European allies would lead to neutrality rather than action. In order to give an assessment to NATO at the beginning of

the Cold War, it would be more appropriate to analyze the defense policies of the member states and above all of America's most powerful partners, Great Britain, West Germany and France.

Everyone in these countries had a personal dilemma regarding the nuclear age. UK was considering to apply a policy of restraint based on reprisals that were similar to the American idea. Germany intended to focus only on the complexity of a local defense. France intended to draw a line between nuclear technology and conventional technology. At a time when European states were divided with these dilemmas, communism threw to the West, the next challenge, in Asia.

3. The creation of Western Europe by Monone, Schumann and Adenauer

The prospect of a German rearmament would certainly not be seen in France. French citizens had suffered greatly from armed Germany since the year 1870. French public opinion would not accept the fact that they would have to do it again with a capable state to militarily intervene in France for the fourth time in 80 years. In the early 1950s, France did not have a clear policy on how to deal with Germany. De Gaulle was the only French politician to devise two concepts associated with Franco-German relations. The first concept was about the final division of Germany and the second one was about the Franco-German cooperation within Europe. Since the beginning, the foreign Minister Bido had wanted the Germany division, but has rejected by being afraid by the Soviet danger. France was a member of NATO with the conviction that the United States of America and Great Britain would protect it from Germany and the Soviet Union. Despite these measures, France definitely needed a way to coexist with Germany. Jean Monnet gave the most accurate answer to all the French dilemmas. Monet had lived in the United States for four years as an international economist. There, he had shaped his idea of what France and Europe should be. As early as 1944, he had spoken for the magazine 'Fortune' that US should support a united Europe.

In his idea, France, Great Britain and Germany were the key to this union. In this idea, Monet has found the "twin soul" in Robert Schumann who saw the Franco-German coexistence as necessary to confront the Anglo-Saxon power. In April 1949, Mone told Schuman his idea of merging the Franco-German coal and steel industry.

This union would make the war between the two countries virtually impossible. This act would also accelerate European integration. Schuman, understanding Mone's mission, persuaded the French cabinet to accept the proposal without much debate. On May 9, 1950, the proposal was made public. Chancellor Adenauer had two months that had expressed the idea of France joining the FRY, but he wanted to leave the western neighbor with the pleasure of making the idea public. From this moment on, Monet has drafted the plan for the creation of the European Coal and Steel Community (ECSC). From this moment on, Monet and Adenauer became lifelong friends. US High Commissioner McCauley had strongly supported the project, even that he had to use little force to persuade the Barons of Ruhr to accept this project. Great Britain through Minister Bevin supported this project but did not participate in it. For Great Britain, the US relations were the main goal.

Finally, France had found its German policy. The treaty was signed on April 18, 1951 and hostile Franco-German relations ended. Instead of the policy of weakened Germany that has existed since the year 1631 (the doctrine of the "Raison d'Etat" - see vol. 1600-1899, GB), France chose the right path, that of cooperation. The battles already belonged to history and a bright future awaited both countries. Obstacles could not be overcome only with a handshake and by signing a treaty.

For most of the French, the Germans posed a permanent danger. They opposed the creation of the German army and the unification of the two Germans. The French prime minister, Rene Pleven, was aware that France alone could not withstand German rearmament. Only through cooperation with the German army they could successfully resist an eventual attack by the Soviet Union. Like Schumann, Pleven thought it better to join Germany than play old games to prevent the inevitable.

Pleven on October 24, 1950, had drafted a plan to include the new German army within the framework of the European defense system. His plan was to create the EDC (European Defense Community) in which the Germans would have their own officers and troops, but no command role. West Germany would not have its own army outside NATO.

Pleven's plan has found the support of French senior military. Aware of their weaknesses, they knew that with an uncontrolled German army they had no chance of winning. The Germans themselves were the fiercest to oppose the creation of the new German army. Their suffering during World War II justified their refusal. The most famous slogan

among the Germans who refused to create an army was 'Ohne Mich' (without me). Chancellor Adenauer tried to persuade his compatriots telling them that armament was needed as only the Germans could defend the country on the Rhine border.

The chancellor made it clear to the Germans and Western allies that Germany would not participate in the EDC as an occupied country. France had taken its security. The British supported Adenauer's arguments. At first, the Americans hesitated, but eventually accepted. Germany was returning to the families of civilized nations in record time.

4. Conclusions

One year after the signing of the steel and coal treaty, FRG signed on to join EDC. The treaty was signed in Bonn on 25 May 1952 and is known in the history of international relations as the 'Deutschlandvertrag' (German Treaty) because it was the country's first international recognition after the end of World War II. In Exchange to the German recovery, the Allies asked Adenauer for loyalty. The United States and the United Kingdom have made it clear that they want an united FRY with the West. The neutrality of FRY would be unacceptable. could no longer apply Bismarckian "east-west" policy or sign a treaty like that of Rapallos in 1922 that have made German-Soviet relations special.

Adenauer had acted with the leap of time. From 1952, Western allies would view FRY as an indispensable economic, political, and military ally. The integration of the FRY into Western Europe was complete. The other half of the country could not walk into this steps. The irony of the moment was that by wanting to change Korea's map, Kim Il-sung had changed Europe's map for better. East German leader Walter Ulbricht has understood the importance of the situation. Feeling the danger of emptying the country, he ordered the construction of a well-observed line across FRY border. No one could get through it, not even through death. Police-built towers served precisely East German isolation. West Germans were beginning to enjoy the first fruits of freedom and consequently the economic prosperity. Eastern Europeans would go deeper into poverty.

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Preliminary Hearing Judge

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Abstract

A new figure in the judicial system was foreseen in the legal amendments undertaken in the Code of Criminal Procedure, by law no. 35/2017, in the framework of the Justice Reform. The Code of Criminal Procedure has been changed in various aspects, including in here the changes that are related with the subjects of the criminal proceedings. I have previously set out what are the problems that emerged in the criminal process in general, and in the Preliminary phase of Investigation in particular, to understand the effects of this figure and the reason for it to enter into the judicial system. This preliminary investigation control based in ower law now is made by the Preliminary Hearing Judge (PHJ) and the Preliminary Investigation Judge (PIJ). The main task of this article, is to determine the impact that the PHJ has had on the progress of a fair and complete criminal process, since it has been sanctioned by law and has begun its functions. On the other hand what are the issues that this subject presents regarding the functions that the law attributes and their implementation in practice? The main focus of this paper is precisely those legal provisions that have provided for the manner in which this procedural subject operates, to further understand its impact on the criminal process in general and on the preliminary investigation phase in particular. An important aspect is making an overview of the Italian law from where we are based to foresee this judicial figure. After a comparison between these legal provisions we came in conclusion of the problematics that PHJ presents. We outline, at the end of the study, our conclusions arising from the examination of the preliminary session and PHJ, as well as some recommendations that I consider necessary for the process of criminal proceedings, in the light of the changes that have taken place.

Keywords: Preliminary Hearing Judge, Preliminary Hearing, Preliminary Investigation, Decentralized Prosecution, Case Referral to court

Introduction

Preliminary investigation has been subject to various problems in practice and precisely to avoid such problems and in the context of an effective fight against crime in the country, the legislature deemed it reasonable to undertake legal changes that were mainly related to the Preliminary Investigation phase and the entities that would be prosecuted during this procedural phase. One of the innovations was the introduction of the Preliminary Hearing Judge who would interact at the Preliminary Hearing stage, as an intermediate stage, which had the role of a controller of the files coming from the prosecution and needed judgment.

Undertaking such a change came as a result of the changes that occurred regarding the prosecution, the decentralization of the prosecution. Granting such independence raised the question of who would be the body responsible for exercising control over the activity of the prosecutor? Answering this question and based on previous experience of centralized prosecution, the legislature deemed it necessary to increase control at judicial level, strengthening the powers of the Preliminary Investigation Judge, as well as through the provision of a new judicial figure, that of the PHJ.

The introduction of the PHJ has been accompanied by debate among law scholars but there have been allegations raised at the constitutional level, for which the Constitutional Court has ruled. To understand the relevance of the PHJ it is important to take a brief look at the reasons for undertaking such a reform. The following is a brief retrospective on legal provisions under the Criminal P.C 1995/not amended, on Preliminary Investigation and subjects of this procedural stage.

Methodology

In this article we have applied some methods that we considered necessary for studying this judicial figure:

Historical aspects of Preliminary Hearing Judge in the national law over the years

Analitical Methods – analizing the provisions of procedures, highliting the innovations and shortcommings of this judicial figure.

Comparative methodology – We have made a comparison of the provisions with the Italian law, which is the system where we have been based to implement this figure, in way to understand the problems that may have and the solutions for those problems, which we have recommended at the end of the article.

1. Preliminary investigation and the competent proceeding authority under the Criminal Procedure Code of 1995

A criminal proceeding goes through several procedural stages, but the most important are three: Preliminary investigation, where the foundations of a criminal proceeding are laid; judgment and execution of decisions. Particular attention of this paper will be the preliminary investigation and the subjects that interact at this stage of the criminal process. This procedural phase had a special arrangement in the Criminal P.C. The prosecution is the prosecution body of this phase which conducts investigations. The body of the prosecution ispresented to us with a particular legal nature, as it has similarities with both the judiciary and the executive. It is also regulated in the Albanian constitution, which means that it is a body of a constitutional level that is not included in any of the powers, but it is considered a *sui generis* body.

The law provided the prosecution body as a centralized body/sanctioned a vertical hierarchy of the prosecution, with the higher prosecutor exercising control over the lower prosecutor.[1] As can be observed, such a provision was sanctioned not only legally but also constitutionally. Regarding this hierarchical relationship, the Supreme Court has also ruled, which in the unifying decision no. 04, dated 14.12.2002, stated that: "*…Given that the prosecution is a centralized body, in the prosecution offices of the first instance courts, the highest prosecutor is the district prosecutor. The prosecutor of the appeal court a higher prosecutor in relation to that of the district court only when it comes to adjudicating cases…*" Meanwhile, in the decision no. 56, dated 29.01.2001, the criminal college of the High Court stated that: "*...All decisions taken during the preliminary investigation phase, both dismissal of the case and those referring the case to the court, are decisions taken by the head of the prosecution, regardless of the opinion and attitude of the prosecutor following the case. The highest prosecutor in the case is the district prosecutor or the Prosecutor General. In this sense the highest prosecutor for the district prosecutor's office regarding the reversal of his decisions is the Prosecutor General and not any prosecutor at the General Prosecutor's Office. ...*"

Referring to this provision we can understand how the preliminary investigation phase worked and what problems were encountered in practice. The proceeding body during this phase, the prosecution, exercises several functions that fulfill the preliminary investigation phase, namely these functions are sanctioned in the Constitution, Article 148 and in the Criminal P.C., Articles 24 and 25, which provide that the prosecutor exercises these functions:

Exercise of criminal prosecution also mainly in cases stipulated by law;

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[1] Article 148 of the Constitution provides that: "*The office of the prosecutor exercises criminal prosecution and represents the accusation in court on behalf of the state. The office of the prosecutor also performs other duties set by law. Prosecutors are organized and operate as **a centralized body** attached to the judicial system In the exercise of their powers, prosecutors are subject to the Constitution and the laws.*" Law no. 8737, dated 12.2.2001" On the organization and functioning of the prosecution in the Republic of Albania", **Article 3** "*The Prosecution Office is organized and functions under the direction of the Prosecutor General as a centralized structure, including the Office of the Prosecutor General, the Prosecution Council and the prosecution offices of the judicial system.*". and **3/b**1. *The degree of hierarchy in the prosecution, according to the levels of organization and functioning in the centralized direction, from the highest prosecutor to the lowest prosecutor, is as follows: a) Prosecutors General Prosecutors are higher prosecutors than prosecutors of the prosecution offices at the courts of appeal and prosecution offices the first instance courts; b) the prosecutors of the prosecution offices of the courts of appeal, in the adjudication of appellate cases in their jurisdiction, are prosecutors higher than the prosecutors of the prosecution offices of the first instance courts, which belong to that jurisdiction; c) the prosecutors at the first instance courts, according to their competence, subject and land, are first level prosecutors in the prosecution. 2. Prosecutors, heads of directorates of the General Prosecutor's Office, heads of prosecution offices of the courts of appeal and heads of prosecution offices of the first instance courts, are higher prosecutors than prosecutors in the relevant structures where they exercise their functions.*.

Conducting investigations and controlling preliminary investigations, delegating powers to the OPGJ (Judicial Police Officer);

Bringing charges in court, and representation on behalf of the state;

The right to decide not to proceed and dismiss the case or charge when the cases are provided for in the law.

Taking measures to execute criminal decisions.

The Prosecution exercises all these powers through assistance from the Judicial Police Officer, who assists the prosecution in its investigative activity.

Realization of investigations in practice presented a number of problems related not only to legal requirements but also to the lack of professionalism in conducting investigations. The legal issues consisted mainly of structuring the prosecution as a centralized body which, as a result, lacked the independence of the prosecution on the case, and consequently neglected the latter to carry out the procedural actions necessary for the case. On the other hand, all decision-making was controlled by the highest prosecutor, who had the power to overturn the prosecution's decisions, which meant that the prosecutor had no decision-making powers on substantive matters. The Code provided that:

The orders and instructions of the higher prosecutor are binding on the lower prosecutor. The higher prosecutor has the right to decide to change or invalidate decisions made by the lower prosecutor on appeal or mainly".[1]

On the other hand, the professional deficiency was due to the lack of knowledge of the JPO who were the first subjects to come into contact with the crime scene, to take the first investigative actions to obtain evidence, which could later disappear. This was also due to the lack of training for these subjects and this resulted in deficiencies in investigations and incomplete files being sent to the court, which would affect the fair and efficient decision-making of the judicial system. Obtaining evidence was a crucial stage in the process, as this evidence would be available to the court, but as long as the evidence was rejected by the defense because of irregularities in obtaining it, the court found it difficult to deliver justice.

Another consequence was the delay in litigation due to these problems, which would infringe one of the parties' fundamental rights, adjudication within a reasonable time, but at the same time increased the volume of files before judges. There was a high load of criminal proceedings where the offenses under investigation were of minor importance, thus making the prosecutor unable to effectively concentrate qualitatively on the investigation of serious offenses.[2]

With the completion of the investigative phase which normally had an investigative period of 3 months, but for special cases the possibility of extending the Preliminary Investigations deadlines was foreseen,[3] and proceeded with the second stage of the proceeding which is that of trial.

It is important to consider as one of the factors that influenced the reform undertaking the form of control over the investigative activity of the prosecution. There were two ways in which the control process was implemented, or we can say we have two forms of control, which were:

First, Administrative Control, with this form of control being due to the existence of hierarchical relationships in the prosecution structure and was performed through an appeal to the higher prosecutor.[4] **Second**, Judicial control carried out

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[1]Criminal Procedure Code of 1995, Article 24/4 and 25/5

[2]Special Parliamentary Committee on Justice System Reform "Analysis of the Justice System in Albania", 2015.

[3]Ibid. Article 324 Deadline extension *1. The prosecutor may extend the period of investigation for up to three months. 2. Further extension, each for a period not exceeding three months, may be made by the prosecutor in cases of complex investigations or of impossibility to complete them within the extended period. The duration of the preliminary investigations cannot exceed two years. Beyond the 2-year period, in exceptional cases, the investigation period may be extended only with the approval of the Prosecutor General for up to one year, for each extension not exceeding three months, without violating the deadline of the length of detention. 3. The decision to extend the period of investigation is notified to the defendant and the injured party. 4. Investigative actions conducted after the deadline cannot be used*

[4]Criminal Procedure Code 1995, Article 24/5

by the Preliminary Investigation Judge[1]. This form of control was limited as it referred only to complaints about actions that were not committed by the prosecution but needed to be carried out. In practice, there is the possibility of having the decision of the higher prosecutor overturned when the appeal is being reviewed or has been reviewed by the court, due to a lack of clear stipulation in the law.[2]

The court had jurisdiction to hear the appeals of the parties in cases where the prosecutor could dismiss the case, a power which also extended to the criminal offenses of the type of crime, but the law did not clearly specify the court's jurisdiction over the disposition of cases where it found that the decision of the prosecutor was not well founded, and it did not specify the competence of the court to decide on the conduct of investigations and the time limits within which they should be carried out from the moment the acts were returned. The relationship that existed between these two forms of control was that it was directed to the court to exercise control and lose the right of administrative control exercised by the highest prosecutor. On the other hand, if you first exercised administrative control you had the right to later address the court as a higher instance..

Exercising control has been one of the most controversial points in practice and one of the aspects of this control was related to the adequacy of preliminary investigations so that it could be passed through the trial stage. From the analysis of the Code we find that such control was not provided by law, and therefore there was no control filter to determine whether a file/case met the elements sufficient to pass to the trial stage, i.e. could the court, with the elements in the file, to reach a just decision. Such a deficiency in the legislation had consequences that were related to the judgment and the delay of the proceedings. The prosecution, neglecting the investigation and obtaining evidence during this phase, brought about the need to obtain evidence at the trial stage which extended the trial, violated the principle of trial within a reasonable time, but at the same time posed a problem concerning the quality of the charges filed and sent to to be judged.

In response to these problems posed by the law, the legislature deemed it necessary to undertake legal changes, which substantially changed the organizational method and structure of the prosecution body, as a decentralized body, removing the hierarchical dependence that existed with the higher prosecution. The need to balance the functions of the prosecutor and the independence granted was accompanied by the creation of Preliminary Hearing Judge, whose function was to control the activity of the prosecutor during the Preliminary Investigation phase, and to evaluate preliminary investigations. Its functions are expressly enshrined in the legal provisions of the Code of Criminal Procedure, in particular Chapter IX, Articles 332 et seq.

2. Innovations brought about by the 2016 Reform - Preliminary Hearing Judge

The initiation of a reform of Procedural Law in general and the preliminary investigation phase in particular came as a response to the problems posed by this phase in criminal proceedings, and more specifically these problems related to:

The way the prosecution was organized as a centralized body/vertical hierarchical relationship, which reduced the responsibility of the prosecution in the process and rendered the latter more negligent in their function, and therefore Preliminary Investigations appeared to have substantial deficiencies in the continuity of the criminal proceedings.

Lack of training of the prosecuting entities of this phase, which resulted in lack of professionalism of these entities in conducting investigations, and consequently the file is incomplete and due to the lack of a supervisory structure on the adequacy of the investigations carried out..

Ensuring a regular legal process and respecting the rights of parties to access the process.

The state of corruption among prosecutors, a phenomenon that has been highlighted by reports not only of organizations interacting in Albania such as the Albanian Helsinki Committee, but also by numerous reports prepared by the European Union.

As a response to these phenomena, it was necessary to strengthen the Preliminary Investigation phase through a number of measures, which focused mainly on preliminary investigation control. The decentralization of the prosecution body and

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[1] Ibid. Article 278 "*During preliminary investigations, for cases provided by law, the court decides upon the request of the prosecutor, the defendant, the injured party and private parties. 2. All actions of the prosecutor during the preliminary investigation shall be examined by the same judge*"

[2] Special Parliamentary Committee on Justice System Reform "Analysis of the Justice System in Albania", 2015.

the independence it gained based on this prediction brought about the need for intervention and the creation of a competent structure whose relationship with the prosecution would be of a horizontal hierarchical relationship.[1] In the context that the prosecutor did not depend on the superior prosecutor but would already be controlled by a judicial system structure, there were two ways in which that control would be carried out; **first**, through strengthening the positions of the Preliminary Hearing Judge, and **second**, through the sanctioning of the Preliminary Hearing Judge, whose main function is to assess the adequacy of the investigations to take the case judgment.

The Code has exhaustively provided for the functions of this entity, which proceeds at a preliminary hearing as an intermediate stage for the process between investigation and judgment. The main function of this entity is to check the completeness and adequacy of the investigations carried out by the prosecution, to take the case to judgment. Components of this function are considered:

- Verification of the legality of the acts;

- Verifying the usability of evidence,

- Sufficiency of evidence.

The functions and powers that the law attributes to the PHJ in more detail to accomplish its mission consist of:

Examination of prosecutor's request for case referral to the court, within 10 days of submission of the request by the prosecutor, the court sets the date of the hearing.[2] In the course of this hearing, the court shall notify the parties 10 days prior to the hearing.[3] The law provides for the obligation to notify in such a case and of the victim or his/her heirs, if their identity and residence are known. In case the defendant has no defense, the court proceeds with the appointment of defense in accordance with the provisions of Article 49 of the Code of Criminal Procedure. The law provides for a legal maximum deadline for the conclusion of the preliminary hearing no longer than 30 days. Such a provision is coherent with Italian Criminal Procedure Code, where our legislation is based on.

It examines the prosecutor's request for dismissal of an indictment or case when proceeding with crimes, and we are faced with one of the conditions provided by law.[4] During the hearing, the victim is also informed, who has the right to make his/her own claims about the case. After considering all the evidence of the prosecutor, the court decides whether to accept the prosecutor's request or return the acts to the prosecutor to continue the investigation or formulate the request for transfer to court. In this case the parties have the same rights of appeal as in the case when the prosecutor himself has decided to dismiss the case in the case of an offense.[5] The defendant may appeal only the most favorable fact of dismissal of the charge or case.

It examines the appeal against the prosecutor's decision to dismiss the charge or the case for criminal offenses.[6] After making such a decision, the prosecutor is obliged to notify the parties, the defendant and the victim. The appeal is examined by the court in the consultation chamber within 15 days of receipt of the acts. The review of the appeal is conducted in the presence of the parties, the defendant, the prosecutor and the victim or heirs when his/her place of residence is identified and known. At the conclusion of this decision the court may decide:

Leave the decision of dismissal in force, when it considers that we are facing cases sanctioned in article 328/1 of the Code of Criminal Procedure. Appeal to this decision may be made by the defendant and the victim to the court of appeal and the latter when receiving the victim's appeal returns the acts to the prosecutor to proceed with the investigation or the request to refer the case to the court. When it accepts the appeal of the defendant, it decides to dismiss the case for a more favorable cause.

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[1] Constitution of the Republic of Albania, as amended 2016, Article 148.

[2] Criminal Procedure Code, as amended by Law no. 35/2017, Article 332

[3] Italian Criminal Procedure Code, Article 418. After the submission of the request until the hearing, no longer than 30 days should be allowed under the Italian Code, unlike our law with no longer than 10 days, a period which in our opinion is too short, thus bringing a problem with notifying the parties.

[4] Ibid., Article 329/a

[5] Ibid., Article 329/b

[6] Ibid., Article 329

It returns the acts of the prosecutor for the continuation of investigations when they indicate that they are incomplete, specifying the directions for their concetration and, where appropriate, the actions to be carried out, and specifying the time limit within which investigations should be completed;

It returns acts to the prosecutor ordering to formulate an indictment and submit a request for adjudication of the case, when it considers that the investigation is complete and that there is sufficient evidence to support the indictment. Such a legal provision has been the subject of opposition by the Order of Prosecutors of the Republic of Albania (OPRA) to the Constitutional Court, as a legal sanction which contravenes Article 148 of the Constitution, where it is sanctioned that prosecution is the exclusive competence of the prosecution and the constitution does not provide for any case where this power may be restricted. Granting such an attribute to the court leads to taking the prosecutor's powers, going beyond the controlling boundaries that the law provides for the PHJ, argued OPRA representatives. Concerning the prosecutor's powers to prosecute, the CC has stated in a number of its decisions, but in the case under review it rejected the request as unfounded by law.[1] We consider this decision of the CC as incorrect interpretation of the law resulting in the creation of the phenomenon of compulsory prosecution, which denies the prosecutor the right to assess the opportunity to pursue the prosecution in the specific case and consequently, a violation of his/her powers.

Granting such powers to the court violates the rights of the defendant whose position is aggravated by the fact that the law denies the right to appeal such a decision. The defendant has the right to complain equally as a victim only when he/she has the dismissal decision in force to request a more favorable cause of dismissal. In the other two cases the court recognizes the right of appeal only to the prosecutor.[2] In the case when the prosecutor is required to formulate the indictment, the defendant is denied the right to appeal but we consider such a provision to be unjust, as granting the right of appeal only to the prosecution is considered ineffective, based also on the decentralization of the prosecution, where the appeal filed by the prosecutor to the Appeal will be prosecuted by the prosecutor acting at the Court of Appeal and consequently the latter may waive the appeal and thus the appeal remains ineffective in guaranteeing the rights of the defendant.

It examines requests for revocation of a decision to dismiss an indictment or case at the request of the prosecutor, the victim or his/her heirs when new data or evidence emerges or is disclosed, indicating that the decision is not grounded. When making such a request, the victim shall submit and file together with the request the new evidence or facts proving the situation. The request is examined in the consultation room. When deciding to accept the request, the court revokes the dismissal decision and returns the acts to the prosecutor, who resumes the investigation.[3] But if the court decides to reject the claim, the victim has the right to appeal to the court of appeal against this decision. It is worth interpreting to whom the legislature refers to the concept of **new evidence** in this case. In our opinion, new evidence will be evidence that was not known at the time of the investigation and is newly revealed or reported, so we will be in the same situation when seeking a review of the verdict due to the emergence of new evidence, and not evidence which was known but due to negligence was not obtained by the competent authorities.

Examination of the appeal of the victim or the person who has filed a charge on the prosecutor's decision to suspend the investigation. The appeal is examined in a consultation room within 30 days. No appeal is allowed against the decision. When the appeal is upheld, the court decides to resume the investigation.[4] In this way the court does not allow the prosecutor to abuse his powers and allows the victim to seek further investigation, thereby protecting the victim's interests, as in the case where the latter complains about the prosecutor's failure to initiate proceedings.

It examines the requests of the parties regarding the invalidity of the acts or the uselessness of the evidence and where appropriate may order their repetition. The parties, at the beginning of the preliminary hearing, put forward their allegations concerning the investigation. The prosecutor first makes his statements, then the defendant, who may challenge the prosecutor's acts or demand the uselessness of certain evidence which has not been obtained according to legal requirements. The victim has the same right to ascertain whether the acts are invalid and that he/she may file a claim,

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[1] www.gjykataelartë.gov.al Unifying decision no. 02 dated 20.06.2013; www.gjykatakushtetuese.gov.al decision no. 14, dated 21.07.2018, "*The power of the prosecutor to ignore or dismiss a criminal case, as an aspect of its constitutional functioning of the prosecution, is in accordance with the rule of law*".

[2] Criminal Procedure Code, as amended by law 35/2107, Article 329/6

[3] Criminal Procedure Code, as amended by law 35/210, Article 329/c

[4] Criminal Procedure Code, as amended by law 35/2017, Article 326

either himself/herself or through the legal representative, with regard to the invalidity of the acts, or the usability of the evidence. The victim may also exercise this right in cases where the defendant files a motion for summary judgment and in this case it may be a reason for the court not to accept the summary judgment for the defendant.

It expresses about the parties' allegations regarding the charge or legal qualification of the criminal fact. Both the victim and the defendant in this case have the right, through the representative, to submit their opinion on the accusation raised by the prosecutor or the legal qualification of the offense and, where appropriate, the court, when finding that the prosecutor has erred in these two respects, requests the latter to make the appropriate adjustments. At the same time, it informs the head of the prosecution office in case the prosecutor does not obey the requests of the PHJ.[1] Accurate determination of the criminal fact is a decisive condition on the validity of the decision of the PHJ,[2] but this does not imply that it is the PHJ that determines the criminal fact for which the defendant is being prosecuted, as this is the exclusive competence of the prosecutor. The right to dispose of the indictment is a key component of the prosecution's exercise of jurisdiction, which continues to be exercised at the trial, as it does not end with the conclusion of preliminary investigations. The reason for establishing this institute is to enable the prosecutor to reflect based on the available acts on the criminal fact and the accusation raised so that the file is as complete as possible.

Implementing such a provision in the code is very helpful in case law, at a time when the prosecutor is twice given the opportunity to dispose of new charges, once in the preliminary hearing and once in the judgment. This is undoubtedly considered with regard to guaranteeing a fair legal process, in terms of procedural justice.[3]

The Criminal Procedure Code has clearly sanctioned the cases in which a change of charge may be made, which is the same as the chapter of new charges in the criminal process sanctioned in Articles 372 et seq. of the code.[4] A problematic situation of this institute appears in the case of changing the legal qualification of the criminal fact following the guidance of the PHJ, if the prosecutor fails to comply with the PHJ instruction, he may, by reasoned decision, return the acts for the continuation of the investigations, which brings regress in the case.[5]

The Preliminary Hearing Judge, when the parties claim and when he or she deems it reasonable and generally orders the necessary investigative actions to be taken on the case, in the context of conducting thorough investigations. In this case it may also specify the direction of the investigation and the time limit within which it should complete the investigation.[6]

By analyzing the code in its entirety, the PHJ may also be attributed certain functions, which include, in addition to receiving the requests of the parties, such as those for summary judgment and the provision of evidence under Article 318 of the

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[1] Criminal Procedure Code, as amended by law no. 35/2017, Article 332/d

[2] Criminal Procedure Code, as amended by law no.35/2017, Article 332/e paragraph 2 " *2. The decision is invalid when the defendant is not accurately identified, or when the requirements provided for in point (c), paragraph 1, of this article are missing or insufficient. The decision to refer the case to the court shall contain: c) the presentation of the criminal fact and its circumstances, indicating the relevant provisions of the law"*

[3] A. Belishta *"Defendant's procedural safeguards in a criminal proceeding, through the application of a set of provisions on changing charges, seen from a historical perspective and strengthening them with amended procedural provisions",* Criminal Law Department International Scientific Conference "*criminal law between Tradition and Challenges of Actuality"* pg. 456

[4] Criminal Procedure Code, as amended by law no. 35/2017 Article 332/d "*1. When during the preliminary hearing the fact is different from that described in the request to refer the case to court, another criminal offense emerges, pursuant to letter "b" of paragraph 1 of Article 79, or an aggravating circumstance not mentioned emerges, the prosecutor changes the charge and communicates to the present defendant. When the defendant is not present, the new indictment is communicated to his lawyer, who is given no more than 10 days to communicate with the defendant.*
2. When during the preliminary hearing a new criminal fact emerges about the defendant, which is not mentioned in the request to refer the case to court and for which it should be proceeded mainly, the court allows the communication of the charge for the new fact, when the prosecutor submits a request and the defendant consents. Otherwise, the court returns the prosecutor acts related to the new charge and notifies the chief prosecutor.
3. When during the preliminary hearing it turns out that the legal statement of fact is incorrect, or when the charge is not clearly and correctly worded, the court invites the prosecutor to make the necessary corrections. If the prosecutor does not act, the court decides to return the acts. This decision is notified to the chief prosecutor.

[5] This case would be problematic and because after the investigation it is the same judge who returned the acts who will consider the second request of the prosecutor, in case the prosecutor did not follow the instructions of the PHJ, it would bring the process into a stalemate, a "silent conflict between the parties".

[6] Criminal Procedure Code, as amended by law no. 35/2017, Article 332/ç

Code of Criminal Procedure, and powers regarding the assignment of medical measures. The Code in Article 46 provides that when it is found that the mental state of the defendant is such that it needs to be cured, the court, mainly, orders him to be admitted to a psychiatric hospital. Although the code does not explicitly state which court is competent to deal with such a decision, we are of the opinion that since mental incapacity may arise at any point in the proceedings, that court operating at that stage should be competent. Such a conclusion is also reached by the fact that in paragraph 3 of this provision it is provided that when incapacity appears to us during the Preliminary Investigation, the prosecutor asks the Court to authorize the hospitalization of the defendant to a psychiatric hospital. This paragraph in conjunction with Article 278 where the competence of the PHJ is provided, it results that during this phase the PHJ who is competent for the Investigation phase decides. The same logic should be followed if the incapacity is shown to us during the Preliminary Hearing, with the power to decide lying with the PHJ.

By analyzing the functions and powers of this figure, we can come to some conclusions about the advantages and disadvantages of the PHJ:

Firstly, it gives you the opportunity to challenge the evidence obtained in the investigation by seeking the uselessness or invalidity of the act.

Secondly, it provides the defendant with the opportunity to exercise effective defense, since at this stage you can examine the evidence of the preliminary investigation, without going through the judgment. It thus guarantees the time needed to set up a defense strategy.

Thirdly, access to evidence orientates the credibility of the charge but at the same time directs the search for the application of special judgment when it finds that the evidence is strong and seeks in this case the benefits that special judgments can bring.

Fourth, it obliges the prosecution to identify its weaknesses and directs it to the necessary investigative actions it needs for the process. This way it guarantees thorough investigations.

Fifth, the recording of the hearing may serve as evidence judgment phase.

Finally, the subject of a judicial dispute may reveal little about the defense strategy and orient the charge on how it should act in this case.

We can say that in many cases what constitutes an advantage for one party is a disadvantage for the other. But no one can deny that at present the legal framework has made an effective adjustment having regard to the parties' relation to guarantee the most effective means of dealing with them.

The PHJ performs its competences through a certain standard of proof. The **standard of proof** is the level of evidence required in a legal action to convince the court that a particular allegation is true.[1] Three types of standards apply to a criminal proceeding throughout its development; the standard of reasonable doubt that the court applies in determining the precautionary measures; The standard of judgment beyond any reasonable doubt, when the court has the guilt of the defendant; and the standard of proof adequacy that the PHJ applies.[2] The latter through this standard disposes of passing the case for judgment or not, based on the totality of evidence available until the preliminary hearing. It assesses whether the court of appeals based on this evidence is able to reach a verdict on the guilt or not of the defendant, if he/she then refers the case for trial, otherwise he/she may return the acts to the prosecutor and request for the conduct of further investigation.

Of particular importance in dealing with the competences of this subject is the relationship that this subject has with some special adjudications, namely **judgment in absentia** and summary judgment.

The judgment in absentia is an institute which was provided in Criminal Procedure Code with the legal changes undertaken. The anticipation of such a trial came as a result of the issues arising in practice where the defendant was tried without knowledge of the criminal proceedings against him/her. In this way he/she was denied the right to effective defense.

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[1] OSCE "Analysis of the Criminal Justice System in Albania, Report on the Development of a Fair Trial Program ", 2006
[2] Criminal Procedure Code, as amended by Law no. 35/2017 Articles 228, 4/2

An effective means of appeal was not guaranteed for this category of persons so that it could challenge the decision taken in absentia, a problem for which Albania has often been subject to ECHR decision-making.[1]

In the context of our work, a problem that may arise in practice relates to the judgment in absentia of the defendant and the request for review. Is the defendant entitled to seek summary judgment and where to file it? When the accused person is not present (in absentia), the court proceeds with the adjournment of the trial for one year in order to carry out the relevant search actions of the person. This procedural remedy provided the defendant with a guarantee that if he/she would appear within this time limit, he/she could benefit from the summary judgment. But even in this case if, despite the searches, the person is not found and fails to know about the process, the court proceeds with the revocation of the suspension decision and refers the case to trial,[2] consequently the absent defendant was again denied the opportunity to benefit from the summary judgment.

In the case of a defendant in absentia, it is presumed that the Preliminary Hearing phase has been exhausted and consequently when the defendant appears and requests a review, for one of the reasons set forth in the Code,[3] we no longer have a preliminary hearing. Such an arrangement denies the right of the sentenced in absentia to benefit from the summary judgment, as long as this case is not included in the cases provided for in Article 403/1 for the submission of the request at the hearing.

A person tried in absentia has been denied the right to an effective defense as long as he/she was unaware of the criminal proceedings against him/her. And the request for review is provided as a necessary tool to guarantee individuals' rights to due process. Once a request for a review is received and the case is returned for retrial, only an obligation for the retrial court arises and it is to restore the defendant to the same situation it would have been if it had been duly notified of the proceedings against him.

In such cases, the court shall guarantee to the defendant all the rights he enjoys under the legal acts which are part of the legal order of the Republic of Albania, without limiting any right, including the right to seek summary judgment. Otherwise the appeal remedy, the request for review would not be considered an effective remedy, this being referred to the jurisprudence of the CC,[4] which is in line with the ECHR's decision-making. The latter has stated in relation to Albania that:

…The refusal to resume proceedings in the absence of the defendant, without indicating that the defendant waived his right to be present at the trial, was found to be a "flagrant denial of justice", making the proceedings "openly in contravention of the provisions of Article 6 or the principles expressed therein" … 70. The Court reiterated its findings in other decisions too that when a complainant was convicted in violation of his rights guaranteed by Article 6 of the ECHR, the most appropriate form of redress would be to make the complainant, as much as possible, be placed in the position that would have been had this provision been respected." **(see Izet Haxhia against Albania).**

Although the practice is oriented towards accepting summary judgment requests, in the case of trials in absentia, we are of the opinion that appropriate intervention should be made to establish the judgment in absentia, as one of the cases of Article 403/1, where the summary judgment request may be presented at a court hearing and not a preliminary hearing. Such a provision would avoid any possible future abuse by the authorities of the defendant's right to a summary judgment. Another way is to apply the judgment in absentia in the same way as in the Italian system, where the suspension is made at the preliminary hearing stage and resumes only in the cases provided by law.[5]

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[1] https://www.echr.coe.int, see Shkalla against Albania; Caka against Albania; Izet Haxhia against Albania.

[2] Criminal Procedure Code, as amended by Law no. 35/2017, Article 352/1

[3] Criminal Procedure Code, as amended by Law no. 35/2017, Article 450, see Article 352/ judgment in absentia.

[4] www.gjykatakushtetuese.gov.al Decision no. 64, dated 16.10.2017 stating: "*The Court, referring to the jurisprudence of the European Court of Human Rights of the ECHR with regard to the interpretation of Article 13 of the ECHR, which clarifies the content of the term "effective complaint", has stated that it is important to determine that a range of remedies, by case, are available to the individual and if they provide him with real opportunities to settle disagreements effectively. In this regard, it has been identified that one of the criteria that must be met in order for an appeal to be effective is that the remedy provides clear and secure opportunities for reinstatement of the infringed right"*

[5] Italian Criminal Procedure Code, Article 420 bis, 420 quarter, Article 420/2 quinquies, provides that "*the PHJ will revoke the order of trial suspension: if the accused is found after searches; if in the meantime the defendant has appointed a lawyer; in any other case where it is certain that the accused is aware of the proceedings against him; if a judgment act is to be submitted in accordance with Article 129/being in the condition of granting a cessation order".*

The introduction of the preliminary hearing as an intermediate stage, as an example of the Italian system, has been considered an important element for the system as it improves quality and completeness of adjudication in criminal proceedings. But is it necessary to apply this stage in any circumstance?

In order to understand the answer to this question we must remember once again the main purpose and function of the PHJ, which is to check the adequacy and completeness of the preliminary investigations. In cases when it is not necessary to carry out this control, there are also cases when the **preliminary hearing can be avoided**:

- *Direct judgments.* The Code has clearly sanctioned the conditions under which direct prosecution may be sought by the prosecutor.[1] At the heart of a direct trial is the basic condition for a preliminary investigation to be complete, which means that there is no need for further investigation. Since this form of adjudication completely eliminates the preliminary investigation, it results that the PHJ is not involved at all as part of the process and the case goes directly to judgment.

- *Case of the prosecutor's decision to dismiss the criminal case, when proceeding for criminal contravention.* One of the powers of the prosecutor is to decide the dismissal of a case where it constitutes criminal contravention.[2] In this situation we do not address the PHJ at all, except when the victim or the defendant addresses him with an appeal against the prosecutor's decision.

What comes up for discussion is what happens when the court accepts the victim's complaint and returns the acts to the prosecutor and orders the prosecutor to formulate the request to bring the case to trial. Could the same judge then adjudicate the prosecutor's request to have the case brought to court, and would we have incompatibility of functions? In our opinion, we are not in a state of incompatibility, as the PHJ, as we said, does not make a thorough verification of preliminary investigations. As a result, from the interpretation of the provision it turns out that it is the same PHJ who will also consider the request for the case to be referred to court.

- *Filing of application for approval of Criminal Order*[3]. In cases where the prosecutor proceeds with criminal offenses and considers that it is not necessary to apply the prison sentence, he asks the court to approve the criminal order, which determines the sentence that is applied to the defendant, with a fine as the main punishment. During this special adjudication the PHJ does not interfere and the order is approved by the Judge of judgment. Against his decision, the appeal is re-filed with this court and, if this appeal is accepted, proceeds to ordinary trial. The provision is made in such a way that when a criminal order is approved, the court examines issues of judgment such as the proportionality of the sentence, elements which fall outside the jurisdiction of the PHJ.

The legislation has only sanctioned 3 cases in which we may have avoidance of the preliminary hearing, but in our opinion this should have been applied to other cases too. Taking the type of criminal offense as a criterion, which does not represent a complexity in the conduct of investigations, they do not therefore need to be examined by a judicial authority. It should be emphasized that one of the aims of the sanctioning of the PHJ has been to avoid delay in processes and if we apply this institute in any criminal proceeding, we would lose one of the purposes for which this judicial instance was sanctioned.

CONCLUSIONS

The undertaking of legal reforms in recent years, having as reference/guidance the Italian legal system, brought about a number of changes in the organization and functioning of legal structures operating at each stage of criminal proceedings. As part of the implementation of the separation and balancing of powers, the manner of the organization of the prosecution was completely transformed, which has led to an increase in the efficiency of the prosecution and consequently an increase in the fight against crime.

The new legal framework serves to apply the rights of the parties to the process and has opened a new path for criminal proceedings. Granting control powers to the prosecution activity by raising it to a judicial level in a horizontal relationship between the two structures will avoid the various abuses that have so far occurred in practice and bring about more effective justice.

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[1] Criminal Procedure Code, as amended by Law no. 35/2017, Article 400
[2] Ibid., Article 328
[3] Criminal Procedure Code, as amended by Law no. 35/2017, Article 406/a

We can say the PHJ has brought a number of positive developments to the process, reducing the duration of an adjudication by submitting as thorough a case as possible to adjudicate.

Despite the positive aspects of this figure, it should not be forgotten that the legislator in a series of steps, attempting not to copy paste the Italian legislation, has caused a number of problems which may affect the rights of parties to the process. A typical example is the case of adjudication in absentia and the defendant's right to benefit from special adjudication. These claims only appear at a preliminary hearing, but while the person is tried in absentia, he/she loses such a right, thereby denying him/her the right of access to court and trial in due process. This problem should not have an immediate solution so long as we have neither the Supreme Court, to unify the practice of interpreting the provisions, nor the Constitutional Court, to express on the constitutionality of these provisions.

The PHJ has a range of powers ranging from expressing a cessation of a case in cases of crimes when the prosecutor requests it or when finding that we are in a cessation condition sanctioned by Article 328 of the Code of Criminal Procedure. The introduction of such an intermediate phase has brought about a new legal framework, in view of improving criminal proceedings.

It turns out that the functions of the PHJ are set out in all the legal provisions of the Code of Criminal Procedure. As a consequence, we need to be careful when analyzing and studying them in practice. The establishment of this judicial figure serves the realization of judicial control over the Preliminary Investigation phase, in addition to that carried out by the PIJ (Preliminary Investigation Judge). It has consequently brought about more thorough investigations and more effective justice, where the parties have a range of remedies to seek their rights, and to avoid abuse by state authorities.

RECOMMENDATIONS

At the end of this paper we consider it necessary to make some recommendations regarding the PHJ and this stage of the criminal proceeding, including its method of operation.

It is important that in its judicial activity the PHJ is concise in applying the relevant legal provisions and making decisions applying the standard of adjudication, which is that of sufficiency to adjudicate. It is important to consider all the claims of the parties at this stage of the proceedings by referring to law and evidence.

From the analysis of the provisions we are of the opinion that the legislature should proceed with the relevant changes regarding the judgment in absentia, and include it in one of the cases where the requests for special trial should be foreseen at the preliminary hearing stage. Such an adjustment is necessary as long as both the SC and CC are unable to comment on the case because of the current impasse.

In our opinion, the power of the PHJ to return the acts to the prosecutor and to request the formulation of the indictment is in contravention of the constitution, and the CC in its decision-making should have expressed by decision on this as it infringes the prosecutor's exclusive competence to carry out the criminal prosecution.

The legislature must be coherent in their legal provisions and undertake legal changes related to Article 334 of the Code of Criminal Procedure, "request for summary trial", in order to comply with the new sanctioned provisions. It should avoid the abuses and discretion of the courts in assessing cases by avoiding the contradiction between the legal provisions.

Concerning the right of appeal in the case of dismissal of the case by the prosecutor or the PHJ, we consider that the legislature has not made an accurate provision of this right to guarantee the access of the defendant and the victim to the process. The right of appeal of the defendant is not always exercised, and moreover this right is related to the status of the defendant, which limits the right of appeal of the person under investigation in those cases where the dismissal of the case is decided by prosecutor. In such a situation the person against whom proceedings have been instituted does not necessarily have the status of a defendant. We consider such a provision to be in contradiction with the unifying decision no.2/2013 which provides for the status of the person being prosecuted and the rights he/she enjoys under this status.

On the other hand, in the case of the disposition of the PHJ to return indictments and request to formulate indictments, the law provides for the right of appeal only to the prosecutor and not to the defendant, with such a provision being ineffective as long as the prosecutor is already decentralized and after making an appeal the case is pursued by the Appellate Prosecutor who may waive the appeal and therefore remains ineffective, with the PHJ's decision being in force. In order to remedy this situation the law must also recognize the right of appeal to the defendant in such cases.

The same problem also applies to the victim, who has the right to complain, but may lose that right as long as his/her notification is limited by the legislature to the fact of identifying the victim. In the event that the victim is not identified, the proceeding authority is not obliged to notify, leading to the violation of equality before the law for the parties and denial of access to court. We recommend appropriate interventions to address legal deficiencies that will in practice result in a violation of the rights of parties in the process.

Biblography

[1]   Belishta *"Defendant's procedural safeguards in criminal proceedings, through the application of a set of provisions on changing the charges, viewed from a historical perspective and strengthening them with the amended procedural provisions",* Criminal Law Department International Scientific Conference "*criminal law between Tradition and Challenges of Actuality*

[2]   Constitution of the Republic of Albania 1995

[3]   Constitution of the Republic of Albania, as amended 2016

[4]   Criminal Procedure Code 1995

[5]   Criminal Procedure Code, as amended by law no. 35/2017

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The Effect of Organizational Culture on Knowledge Management and Managerial Performance of Government Department in Dubai

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Abstract

This study aim to emphasize the importance of knowledge management and the factors that influence the knowledge management within Dubai public sector organization. The study is to highlight the effect of organizational culture on the relationship between knowledge management and managerial performance of government departments in Dubai. Development of organizational culture is pegged on managerial performance. The role of the manager in any department is to evaluate the system and eliminate the impediments to success. As long as the mindset is built on competitive spirit, employees will be nurtured to appreciate superior performance amid their challenges. The manager should also act as a problem solver by understanding the existing challenges and using the available knowledge to create feasible solutions Data were collected by distributing questionnaires to 215 systematic randomly sampled respondents from seven public departments. Data collected were analyzed by using descriptive and inferential statistics. The research showed that the effect of organizational culture on knowledge management and managerial performance of government department in Dubai.

Keywords: Knowledge Management, Organization, Culture, Performance.

Introduction

Organizational culture has been linked to high levels of performance in any entity whether public or private. On the other hand, knowledge management has been perceived as a strong element in building competitive advantage. In fact, it is considered a strategic asset for ensuring desired levels of performance are achieved. The era of globalization has led to a knowledge-based economy where organizations need to pursue strategic actions. Government organizations have often been linked with redundancies as compared to the private entities. However, governments across the globe are seeking ways of revamping their performance. Governments like the UAE have realized that knowledge is one of the most valuable assets in bolstering productivity of employees (Radwan & Milhem, 2015). The element of knowledge management should be embedded in the organizational culture for the desired deliverables to be guaranteed. The merit of knowledge management is the guarantee in building a culture of learning.

The UAE is a good example of countries that have recognized the value of knowledge management practices. The government has invested significant resources in developing the ICT infrastructure to bolster knowledge management. The culture of excellence in the UAE federal government has culminated into innovative practices to guarantee the desired change (Ngah, Tai, & Bontis, 2016). Knowledge management has become an integral element to the reform paradigms in the region leading to good governance, smart leadership, and positive reputation.

Problem Statement

Knowledge management in Dubai has been one of the core pursuits towards achieving economic growth. The government has made deliberate effort in developing knowledge management practices that are aligned to the UAE Vision 2021. The theme of 'United in Knowledge' has helped the country to find suitable indicators to evaluate the milestones in developing a knowledge economy (Jahmani, Fadiya, Abubakar, & Elrehail, 2018). For instance, the global innovation index (GII) and the recruitment index for knowledge field employees have proved fundamental. The development of excellence awards for federal entities have also triggered continued development and learning. In fact, the Mohammed bin Rashid Government

Excellence Award has been a platform for evaluating performance results for public entities as they adjust their systems towards knowledge management and innovative practices. The Mohammed Award is also complemented by the Emirates Award for Human Resources in the Federal Government.

The element of knowledge management has been incorporated in the organizational culture of federal entities in Dubai based on the dynamism in the business climate. The advancement of technology has triggered new ways of dealing with public expectations and stakeholder interests. The fierce competition with other countries and the need to remain relevant in the globalized world has added meaning to the popularity of knowledge management. The government has been keen on optimal operations that seek to reduce costs and increase productivity among employees. Knowledge generation has been guaranteed through investments in research and other experimental initiatives conducted in academic institutions, public entities, and other private organizations (Singh, 2017). The government has been a critical player in knowledge generation through its reforms and investments in research. Knowledge storage relates to the manner in which data is availed in either soft or hard copy to facilitate easy retrieval by the stakeholders. The government has been playing an important role of technical infrastructure to support knowledge repositories. In this case, different stakeholders can search information, retrieve the knowledge without any challenges. Therefore, the flawless infrastructure is crucial in saving time and improving performance in the organizations as they seek to access knowledge on different issues.

While knowledge management is a vital pursuit for governments seeking positive change in the dynamic world, it has to be aligned to the organizational culture. Organizational culture depicts the values, principles, and norms that should be embraced to provide identity to an entity. A strong organizational culture is built on positive beliefs, values, and practices. For most countries, the culture of public entities is marred with negativities based on redundancies and other elements of poor performance (Birasnav, Goel, & Rastogi, 2012). The modern business environment across the globe dictates flexibility to change and efficiency in varied practices. In fact, the knowledge-based economy is driven by dynamism and departure from bureaucratic structures. The goal is to encourage a culture of productivity, flexibility, efficiency, and innovation in the public sector. The government leaders are encouraged to embrace a flexible mindset to build strong cultures in the tainted public entities. They are supposed to rethink their strategies relative to the private sector entities that are known to exhibit efficiency in their operations.

Development of organizational culture is pegged on managerial performance. On the other hand, managerial performance is influenced by a myriad of issues, such as leaders' personal attributes, experiences, and education. The role of the manager in any department is to evaluate the system and eliminate the impediments to success. The exposure of a manager to knowledge enables him or her to influence the existing conditions in the business environment to such an extent that competitiveness is enhanced (Haak-Saheem & Darwish, 2014). A manager with rich information about the globalized world has the capability of developing a unique culture in the department. As long as the mindset is built on competitive spirit, employees will be nurtured to appreciate superior performance amid their challenges. The manager should also act as a problem solver by understanding the existing challenges and using the available knowledge to create feasible solutions. As one of the thriving metropolitan regions in the world, UAE is characterized by diversity. In this case, culture is necessary to accommodate the pool of expatriates who are core elements in the process of knowledge transfer and share.
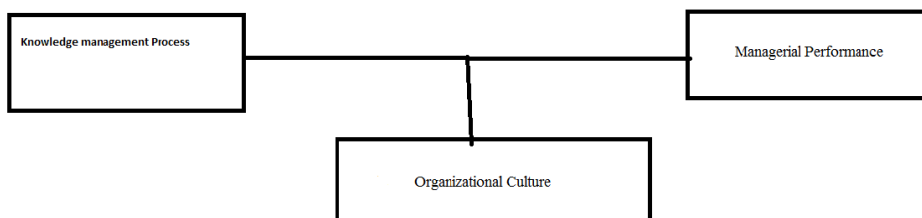
Significance of Study (Contribution)

The significance of the study is to outline the manner in which culture affects knowledge management and influence managerial performance. The scope of the research revolves around the public entities. In this case, the logic of cultural knowledge management emerges while assuming certain values must be cultivated within the public entities. The study will reveal the way knowledge management processing affects culture by exposing leaders to information about positive practices. For instance, it is possible for leaders to learn about positive aspiration, reciprocity of trust, and the motivations of knowledge exchange. These values are necessary in creating a culture of learning (Rahman, Moonesar, Hossain, & Islam, 2018). On the other hand, managerial performance can be affected by insisting on a culture of negative competition and poor transfer or share of knowledge. The study aims at showing how culture dictates the kind of processes and practices that should be part of the knowledge-based system. Most of the organizations are run through the suppositions of the leader. Therefore, knowledge management is meant to provide a support system of facts to back the decisions of the manager. The study also insists on the element of knowledge possession among the managers in organizations. Managers' perceptions of their personal knowledge could create or impede trust among the employees. Consequently, the norms embedded in the organizational culture could be responsible for the mindset of employees and managers towards change and fortification of the knowledge-based system. Furthermore, the study reveals the effect of the varied forms of organizational culture on the dimensions of knowledge management.

Literature Review

4.1 The Effect of Knowledge Management on Managerial Performance

Organizations need to tap into their knowledge assets as part of a management process aimed at refining strategic needs. The forms of knowledge define information that build an organization's knowledge assets and the projection through individual perceptions and personal experiences. The emergence of knowledge management aligns with the ability to drive profitability and efficiency within organizations with critical interest on managerial performance. Knowledge management provides the building blocks for managerial performance with the opportunity to reinforce task execution through the explicit, tacit, and embedded knowledge types (Alsadhan, Zairi, & Keoy, 2008). Areas of interest in the development of managerial criteria include the existence of technical capabilities, managerial capabilities, human capabilities, and conceptual capabilities that define the vision and direction for the organization. Within the public and private sectors, performance management systems are put in place to guide the execution of the vision from which the managerial criteria can be analyzed. Managerial capabilities put to task include the ability to plan, organize, coordinate, monitor, control, and supervise based on the harnessed knowledge. Furthermore, managerial performance is refined by focusing on technical capabilities expressed through methods, processes, procedures, and techniques an organization deploys to instill sustainable performance. The opportunity to deal with human capital continues to develop performance appraisal with interest in refining performance areas, instill self-appraisal, and apply performance rating using reliable analyses criteria. Consideration for information and organization capital are also expected as the organization grows its databases, information systems, corporate culture, and leadership that can sustain vision execution. Through managerial performance, knowledge management become alive with the opportunity to exploit greater opportunities in terms of transfer of information and building of intellectual assets.

Performance planning is part of managerial performance where focus is drawn towards the systematic drafting of activities leaders will execute within a period where a project needs to be implemented. Information contained within knowledge systems provides a guideline on what to expect starting with task analysis, key performance areas, key result areas, task and target identification, action plans, and goal setting. Knowledge management provides a backing in this regard especially when leaders understanding the efficiencies contained within the organization's embedded knowledge (Brahma & Mishra, 2015). Performance planning works better with an understanding of routines defined through the relationship between information technology and the functional areas of a business that build processes and procedure. Furthermore, performance planning needs to align with organizational regulations, procedures, ethical codes, and corporate culture that is at the heart of the institutional system. Aspects of performance planning such as key performance areas are at the core of managerial performance based on the timelines used to define project fulfillment and ability to focus on individualized employee assessments. Use of knowledge systems to improve employee performance is guided by the level of assessments based on key performance areas with interest in replicability of successful strategies. Under the Federal Authority for Government Human Resources in the UAE, systems such as Bayanati are known to be successful based on their ability to replicate successful administrative procedures (Rahman, Moonesar, Hossain, & Islam, 2018). The management of human resources is also incorporated into the system ranging from recruitment to wage and salary

procedures, workplace mobility, and retirement plans. The holistic view of human resources management quantifies and qualifies the usefulness of employees which is critical indicator in managerial performance. Governments are able to manage knowledge production based on the level of control on human resources where ideas, skills, and experiences are exchanged to establish organizational continuity.

4.2 The Effect of Organizational Culture on Managerial Performance

Organizational culture can be worked out of the knowledge management concept. The creation of beliefs, assumptions, and leadership ideals that guide an organization's vision are part of information system within an organization that pushes for an idealized image. Cultural dispensations are guided by shared attitudes, customs, and organizational regulations stipulated based on the vision, values, and norms an organization aspires to as part of the strategy. Organizational culture links to managerial performance once the strategies are operationalized indicating the need to bring out employee knowledge in strategy execution (Boumarafi, 2009). The development of organizational cultures positions employees for success especially when the training process aligns with the vision and purpose. The ability to influence behavior to suit a particular vision is critical for performance growth and can be tracked using the performance appraisal function. In addition, the feedback loop defines the type of interaction the manager carries out when dealing with employees which defines the role of communication in advancing successful value systems. In the different knowledge integration stage, managers are able to provide instructions and guides or procedures that have worked. The combination between explicit and tacit knowledge may define a different path in organizational culture with a distinct outcome on managerial performance. Creation of new tacit knowledge guides the type of engagement a leader is able to create with employees and the importance of creating learning systems to instill continuity (Haak-Saheem, & Darwish, 2014). Leaders have the opportunity to build sustainable organizational cultures based on performance indicators such as their understanding of core competencies of their employees. Environmental factors need to incorporate into the development of organizational culture with a push for a learning organization able to attain innovation and market disruption. Deployment of performance counselling is necessary based on the need to communicate effectively, influence, and create workplace models to help build trust, professional growth, and identify needs. Employees gain workplace competence based on their ability to compete, gain knowledge, and achieve psychological balance which emanate from the composition of the organization's culture. For instance, managers have the ability to influence based on their style of leadership that defines their application of emotional intelligence, positive reinforcement, and open communication that builds the mutuality of relationships. The response from employees aligns with creativity, innovativeness, effective knowledge sharing, teamwork, and participation in decision-making.

Instruments (Questionnaire)

After reviewing the literature on the topic, the questionnaire developed for this study is a closed-ended type. The questionnaire was finalized in two parts as follows: Section I: Included the demographic data of the study sample using five main categories; (age, gender, education level, position and years of experiences). Section II: included one sub-section where it consists of the four Knowledge Management processes .The questionnaire scale that measure each variable was designed after examining a number of previous studies in order to come up with a suitable indicators for each variable. These studies helped formulating the final questionnaire (Ahmed, Fiaz & Shoaib, 2015; Downes, 2014; Edwards, Handzic, Carlsson & Nissen, 2003; Lee & Choi, 2003).

5.1 KM Indicators Contribution to the prediction of OP.

The empirical results presented in Table 1 indicate a sufficiently good model fit. According to the R score, it can state that (0.745) or 74.5% of the Dependent variable (OP) is explained by the four independent variables namely Knowledge generation (KG), Knowledge storage and retrieval (KSR), Knowledge transfer and Share (KTS) and Knowledge Application (KA).

Although the R score indicates that there is a significant influence among the four indicators, the R-square score which is close to 55% shows that this statement might be questionable. The Significant level also indicates that there is a Statistical significance for the model. It's shown that it has a score of zero which is below the acceptable level of (0.05) or 5%.

Table 1: Summary of the KM indicators contribution to the prediction of OP.

Model Summary Table

R	R Square	Adjusted R Square	Sig.
0.745	0.555	0.552	0.000

Dependent Variable: OP

Independent variables: KG,KSR,KTS, and KA

KM Indicators Contribution to the prediction of OP.

According to the analysis in table 1 and 2 the R square for KM and OP is 0.555 and the R square for KM plus OC and is 0.433. The difference is 0.122 that mean the organization culture is impeding the organization performance.

Table 2: Organization Culture Descriptive Statistic

	R	R Square	Adjusted R Sqaure	Sig
Model	.658**	.433	.432	.000

Predictors: (constant), OCAVR

Dependent variable: KMPAVR

From the Table 3, the correlation between the Independent variables (KM and OC) combined and OP, it can be stated that according to the score of Pearson analysis (0.691) there is a strong positive relationship between the independent variables and organizational performance.

Table 3: Organizational Performance (OP) Descriptive Statistics

		IV,OCAvrg	OPAvrg
	Pearson Correlation	1	.691**
IV,OCAvrg	Sig. (2-tailed)		.000

**. Correlation is significant at the 0.01 level (2-tailed).

b. Listwise N=587

Discussion and Emphasis on the Effect of Organizational Culture on Knowledge Management and Managerial Performance

The relationship between knowledge management and managerial performance aligns with the notion that organizations rely on their information systems to create sustainable references for procedure and processes, values, and the exchange of knowledge. Organizational cultures come in as the anchoring environment for both managerial performance and knowledge management that can be used to influence certain outcomes. Knowledge management systems can be anchored upon cultural inclinations such as transformational leadership where regardless of organizational differences a defines pattern of informational engagement is applicable. Use of labor power in a certain way portrays the dynamics of using a particular leadership style and set of values which reflects on performance outcomes (Jahmani, Fadiya, Abubakar, & Elrehail, 2018). The possibilities are pushed when leaders are able to tap into information systems that works for them in task execution that define knowledge management. Some organizational attitudes and behavior have a better anchoring in defining knowledge management parameters such as knowledge sharing, creation of databases, research and development, and creation of reliable internal procedures and processes. Once a value systems or organizational culture is identified, managerial performance and knowledge become intertwined progressing on the same level in establishing performance efficiencies. However, organizations need to contend with the unpredictability of business environments that sway value systems out of their vision scope. An understanding of this perspective provides the basis for deliberate engagement towards performance counselling where knowledge management meets managerial performance. For instance, the need to adapt to a business environment may force organizations to adopt transformational leadership as its core corporate culture. The outcome of this aligns with better positioning in knowledge sharing as a vital component in knowledge management and better influence on subordinates through positive reinforcement. Knowledge management emerges as a marker for organizational responsiveness to create sustainable performance criteria while organizational culture provides the functional environment.

Organizational effectiveness is a component of managerial performance that relies on various organizational resources. Knowledge management is one of the resources fundamental to organizational effectiveness where managers can tap into to create models that align with a stipulated vision. Models used in achieving organizational effectiveness apply information gained from individuals and organizational learning that allows for appropriate systems procedures and processes (Singh, 2017). Use of the system resource model reveals the need for proper use of valued resources and appreciation of their scarcity to ensure effective uptake. Other areas considered a part of managerial performance include the planning ability, development of subordinates, flexibility, conflict management, and problem solving. These aspects of managerial performance are linked to the organizational culture in the sense that certain attitudes and behavior need to be in place to push their application. Knowledge management contributes to this in form of information development and documenting through internal procedures and processes, internal patents, meetings, R&D activities, and brainstorming sessions. Furthermore, managerial performance relies on a shorter response time which can be attained by having an improved knowledge management system and strategy. The level of effectiveness in decision-making defines an organization's corporate culture which in turn spurs managerial performance highlighted in the level of coordination involving subordinates in their respective roles. Managers cannot achieve organizational effectiveness without using knowledge management systems where every organization goes into to understand its customers, employees, and its industry among other stakeholders. Once an organization streamlines its managerial strategies and knowledge management systems based on

corporate culture, its return on investment will increase while allowing cost cutting effective scarce resource utilization. Use of repositories increases the level of interaction between managerial performance and knowledge especially when dealing with unpredictable cultural environments. Repositories make for a quick comprehensive reference of standardized databases that can cover industries of individual organizations.

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Exploring Factors That Lead to Students Dropout in Public Secondary Schools in Al'Ain

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Abstract

For any educational institution, students are most important. Universities and colleges have no value without students. The educational process is an integrated process involving the family, the school and the entire community to reach effective outputs. There are a number of factors that negatively affect at-risk students' retention in school and graduate such as socioeconomic status. Phenomenon of dropout where thousands of students dropped out is prevalent and constant in urban schools across the United States (Brown, 2015). This research is important for academic reason; it gives academic practitioners vital information that can be utilized to develop the education. The information was collected by interviews questions with students. The information collected were analyzed by using coding and theme with Nvivo program. The research showed that the factors affect in Retention of secondary stage's students in Al Ain.

Keywords: Drop-out, phenomenon, factors, Student Retention, Socioeconomic status.

Introduction

The phenomenon of dropout is one of the main problems that hinder the educational process in particular in the developing countries (Eissa, 2016). The phenomenon of students dropping out of high school has also gained renewed attention, with researchers, educators and policy makers wanting to know how many students are dropping out, what causes dropout, and what may be done to prevent it (Heckman &Paul,2007; Orfield,2004).

Dropout is an alarming issue, which affects the socio-economic development. Pupils' dropout does not only affect the community they belong to but also affects the nation at large. Pupils dropping out from schools leads to wasteful utilization of scarce educational resources without achieving the nation's educational aspirations. This does not mean well for healthy educational system and would have negative effect on the economy of the state because those who dropped out may create higher future costs (Segumba, 2015). Students dropout has both a negative personal effect and an economic impact on the individual and the community (Brown, 2015).

Economic and social development of a country depends on education (Ali, Jusof, Ali, Mokhta, & Salamat, 2009). Most of the previous studies on student's performance focused on issues like teacher education, class environment, gender difference, teaching style, family educational background and socioeconomic factor (Singh, Malik, & Singh, 2016).

2.Problem Statement

In UAE, the high rates of absenteeism among students before and after public holidays and classroom exams are a problem that affects the educational field and the school administration and casts a negative shadow on the educational process. It also affects the annual plan of the lesson. School principals and parents confirmed that the high absentee rates among students after the holidays have become a phenomenon experienced by the departments of schools and teaching bodies and cast a negative shadow on the field of education, demanding the need to include some field activities in the curriculum that will reduce boredom and breathe the spirit of vitality among students. These will make the school environment more attractive to them. In addition, parents are also asked to bring their children to school so as not to miss the grades of assessment in the written and oral examinations. (Eisam, 2014).

Educators warned against the decline in the demand of students in public and private schools for education in recent years and missing of motivation between students in the UAE, they explained that "most of the students are indifferent to studying, do not focus on explaining the teachers, and spend the school day between sleeping and playing", calling on the Ministry of Education to restructure its educational plans, policies and programs, to motivate students to learn, they attributed the problem to the lack of attractiveness of the curriculum contents, the absence of incentives from the teaching profession, the application of the three classroom system, the weak control of parents over their student children, and the weak communication between home and school, so the policies to improve students retention are very important. The students in the twelfth grade, emphasized that most students do not care to explain the teachers, or to study their lessons, and spend their school day between sleeping and playing, they added that this is due to their boredom from the existing teaching methods, from the many examinations, as well as the availability of other methods of learning outside the school, which keeps them from attending school, noting private lessons and academic summaries. (Alsoba'ei, 2011). However, the gap is no previous researches have been done on exploring factors which lead students to dropout in UAE.

3. Literature review

While there is no reasonable and predictable definition, theoretical frameworks are characterized as any observational or semi experimental theory of social as well as psychological procedures, at various levels, that can be connected to the understanding of phenomena (Anafara & Mertz, 2006; Fountain, 2014). Retention theories provide the theoretical orientation for the context of this study. The researcher investigated different theories of diligence and retention, in that discovering ideas which related to each theory.

To spotlight on factors or obstacles of dropout there were many theories that were studied included George Kuh's theory of student engagement. In addition, the researcher reviewed motivation theories such as Maslow's hierarchy of needs, Glasser's choice theory, the expectancy-value theory by Vroom and Need to achieve theory. So as to discover more profundity and to find more depth intrinsic and extrinsic motivation will also review. According to Bozack (2011), motivation research incredibly adds to the comprehension of ideas identified with student accomplishment. Also, the researcher in current research will review environmental and social affects through the social cognitive theory and the adaption with the different stress through attribution theory.

All the educational conferences in the UAE (which resulting and transferring the decisions of ministry of education) focus on developing the quality of education and finding solutions to general factors to attract students to the educational process, for example, Al Shihi (member in the UAE Federal National Council (FNC) said in an educational conference that the statistics of students dropout, repeating a grade and achieving low examination results in public schools have become a cause of concern and called for the issue to be addressed (Al Serkal, 2018). But what are the factors which lead students to dropout, this investigation will spotlight on that point. Attaway and Bry, (2004); Nelson and Guerra, (2014) mentioned some of the specific factors that encourage students to education and their academic achievement (a) environmental such as family income; (b) parents level of education; (c) occupational status; (d) neighborhood environments; (e) school factors to include teacher expectations; and (f) school environment.

4.Research Methodology

The purpose of this qualitative research is to understand the factors and influences that reduced retention of male and female students in the secondary stage of Al Ain schools as well as experiences that the students perceived as helpful to their persistence along the academic journey.

This research is based on the information that can be obtained from different students, teachers and parents.

4.1 Instruments

The instrument in the qualitative research is the researcher. the researcher will use observation, interviews and documents data with students in Al Ain city who already drop out during the last 1-2 years, each participant will be informed in advance that the interview session will take about half an hour at the location determined by the participant himself. Also they will be informed by the numbers of questions, so the researcher will tell them there will be eleven questions through interview, the strategy of interview will be fact-to-face by asking questions, recording the answers to get every things from participations, taking notes and watching reactions to register the notes, during that the researcher will take permission from participations regarding any questions, also the researcher will not initiate any other communication with the

participations outside the meeting procedure that relate to subject, also the researcher will not force any participant to complete this study. The name of participants will not be mentioned in the research.

5. Data Analysis & Result

In this study, the researcher uses comprehending, synthesizing, theorizing and re-contextualizing method to explore the factors that lead to student's dropout within different types of theories. The findings of the present study assist the educational officials in the formulation of effective retention policies. For instance, the exploring is deep way to know what that factors lead to dropout.

Research Objectives	Research Questions	Theories	Data Analysis
1. To explore the perceived factors that contribute to students dropping out of school in secondary stage.	1. What perceived factors contribute to students dropping out from school in secondary stage?	*Retention theory *Choice theory *Social Cognitive theory/	comprehending, synthesizing, theorizing re-contextualizing
2. To explore the importance of the family's socioeconomic status on student's persistence in schools setting.	2. What is the importance of the family's socioeconomic status on student's persistence in schools setting?	*Need to achieve theory/	comprehending, synthesizing, theorizing re-contextualizing
3. To identify what perceived coping mechanisms students think they need to implement as they encounter stressors to adapt with the factors that lead them to dropout.	3. What coping mechanisms do intermediate and secondary students think they need to implement as they encounter stressors to adapt with the factors that lead them to dropout?	*Attribution theory	comprehending, synthesizing, theorizing re-contextualizing
4. To explore the students perceived motivations to continue their study or drop out.	4. What are the students perceived motivations to continue or drop out?	*Intrinsic & Extrinsic motivation theory *Social Cognitive Theory ^Hierarchy of needs theory/	comprehending, synthesizing, theorizing re-contextualizing
5. To explore policies that students perceived can be implemented to improve their retention in schools.	5. What policies students perceived that can be implemented to improve their retention in the schools?	*Retention theory *Social Cognitive Theory ^Hierarchy of needs theory/	comprehending, synthesizing, theorizing re-contextualizing

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The Effect Organizational Culture and Total Quality Management Practices in Secondary School Performance of Abu Dhabi

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Abstract

The objective of this study was to investigate the effect of organizational culture and total quality management practices on secondary school performance in Abu Dhabi. Quantitative research design was adopted to obtain information from respondents. A total of 320 teachers were selected as a sample through the stratified random sampling method. Data analysis using structural equation modelling was used to determine the relationship between total quality management and secondary school performance.

Keywords: Organization, Culture, Performance, Total Quality Management

Introduction

The United Arab Emirate popularly called UAE became a country in 1971 with the alliance of seven Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Um Al Quwain, Ras Al-Khaimah and Fujairah.). In 1972, Ras Al-Khaimah emirate joined them to make seven Emirates. Self-education was taking place in each of the emirate before alliance in 1971 (Alhebsi, Pettaway & Waller, 2015). The educational system often placed a strong emphasis on religious instruction and the acquisition of knowledge through interaction with others. Apprenticeships were a very common means of transferring skill-based knowledge. Much information was passed down from generation to generation through oral and written contexts. Traditional educational include teacher-student relationships encourage. There are four form of traditional education in UAE which to include, (1) Mutawa and the Katateeb, (2) Educational Circles, (3) Semi-Organized Education and (4) the Modern Educational System (Alnabah, 1996).

The variables are used in this study, total quality management (TQM), organizational culture (OC) and secondary school performance. The TQM consist of five dimensions. They are: school leadership, students focus, training, knowledge and process management and strategic quality planning.

Beside this, TQM improve organizational the productivity of workers to produce quality of product to meet customers satisfaction (Suleman & Gul, 2015). Therefore, organizational culture is the values, beliefs, assumption and good ways of interacting that will lead to psychological environment of an organization. Also, organization culture contain an organization expectation philosophy, vast experience as well as those values that promote good conduct among the workers. As a matter of fact, culture is based on rule and regulation, customs and share attitude which has been in existence for so long (Mahmood, Qadeer & Ahmed, 2015).

Again, organizational culture often called corporate culture because it affects the overall organizational performance and productivity, guide on customers care and service, improve product quality, punctuality and continuous care for the organization (Aminbeidokhti, Jamshidi & Mohammadi Hoseini, 2016). In fact, organizational culture is characterized with commitment of workers to the objectives formulated, the extent of information sharing and power decentralization from the top management, decision making, new ideas and how they interact with outside world.

Hence, in order for schools in Abu Dhabi to meet high performance, the Irtiqaa program was introduced by the ADEK to address some of the problems affecting the school system. Before this programmer was launched, teachers employed in the system do not understand how quality will takes in the school. Apart from this, the organization observed that some

teachers are less committed to teaching profession which has affected overall quality of education in the country (ADEK). Because of this, Irtiqaa program has been able to provide trainees with effective techniques, traits of influential personality assessment skills that they need, and build a complete set of competencies among the teacher, given the mentor trainees a better leadership roles in the future through participating in evaluation of schools, working within the Abu Dhabi emirate. This is why Irtiqaa program comes in to ameliorate the problems affecting secondary schools in Abu Dhabi (ADEK).

On the other hand, secondary school performance contain variables input such as teachers' contribution and professionalism, students' performance in and outside the school, leadership styles of the principal all determine school effectiveness. Growing bodies of knowledge observed that the outstanding schools in developed country are help with the quality teachers recruited. Without the quality management in the school system, quality would not be achievable.

Problem statement:

Secondary School performance is the main key of school organization's success in the UAE educational sectors. As the main key, the performance of secondary school comes from the teachers' genuineness which considered as being the most challenging of the secondary school operations (Gay, 2002). As TQM and OC play useful role in the organization, quality education in UAE had not been improve as expected. According to the results released by the emirate standardized test (EMSAT) that external examinations taking by these students' before they will enter universities were also poor (Gallagher, 2011). Some of these students cannot even get into university to study. The policy makers and stakeholders in education were concern about what might cause poor performance of these students. In fact, efforts has been taken to revert this situation but it has not be fruit. According to director of UAE ministry of education, Dr. Abdullah Al-Khanbashi (Farah & Ridge, 2009; Blaik Hourani & Litz, 2016) revealed that 68% of these students cannot enter universities to have a course (Blaik Hourani & Litz, 2016). Therefore, if this problem is not solve on time the country education in future is in chaos (MOE, 2017) Although, the performance was not so bad but ADEK and government expecting more performance than previous one. The UAE's Ministry of Education (MOE) developed Education 2020 strategy, which is a series of ambitious five-year plans 2017-2021 designed to bring significant qualitative improvement in the education system, , as well as curriculum revision, including teaching math and science in English, are all part of the strategy. A key area of focus has been to transform K-12 programmes, to ensure that students are fully prepared to attend universities around the world and compete in the global marketplace The government promoted technology in schools to foster future employment and 21st century among today's youth, in line with its strategy to introduce computers and tablets in all schools. Ministry of Education launched a strategic plan for 2017-2021 to develop an innovative education system for building a knowledgeable and globally competitive society. The system will include all age groups to be able to meet future labour market demand. It shall ensure quality of the output of Ministry of Education and provide best services for internal and external customers. (MOE.2019).

Methods:

The research used for this study quantitative approach. This means that this study adopted quantitative method. The reason the researcher used quantitative research is because of the fact that, the researcher want to use questionnaire to obtain data from respondents. This is why Creswell (2017) defined quantitative method as technique that try to get relevant information from the participant in order to be make an inference. Quantitative method is appropriate for this study for the purpose of determining the relationship between total quality management and secondary schools' performance with organizational culture as a mediator in Abu Dhabi.

Population and sampling methods:

The population for this study will be school of all secondary schools in Abu Dhabi Island only. For instance, there three regions formed Abu Dhabi emirate. The three regions are Abu Dhabi zone, Al-Ain zone and Al-Dhafra zone. The total number of staff according to (Ministry of Education, 2019) is 1984 employees in secondary schools and total number of secondary schools are 28. The teachers in secondary schools comprise of principal, teachers, HOD and Vice Principal. (ADEK, 2017). Table 3.1 shows the Population of respondents for the study . The Cronbach Alpha was used to measure the response of sample. It was distributed 30 participant from selected schools. The outcomes it was secondary school performance.

ISSN 2414-8385 (Online)
ISSN 2414-8377 (Print)

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Multidisciplinary Studies

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Instruments:

Dimensions	No
organizational culture	25
total quality management	20
secondary school PERFORMCA	10
Total	55

Conclusion

The study gives understandings in to the impact of organization culture on the total quality management practices in the and secondary school performance in Abu Dhabi. It is imperative to adjudge the utilization of culture on total management process. The study finding the Organization Culture have significant relationship with total quality management. In addition to the established relationship between the TQM implementation and organisational performance improvement, it can be concluded that secondary school performance in Abu Dhabi can achieve better performance when the TQM philosophy is in place. Such improved performance can be seen as aggregated improvement in the quality of work. The TQM variable was operationalised as a latent construct. Therefore, it was not possible to understand the role of each TQM practice on the firm performance, and how it could be impacted by organisational culture. The future research would benefit from disaggregating these TQM practices to understand their relationships with other schools.

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Transition from e-Government to m-Government: Challenges and Opportunities - Case Study of UAE

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Abstract

This study aims to explore the challenges of the transition from e-government to m-government as well as to identify and develop a workable framework on m-government standards, protocols and its inherent opportunities for various business engagements. The objectives of the study are to identify strategic challenges in various government organizations that impede transition from e-government services to m-government services, formulate a framework of m-government for government and private business organizations to tackle the challenges and enhance the opportunities using Fuzzy Delphi method, and to validate the proposed framework using Fuzzy Delphi method. A survey questionnaire is used to gather data on the study constructs. The validation of formulated framework is based on Fuzzy Delphi method. Descriptive statistics is used to determine the frequency of the demographical variables. Independent sample T-test is used to test the hypothesis in other to show the variance in the constructs against the dependent variable. This study has identified through systematic literature review five (5) categories of challenges and opportunities.

Keywords: e-Government, m-Government, mobile government, challenges and opportunities.

Introduction

e-Government plays a major role of information dissemination to the public thereby facilitating implementation of government services, transactions, policy implementation and resource distribution across agencies which results in agencies experiencing cost reductions and improved efficiency, while citizens receive faster, more convenient services (Trinkle, 2001). Adoption and implementation of E-government in UAE though faced with challenges and barriers became increasingly relevant to providing a superior flow of information delivery of government services. In the recent years, the public, as well as government employees deployed at various organizations, have witnessed the proliferation of mobile devices. This has resulted in the transition from e-government to m-government also known as (Mobile government) as more people are recognizing the importance of m-government since mobile devices are readily available with them anytime and anywhere (Song, 2005; Pandey and Sekhar, 2013). Transition to M-government became imminent as the rate of mobile phone penetration across the Emirates was on record high (Al-Khouri, 2012).

M-Government which is defined as the extension or evolution of e-government through utilization of mobile technologies for public service delivery (Oui-Suk, Uhm, 2010).

Problem Statement

The transition from e-government to m-government has also posed some challenges (Sharma & Gupta 2004; Song 2005; Weerakkody et al., 2007). Many of these challenges to total implementation have both social and technical dimensions ranging from people awareness, privacy of information, data security, trust, and technology training skills (Abu Tair & Abu-shanab, 2014; Al-Shboul, et, al. 2014; Qader & Kheder, 2016. Some authors have also outlined some challenges to include; cultural, political, structural, legal as well as social and administrative (Abu-Shanab, 2012; Al-Thunibat et al. 2010; Fasanghari & Samimi, 2009; El-Kiki & Lawrence, 2007; Mukherjee & Biswas, 2005; Antovski & Gusev, 2005; Kim et al., 2004.).

In 2015, the two-year deadline imposed by UAE government for m-government services to be implemented across all government organizations ended and a remarkable milestone of 96.3% implementation was reached in 337 most important government services. 41 government entities scored a milestone of above 90% transformation, (Bernd DJ 2015). The research problem evoked considerable interest that warranted proper investigation into the challenges that most of the government entities encountered and some of the barriers that hindered their complete transition from E-government to M-government within the given time frame of transition and beyond. This study, therefore, focused on exploring these challenges as well as identifying ways to evaluate the framework on m-government standards, protocols and its inherent opportunities for various business engagements.

Literature review

Visions of sustainable development have led many nations around the world to strategized different methods to develop strong Information Communication Technologies (ICT) infrastructure to boast services delivery and increase economic growth. The modern era is seen to revolve around a digitized society which has great potential to impart both social and economy status of citizens. Such significant impacts on the economy and society includes economic growth, job creation, increase in productivity, poverty reduction, increase in accessibility to quality healthcare and education as well as reduction in environmental pollution as shown in Table 2.1 (World Bank "World Development Report 2016). ICT is a powerful tool to facilitate developmental goals acting as a strong enabler that improves communication and knowledge sharing (UN Millennium Project, 2005).

DIGITAL IMPACT			
Economic		Social	
Economic Growth	Increased digital penetration has a substantial impact on economic growth	Poverty	Experience in countries such as Bolivia and India show that digital can be a tool for inclusion and increased income among the disadvantaged
Job creation	Digital has a powerful multiplying effect: international cases show that each digital job creates 2-4 jobs elsewhere in the economy. Moreover, those are high-value jobs (wages ~30% above average)	Healthcare	E-health enables new forms of healthcare management and provision, increasing patient coverage and improving quality
Productivity	The industries that most harness digital experience the greatest productivity. Increases SMEs that make better use of digital grow faster	Education	Education can be provided to the masses at low cost and good quality, using e-education tools
Job creation	Digital has a powerful multiplying effect: international cases show that each digital job creates 2-4 jobs elsewhere in the economy. Moreover, those are high-value jobs (wages ~30% above average)	Environment	Digital can make an enormous contribution to the environment: (it might contribute with ~15% reduction in CO_2 emissions, for example, by using smart grids)
		Other	Moreover, there is evidence of the impact of digital on reducing crime, increasing road safety, enhancing financial inclusion, and improving farming

ICTs also play a critical role in speeding up the flow of information and knowledge between government and citizens and transforming the way in which governments and citizens interact (Castells, 2009; Varian et al., 2005).

The ultimate goal of E-governance is to reach the society with efficient services for business economic growth, modernized government services, transparency in government and maintaining a stable democratic governance (Atkinson & Castro, 2008). Electronic Governance is the application of technology by government to transform itself and its interactions with customers, in order to create impact on the society (Estevez & Janowski, 2013).

E-government in UAE

The initiative launched in 2001 focused on three distinctive categories (eServices- for the provision of efficient quality electronic mediated services aimed at meeting customer's needs); (eReadiness - for strengthening the ability of federal government entities to handle the needed technology, coordination and human resource management) and ICT management focusing on infrastructure, training and policy implementations (Al-Khouri, 2012). As shown in Table 2.3, UAE ranked 29th in UN development Index in terms of E-participation indicating a strong push for digitalized government service delivery and governance in general across the emirates.

As stresses by Hassan, Jaber, and Hamdan (2009), there is a solid connection between e-government and m-government strategies. As further pointed out by Abdelghaffar and Yousra (2012), the fundamental reason that impact the transition from e-government to m-government are proliferation of cell phones in the UAE society as well as the appearance of versatile web and portable applications and administrations of mobile phones which has gathered momentum as compared with the conventional wired personal computers. This remarkable development has changed how nationals see the cell phones usefulness as citizen see further how mobile phone can not only be used for calling and interacting but as means for exchanging data, trading texts, and sending and receiving messages from government portals (Kushchu & Kuscu, 2003).

UAE Transition from E-government to M-government

Proliferation of mobile device in the UAE is among the key factors that has revolutionized the electronic governance across the emirates. A report by Newzoo' Global Mobile Market (2017) placed UAE on the top list of countries with the highest smart phone penetration (80.6%). (https://newzoo.com/insights/rankings/top-50-countries-by-smartphone-penetration-and-users/).

As a nation in the forefront of E-government adoption in the GCC, transition from E-government to M-government was imminent as emphasized in the government developmental vision of 2021.

The UAE initiated the strategic developmental plan to transit from E-government to M-government in 2013 with the ambitious goal to lead the world in excellence in mobile technology government through making every government service available on mobile phone which can be access 24 hours/7days within two year from its launching. A report in 2015 on the ambitious goal of UAE transition from E-government to M-government showed that 41 government entities reached a milestone success in transiting from website to mobile application service delivery covering 337 government services. Undoubtedly, Challenges were faced as many government entities especially the small one could not meet the dead line set by the government in 2015.

This study aims to investigate the challenges and barriers as well as opportunities to successful implement M-government across all government and private entities in the emirates of Dubai, UAE. In so doing, the researcher carried out a systematic analysis of 70 papers as well as official newspaper publications, postgraduate dissertations and research publications for the period of 2012- 2018.

Research Methodology

A survey questionnaire will be used to gather data on the study constructs and the validation of formulated framework will be based on Fuzzy Delphi method. Statistical Package for Social Sciences (SPSS version 25) will be used for the encoding of data collected for analysis. Descriptive statistics will be used to determine the frequency of the demographical variables. Independent sample T-test will be used to test the hypothesis in other to show the variance in the constructs against the dependent variable. One-way ANOVA test will be used to show the variance amongst the framework variables. Multiple Regressions will be used to illustrate the challenges that influence the smooth transition from e-government to m-government. Fuzzy Delphi Method will be used for framework formulation and Nominal Group Technique (NGT) will be employed for the validation of the framework.

4.1 Research design

In this study a quantitative research approach was employed to investigate and collect data on the construct concerning challenges, barriers an opportunity encountered in the process of transition from e-government to m-government service delivery of the emirate of Dubai, UAE. Data was gathered through self-administered survey questionnaire which sought

ISSN 2414-8385 (Online)
ISSN 2414-8377 (Print)

European Journal of
Multidisciplinary Studies

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opinions from involved government personnel in the implementation of m-government across established government institutions in the emirate of Dubai, UAE. The outcome of the data gathered generated interferences in answering the stated research questions and hypothesis.

4.2 Framework formulation

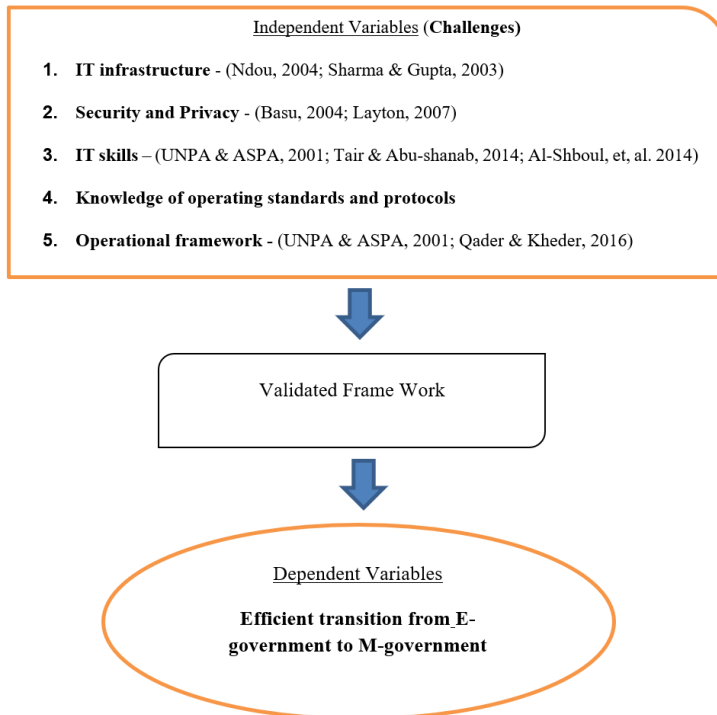| Process	Methods
Framework proposition	Analysis of prevailing framework and guidelines
Framework validation through survey questionnaire (Fuzzy Delphi Method)	Project assessment Framework proposed by Esteves and Joseph (2008) which incorporates; Technological dimension, Strategic dimension, Organizational dimension, Operational, services and economic assessment dimensions

4.3 Population and sample size

Burns and Grove (2003) identified research population as all the elements that meet the criteria for inclusion in a study.

In this study, the target population includes Dubai government employees as well as employees from private business establishments that are fully engaged in electronic and mobile government service delivery and transaction exchange. The total target population is estimated at 750 employees.

According to Polit et al (2001) a sample is "a proportion of a population". In this study the sample size includes employees from ten (10) government organizations and employees from ten (10) private business organizations in the emirate of Dubai, United Arab Emirates (UAE) with a total of 250 employees. Sample size was estimated base on the percentage of employees per organizations.

Overview of Conceptual Framework

Independent Variables (**Challenges)**

1. **IT infrastructure** - (Ndou, 2004; Sharma & Gupta, 2003)

2. **Security and Privacy** - (Basu, 2004; Layton, 2007)

3. **IT skills** – (UNPA & ASPA, 2001; Tair & Abu-shanab, 2014; Al-Shboul, et, al. 2014)

4. **Knowledge of operating standards and protocols**

5. **Operational framework** - (UNPA & ASPA, 2001; Qader & Kheder, 2016)

Validated Frame Work

Dependent Variables

Efficient transition from E-government to M-government

ISSN 2414-8385 (Online)
ISSN 2414-8377 (Print)

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Multidisciplinary Studies

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Instruments (Questionnaire)

The questionnaire was designed to better gather expert opinions on the challenges in the transition from e-government to m-government service delivery from government and private establishments in Dubai, UAE. The questionnaire consists of three (3) sections.

The first section is designed to gather demographic data of the respondents. The second section consists of questions to obtain professional opinions based on IT infrastructure, Skills and operational protocol. The third section consists of open-ended question base on trust, security and privacy. Questions were structured following a 4-point Likert scale (1. Strongly disagree, 2. Disagree, 3. Agree, 4. Strongly agree).

Variable	No. of Items
IT INFRASTRUCTURE	5
IT SKILLS	5
SECURITY, TRUST AND PRIVACY	5
KNOWLEDGE OF OPERATING STANDARD AND PROTOCOLS	5
OPERATING FRAMEWORK	5

Data Analysis & Result

No	Objectives	Methods	Data Analysis
1.	To identify strategic challenges in various government organizations that impede transition from e-government services to m-government services	Systematic Review of Related Literature	Data Reliability Test a) Cronbach Alpha
2.	To formulate a framework of m-government for government and private business organizations to tackle the challenges and enhance the opportunities using Fuzzy Delphi method	a) Research title and research problem. b) Review of related literature c) Listing of constructs	Descriptive Statistics
3.	To validate the proposed framework using Fuzzy Delphi method	Fuzzy Delphi Method (Expert opinion through Survey questionnaire)	a) Normal Curve distribution b) Hypothesis Testing - Independent sample T-test - ANOVA - Multiple Regression

Conclusion

This study facilitated the formulation of the study framework regarding the challenges and opportunities of transition from e-government to m-government. Through the process of screening and reading the main text of journal articles five (5) categories were identified which constituted the study constructs. In this study, the findings show that the independent variables (IT Infrastructure; Security, Trust and Privacy; IT Skills; Challenges of Organization Coordination; Knowledge of Operating Standard and Protocols; Operating Framework) are significant for an efficient transition from e-government to m-government). The findings show that the independent variables (IT Infrastructure; Security, Trust and Privacy; IT Skills; Challenges of Organization Coordination; Knowledge of Operating Standard and Protocols; Operating Framework) are significant for an efficient transition from e-government to m-government).

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The Role of Leadership in the Talent Management and Employee Retention of Education in Abu Dhabi

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Abstract

The term Talent Management first emerged in 1998. The paper pointed to a major challenge facing large organizations in the U.S. at the time, which was the difficulty of attracting and retaining talented and experienced people especially for senior executive / leadership roles. The Talent Management as identified and mentioned by researchers. In general, these components could be considered as a component of talent retention and leadership, however, they do identify more with one of the main components than the other based on their characteristics Leadership: the talent mind set needs to be embedded throughout the organization, starting with the organization's head (Kehinde 2012). This research is important for academic reason; it helps to provide essential data and enhance ability of the organization to employee retention to longer period. Data were collected by distributing questionnaires to 371 systematic randomly sampled respondents. Data collected were analyzed by using descriptive and inferential statistics. The research showed that The Role of Leadership in The Talent Management and Employee Retention of Education in Abu Dhabi.

Keywords: Leadership, Talent Management, Employee Retention, Education

Introduction

Talent management conclusively plays a great role in guaranteeing enduring representative retention in any organization. Leadership is seen as one of the main point that could upgrade the connection between ability the executives and employee retention, initiative is viewed as exceptionally critical in any organization since it is the leader's practices that are viewed as answerable for demolishing or improving the organization. The organizations directions depend on the style embraced by its pioneers. Since leadership, helps in arranging the organization's directions about the future, its leader's practices and behaviors are the elements that drive their followers or devotees to achieve the goals. Accordingly, followers for the most part pursue their leader's practices when performing their duties (Heravi et al., 2010).

There are different types of leadership such as demographic leadership, transformation leadership, autocratic leadership and many more, (Voon M.C. et al, 2011). Transformational leadership is known to be a very beneficial leadership as it helps to transform ideas and take suggestions from each member.

The relationship between talent management and leadership in any organization is considered as positive relationship, (Irtaimeh & Khaddam, 2017). Because when the organization takes care of their talent employees and find the qualified leader that can lead to organization growth and increase employee satisfaction and employee retention. The organization will retain the talent employees as well as find more leaders with different styles of leadership.

Leader in the organization helps in talent management; they provide training to new as well as current applicants. They are able to motivate and support employees at every level in organization. Leader inspires its team members for achieving the common goal. They create clear vision for people working in firm and able to drive them towards this. Appropriate Leadership is very essential in organization as it helps in employee retention, which is quite beneficial for business growth and success. The purpose of this is to identify the relationship between talent management, employee retention and leadership. There for the research help to in depth knowledge and information about everything, (McDonnell et al. 2010).

ISSN 2414-8385 (Online)
ISSN 2414-8377 (Print)

European Journal of
Multidisciplinary Studies

January – April 2020
Volume 5, Issue 1

Problem Statement

In view of the importance of develop organizations, there are many studies on the talent management, employee retention and leadership on the world. There is many research done on talent management and employee retention on different sectors for example in Ghana, in the Ministry of Roads and Highways, the relationship between talent management and employee retention, but this study is not have moderating leadership, (beatrice nyarkoah, 2016). In addition, in Malaysia in industry sector have be done research the role of talent management and in employee retention (yong pui chee ,2017). According to (Israa Ramadan AlBattrikhi,2016) the research is be done on talent management in IT companies in Gaza. Also in the UAE have many research done in develop talent management such us on public sector in Abu Dhabi Police, (ALmansoori, 2015). Talent management and leadership being adopted by school manager's focus on ensuring organizational commitment of workers. It can be said that workers should convey primary values of institution and ensuring their emotional commitment. Moreover, ensuring that environment and opportunities suitable for workers for developing skills is required for perfect commitment (Linley & Joseph, 2006). However, a few studies were conducted which dealt with one or two variables. Based on the above, the gap is no previous researches have been done on three variables together on Talent management to decrease Emirati teacher's turnover from Department of Education and Knowledge in Abu Dhabi. Therefore, these three aspects represent a knowledge gap and, hence, this study attempts to fill the above gaps.

Literature review

In order to understand talent management in education sector, it is necessary to know the meaning of talent management and it's important, (Kehinde, 2012). Talent management as juxtaposed with talent as such which is related to set of processes being concerned to strategic management of talent flow through firm (Iles et al. 2011). The phrase used by McKinsey Consultancy Company was "the war for talent" which has focused on concept of "talent" by scholars and practitioners (Lewis & Heckman, 2006; Lynton & Beechler, 2012). This is because intense focus on talent is made as it is crucial among all resources for success of enterprise (He, Li, & Keung Lai, 2011; Huselid, Beatty, & Becker, 2005). The talent management is mainly originated from performing arts, now it has eventually become powerful strategic force found in universities, businesses, hospitals and government units. After boom identified in UAE in public and private sectors, many firms have initiated plans for meeting their talent needs of future so as to sustain in UAE (Ulrich et. al, 2009). Retaining talents in UAE government sector has been a major challenge for long time. The benefits of implemented talent management strategy mainly include recruitment and retention rates. It is useful as retaining knowledgeable employees leads better source of speedy development of firm (Sigler, 1999). The greatest benefit of talent management is that effect on recruitment and retention of invaluable workers. According to Lalitha, (2012) biggest issue faced by HR in sector education is employee retention.

Research Methodology

This research adopts a positivism philosophy which is most appropriate for the aim of this research which is to find the relationship between competency mapping, employee engagement, performance management, and career development and employee retention. In line with positivism philosophy, statistical techniques would be used to interpret data collected. This research is based on the basis of pre-existential quantifiable information that can be obtained from different types of employees from various organizations via observation.

Overview of Conceptual Framework
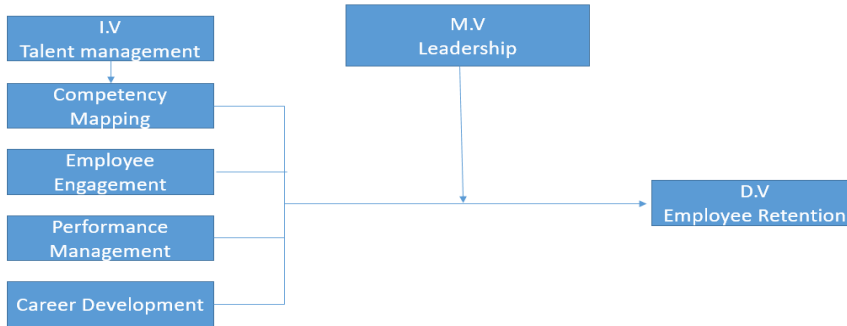
Instruments (Questionnaire)

The tool that will be used in this research survey questionnaire. It is helps the researcher to get a clear perspective of the research topic. Questionnaire design plays an important role in the entire research.

This survey includes a simple questionnaire that deals with the development of survey report in a more convenient way. There are several steps that have been used for development of the research more genuinely with the help of a simple questionnaire. With the help of simple questionnaire researcher will be able to make the survey more easy understanding.

After revising the previous studies of the subject, the Questionnaire developed for this study designed to be a close-ended type. The questionnaire is finalized in ow section as follows: section A: includes the demographic data of the study sample using six main categories: (Gender, age, Educational Level, Nationality, Years of Experience, location of Abu Dhabi Emirate). Section B include three part the first one consists independent vectors of talent management

Data Analysis & Result

In this study, the researcher use correlation method to explore the relationship between quantitative variables and to measure the linking or strength the relationship between all talent management independent variables with employee retention depend variable. To understand the relationship between variable to variable such as increase or decrease. The findings of the present study assist managers in the formulation of effective retention policies using appropriate variables. Regression examination is a type of prescient displaying strategy, which explores the connection between variables. This procedure is utilized for talent management demonstrating and finding the causal impact connection between the factors. For instance, connection between talent management and employee retention is best concentrated through regression. Regression examination is a significant device for demonstrating and investigating information

Regression analysis enables researchers to look at the impacts of factors estimated on various scales. These advantages help economic specialist or information experts or information researchers to avoid and assess the best set of factors to be utilized for developing prescient models.

No	Research Objectives	Research Questions	Research Hypotheses	Analyses
1	R01: To examine the relationship of competency mapping on employee retention	RQ1 : Does competency mapping influence employee retention?	RH1: There is a relationship between competency mapping and employee retention	Correlation
2	R02: To examine the relationship of employee engagement on employee retention	RQ2: Does employee engagement influence employee retention?	RH2: There is a relationship between employee engagement and employee retention	Correlation
3	R03: To examine the relationship of performance management on employee retention	RQ3: Does performance management influence employee retention?	RH3: There is a relationship between performance management and employee retention	Correlation

4	R04: To examine the relationship of employee career development on employee retention	RQ4: Does career development influence employee retention?	RH4: There is a relationship between career development and employee retention	Correlation
5	R05: To examine the influence of leadership on the relationship between talent management and employee retention.	RQ5: Does leadership moderate the relationship between talent management and employee retention?	RH5: There is a moderating effect of leadership on the relationship between talent management and employee retention	Regression

After analysis the data the main result finding according to empirical study, that is a significant influence between independent variable (talent management) and dependent variable. The relationship between independent variables and employee retention are positively. The R2 value 0.491 the regression of models was statistically significant. Studies conducted to that talent management have enhancing the employee retention.

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The Relationship Between TQM Practices and Primary School Academic Performance in Abu Dhabi: Innovation as a Mediator

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Abstract

The main purpose of this study was to examine total quality management practices and primary school academic performance in Abu Dhabi: innovation as a mediator. A quantitative research design was utilized. A total of 342 teachers will be chosen as a sample through a simple random sampling technique. Data analysis using structural equation modelling will be used. There will be significant relationship between total quality management practices and primary school academic performance; total quality management practices and innovation; innovation and primary school academic performance; significant contribution of mediating role of innovation on the association between total quality management practices and primary school academic performance; significant contribution of mediating role of innovation on the association between total quality management practices and primary school academic performance and significant role of innovation dimensions on the primary school academic performance. Presentation of data analysis and discussion of findings will be given after the completion of chapter four and five. It is hope of this study that TQM practices will be used by schools in Abu Dhabi region to improve primary school's academic performance.

Keywords: Total Quality Management, Performance, Innovation.

Introduction

This study is investigating the total quality management practices and primary school academic performance in Abu Dhabi: innovation as a mediator. There are three variables used for the study, namely total quality management as independent variable, innovation as mediator and primary school academic performance as dependent variable. The total quality management consist of six dimensions i.e. human resource management, strategic planning, leadership, and students focus, training and knowledge and process management. For innovation, four dimensions are used. They include students centered approach and blended learning, innovation management and transformational leadership. For primary school academic performance, three dimensions was used namely; students' academic performance, completion rate of students and learning facilities as well.

As a result of this useful introduction, Total Quality Management (TQM) specific practices can be considered as one of the most prominent and emerging management philosophies which can be potentially deployed within the institutions and organizations across the globe in order to attain a better level of performance (Evas, 2005; Adina, 2012). This management philosophy and paradigm has potentially acquired a high value among the industry and different educational institutions nowadays. The applicability of TQM within the educational institutions for the countries such as the United Arab Emirates and its major cities potentially require an extensive piece of work in order to substantiate the different features to be applied in accordance with the local culture as well as social dynamics. The adequate Framework for monitoring the existing educational processes and the introduction of certain innovative methodologies for the evaluation of the communication specific culture within the Educational Institutes of the major cities of the country such as Abu Dhabi are important to be investigated (ADEC, 2008). The Educational Institutes are potentially managed and administered by the high ranking officials and educational experts who are potentially responsible for looking after the various educational activities as well as the policy related implementation at the institute level (ADEC, 2008).

There are substantially many different areas of the academic excellence and improvement which can be perceived in the light of the existing educational policies and the procedures adopted by the educational Institutes functioning within Abu Dhabi. The deployment of some of the innovative methodologies and techniques in connection with the introduction of most effective teaching as well as other useful ways to enhance the quality of the education can be possible by utilizing and deploying the guidelines set in accordance with the internationally acceptable quality frameworks such as the total quality management (Ngambi & Nkemkiafu, 2015).

Problem statement

Reduction in students' performance in primary schools has becoming a great concern for school leaders and policy makers in the country (Asikhia, 2010). Parent raised the need for solid base to be developed to reach quality service in education industry to promote academic performance (Syed, 2013). The challenges associated with the country's educational performance especially at the primary schools could be improved upon if total quality management control is taken seriously and mainstreamed into the educational development policies and programmes in the country (Ajayi & Oyeniyi, 2017). TQM is focus on all processes which schools used to bring quality teaching to students.

In organization like schools, the school heads have more confidence when students' academic performance improve (Zehir, Ertosun, Zehir & Muceldilli, 2012). One of the philosophies of TQM is the ability to see that the students in the system perform excellently. In fact, TQM practices in the school will help the school leaders to double their efforts toward bringing quality teaching in the classroom (Akhtar, Zameer & Saeed, 2014). TQM is the philosophy of management that tends to link all organizational functions in the school system to focus on meeting the requirements of students and goals of the school (Hashmi, 2018).

As a result of that, TQM has played innumerable role in the realization of educational objectives. The TQM is still not popular in Abu Dhabi schools by the school leaders. As TQM was practices in oil industries and manufacturing company, the study of it is still dearth in primary schools in Abu Dhabi. The academic performance of primary school students in the last five years was not encouraging. The ministry of education (MoE) and UAE government were concerned about what cause reduction in the academic performance. Likewise, the parents has asked intrigued questions from the school leaders about what cause reduction in the performance of the students. Although, the performance was not so bad but MoE and government expecting more performance than previous one. The results of the students have not meet government expectation. This is gap the researcher intended to fill in this study.

More so, less awareness of innovation in Abu Dhabi schools to teach students is limited. Some of the schools have not been able to adjust to latest techniques in education because some countries like UK, America, and Netherlands have integrated innovation in the way they teach students. Besides this, total quality management has not been fully understand by the teachers to promote quality output needed by the society. This has been a major concerned to policy makers and stakeholders in education. Educational management also lacking which resulted in little reduction in students' academic performance. When the education is not well manage as expected, students' performance will be drop. The government has beginning to take drastic actions to improve the situation but it has not be fully achievable.

Again, to buttress the above statement, despite the numerous studies investigated by different scholars ((Akhtar, Zameer & Saeed, 2014; Akhtar, S., Zameer & Saeed, 2014; unglowala & Asthana, 2016; Al-Qayoudhi, Hussaini & Khan, 2017; Al-Damen, 2017; Arshad, Halipah & Omar, 2018) on total quality management. Most of this studies are done in foreign countries. However, less studies have not been investigated on Abu Dhabi schools (UAE). Even though, as scholars investigating total quality management, primary school has not been used together with it. It is believing of this study that if total quality management is fully adopted in Abu Dhabi in the provision of quality education. The education of Abu Dhabi will be a first of its kind in UAE.

Methods

quantitative method is used for this study, quantitative method is useful in the sense that it analyses, explain theories and relate all the hypotheses generated in the study (Creswell et al., 2011). This is why this current study is try to investigate total quality management practices and primary school academic performance in Abu Dhabi: innovation as a mediator. The quantitative is able to generate the findings of the study.

Population and sampling methods

The total number of primary schools in Abu Dhabi city is 102 schools. Out of this 102 schools 43 schools in Abu Dhabi Island, Al-Ain got 38 schools and Al-Dhafra got 21 schools. In the same vein, total numbers of primary school's teachers in Abu Dhabi emirate was 6982. Out of this number, Abu Dhabi Island got 3193 teachers, Al-Ain got 3036 teachers and Al-Dhafra got 753 respectively. Therefore, the focus population of this current study cover Abu Dhabi Island with 3193 teachers and 43 schools.

Instruments

Dimension	No.
Total Quality Dimensions	30
Innovation Dimensions	20
Students Academic Performance Dimension	15

Conclusion

According to the empirical result alongside the literature review shows that there is a significant influence between six indicators (Strategic Planning, Students Focus, Human resource, Management, School Leadership, Training, Knowledge and process management individually and combined and the primary school academic performance).

The coefficient is positively correlated that are six indictors can be a good variable. The study conducted to teacher varied and sophisticated research methods. It's enhancing the primary school academic performance.

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