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Professional Development in Greek Military Services. Searching a Dominant Leadership Style

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Abstract

Leadership is a focal concept to the functioning of all modern organizations. The leader of an organization is the architect required to create vision and strategy. Management and leadership, the third ranking of administration, is a motivating and guiding Human Resource (HR) in order to contribute effectively to achieving the objectives of an organization. A military service is a complex living mixture of body collections, roles, rules and culture. In terms of numbers, the Greek Army has hundreds of hierarchical structures and about 70,000 active personnel. There is a clear gradation of hierarchy and a code of ethics. At the same time, there is individual leadership, where a military leader commands his/her unit with a distinct and personal style. This research aims at seeking a leadership style based on a personal level to be exercised within the framework of strict structures of HR, that, when effectively exercised, helps younger military leaders improve themselves and also to be used as a proper model in a common basis for thinking and learning about leadership. Fifty officers provided relevant information by filling-in a corresponding number of Multifactor Leadership Questionnaires (MLQ) with forty five close-ended questions, which count the extent of leadership styles as Full Range Leadership: Transformational, Transactional and Avoidant. The MLQ also examines Leadership Outcomes: Extra Effort, Effectiveness and Satisfaction. Data elaboration and statistical analysis were performed. The dominant leadership style and potential vision resulting from this style are indentified.

Keywords: Leadership, Greek Military Force

Introduction

Leadership is known to be a set of procedures needed by organisations not only for their existance but also for improving their ability of adapting to conditions when they are changed. Leadership determines the future of the organisation orients personnel according to the operational vision and inspires them to accomplish goals, despite any obstacles that should arise.

The concept of leadership is examined not only as the administrative post of the superior, but also as the style he uses as he manages. In a rapidly changing world, where constant growth of agencies and organizations is a prerequisite, maintaining competitiveness and comparative advantage on offering their services, in order to fulfill their function, depends primarily on the Management - Leadership style running through them.

Literature Review

Trying to find the interpretation of the term Management in literature, it can be defined as the process of efficient use of organizational resources to pursue the primary objectives of the organization. Resources are existing factors that are owned or controlled by the organization and they are distinguished as human (management, skills, knowledge), as organizational (planning and organizing systems, coordination and control methods) and as physical (technology, equipment, hardware, software). The ability of a resource to become a source of a sustainable competitive advantage depends on four (4) basic characteristics (Niveroglou, 2008):

- (1) To be usable in the sense of the possibility of exploitation of environmental opportunities.
- (2) To be rare among existing and potential competitors.
- (3) To be difficult to a complete replication.
- (4) There are no substitutes that could be used by competitors.

From the term Management derives the term Manager, indicating the person who performs work by using people and other material resources. The exact meaning of the term Manager is limited to that person who exercises its managerial functions to achieve results through other people. This means that a Manager is responsible for other people's results and at the same time he has the right to exercise power over them. In Greek, the concept of manager is best expressed in the concept of Head - Director regardless of hierarchical level he is.

According to the Hellenic Armed Forces (AF), there is a clear separation between the terms of "Commander" and "Leader" and between the terms "Management" and "decision-making procedure". According to the Field Manual 181-1 "Management and Leadership":

"... Command in the AF is the legally exercised power by a person to his subordinates, which stems from his rank and the duties entrusted to him or by his hierarchical level. This power comes with the Commander's responsibility to his superiors and subordinates to carry out the mission entrusted to him. Management in the Army is founded legally according to the Military and Joint Criminal Code.

Management is the operation of planning, organizing, coordinating, directing and controlling of personnel, tools, materials time and money that are available, for the successful implementation of a specific mission.

Leadership is defined as the art by which a leader influences and directs others in such a way as to gain their trust, obedience, respect, cooperation between individuals and their faithful dedication to achieve a common purpose ..." (Hellenic Army General Staff, 1988).

Military administration - and as such it will be understood hereinafter the command of troops from their natural leaders - presents some peculiarities in comparison with other forms of administration, such as public administration, church administration etc., due to the following major reasons:

- (1) Military administration's target is to prepare troops for war
- (2) For the above reason, a military commander is imposing a high degree of discipline
- (3) Military administration is sometimes exercised in very dangerous and difficult circumstances, such as war or crucial situations
- (4) Good or bad military administration could directly affect the lives of troops and in wartime is directly related to homeland security

The main differences between a military commander and a manager are (Hellenic Army General Staff, 1989):

- (1) The commander does not select and then hire his staff. Soldiers are placed to units according to their rank and their speciality. If he has not enough personnel or the troops' skills are not the appropriate, then he should do his best with it.

(2) The staff turnover is much frequent than in a business. A manager has no problems of frequent staff rotations, unlike the military leader.

(3) Soldiers are much younger than most personnel in any business. The majority of them have not worked again. Many had never even been away from their home. All of them need to learn and adapt to a completely new lifestyle when they join the army.

(4) The Commander has more power to personnel than any manager. Soldiers may be punished or penalised for acts that in a job in civilian life would go unnoticed.

(5) The Commander has a great responsibility for his soldiers. He is responsible for their actions not only during their service but also on their free time outside the unit, which is not usually the case in companies.

(6) When the Commander considers necessary that the personnel have to work overtime to carry out their mission, soldiers are not getting additional payment for overtime.

(7) However, the most important of all is that the Commander expects his troops to accept the possibility of dying on the battlefield in order to carry out their mission.

In the AF it is also possible to control effectively and to determine the person responsible for the best execution of each mission (Saiti, 2008; Saitis, 2008) and the Service must make sure that in critical positions there are officers who possess the decision-making skill, or, in other words, who have the conditions to be qualified as "leaders" (Saitis, 2014).

Methodology

In order to conduct this research, 50 officers provided relevant information by answering a set of 45 close-ended questions specifically designed for the survey, with a response rate of 100%. Data elaboration and statistical analysis were performed. All results of descriptive statistics among the variables are presented and a comment analysis of key results has been made, with some additional proposals.

Analysis of Results

A. Participants' profile

The male officers' percentage (86%) was significantly higher than that of females (14%). 36% of them hold the rank of Major, 28% the rank of Captain, 26% the rank of Lieutenant Colonel and the rest of them serve as Second Lieutenants, Colonels. It is worth mentioning that most of the respondents serve to Attiki region (46%), almost one in five (18%) serves in border region and specifically in Thrace, 16% serves in Macedonia region and the rest of them serve in Sterea Region, Epirus and Islands. The biggest sample (42%) has an experience of 21 to 30 years of service in the Army and a 38% has a similar experience of 11 to 20 years. The respondents' field of duty is in Administration at the largest percentage (38%) whereas the 22% attends higher Army Academies. As far as education level is concerned, 44% stated that they have a University degree, 30% reported that besides their basic Army School graduation they have no other educational diploma, 18% holds a master degree and only a 2% holds a PhD Diploma. 84% of the officers' sample are married, 14% are single and 2% or divorced.

As far as their educational training-besides all basic Army Schools- 80% stated that they have been trained and most of them (62%) have been trained interservice. The rest of them are split to several training courses from Municipalities, from Private Sector, from Universities etc. Almost all of them (94%) are familiar with one foreign language. Half of them speak fluently the English language.

B. Special questions. Some interesting results came up when data elaboration was performed. 54% of the sample stated that their immediate supervisor officer very often/always provides assistance, in return of their efforts. Almost half of the respondents (46%) said that their supervisor never/rarely avoids to interfere to a problem, until it becomes serious. 80% of them also stated that their supervisor never/rarely avoids getting involved when important issues arise. He also never/rarely (at a percentage of 92%) is absent when there is a need. 74% of the officers said that their supervisor often/very often makes them feel proud of him. 78% believes that the supervisor often/very often states clearly who is responsible for

achieving specific objectives. He never/rarely waits until something goes wrong to intervene, as 76% said, and speaks often/very often in an enthusiastic way about the needs to be fulfilled (74%). 82% said that he never/rarely seems to be stable in the point of view: if something is broken, don't fix it" and 84% states that he never/rarely avoids making decisions. Additionally he very often/always (at a percentage of 72% of the respondents) determines the importance of having a strong sense of purpose. However, only half of them (56%) believe that their supervisor often/very often set the teams' good above personal interest, but when it comes to teaching and guiding, 62% feel that he can often/very often manage that in a successful way. 66% of the sample has the opinion that his supervisor works in a way that earns officers' respect, although 68% thinks that the supervisor monitors every mistake they make.

It is worth mentioning that the supervisor refers to his own values and beliefs at a range of 28% rarely, 30% often and 22% very often, and speaks with optimism about the future in a same way ie rarely 20%, 30% often and 32% very often. He also seems to focus his attention to errors, exceptions and irregularities from standards at a percentage of 22% rarely, 30% often and 38% very often. Into the same average result to the question of the frequency of treating the officer as an individual rather than a simple member of a group, since the outcome is: rarely at the percentage of 24%, often at 20% and very often at 24%. The officers highly believe (70%) think that he often/very often helps them develop their own potential and that he urges to see problems spherically. He also is thought to often/very often emphasize on the importance of a collective sense of mission (62%). Generally, supervisors are thought to often/very often respond to officers' job needs (66%). They also use often/very often (74%) satisfactory leadership methods and work very often/always with satisfaction with the officers, so they often/very often manage to increase desire for success and respond effectively to Services' requirements. In that way, supervisors at a high level (68%) often/very often increase officers' willingness to do more and manage very often/always (70%) to lead their team effectively.

Discussion

Through observation and all data analysis, literature seems to be confirmed as far as the main factors that effectively influence the motivation for efficient work in the army. In more detail, it is clear that the majority of army personnel want to be satisfied by their own personal efforts and have a highly developed sense of their duty. They also have a well developed desire for stability and security in their unit and believe that their Supervisor's actions will make them proud for serving in the specific unit. As long as inspiration and motivation are concerned, the majority believes that their Supervisor explains the necessity of each task to be performed and that their efforts are recognized, in the form of moral compensations. Moreover, it seems that the Supervisor inspires faith, trust, respect, internal discipline and morale to his personnel.

On the other hand, there are not clear conclusions on the Supervisors behavior, regarding his optimistic approach about the future, about his focusing on errors and deviations from the standard and about referring to his personal beliefs and values. There is also not a clear aspect whether the Supervisor has the ability to represent his personnel's needs and suggestions to higher ranking levels and about his effectiveness to treat his subordinates as individuals or as members of a group (unit).

It is obvious from the MLQ results that the style of Avoidant Full Range leadership is not observed in the Hellenic AF. The tendency is to accept the Transactional style as dominant, but more elaboration is needed in order to conclude safely. Also data elaboration and statistical analysis show that Leadership Outcomes - Extra Effort, Effectiveness and Satisfaction - have a result that also is tending to accept Effectiveness as a potential vision.

Proposals

Through this first attempt in monitoring and seeking a leadership style based on a personal level to be exercised within the framework of strict structures of HR, it is clear that certain tensions exist in the Hellenic AF, which should be further studied and analysed in order to establish concrete conclusions. Additionally, there are certain factors that need to be studied so to form a more clear opinion of the personnel questioned.

It is derived from the existing data that there is a need for motivating Supervisors to avoid focusing their attention to monitoring and confronting mistakes, failures and complaints. It is also clear that subordinates think their Supervisor is using satisfactory leadership methods, so there is no need to dramatically change any leader's training course.

In this specific study, the effects of the economic crisis in Greece were not taken into account in MLQ, so there cannot be any conclusion regarding the Supervisor's approach to the financial problems of his staff that affect their work production.

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TABLE 1

My immediate supervisor (Degree of acceptance of the following sentences by the respondents (%))	Never	Rarely	Often	Very Often	Always
1. Provides assistance, in return for my efforts	0	20	26	40	14
2. Reviews critical elements that are taken for granted and wonders if they are suitable	0	18	40	28	14
3. Does not interfere until the problem become serious	12	34	32	14	8
4. Focuses his attention to irregularities, errors, exceptions and deviations from standards.	8	22	30	38	2
5. Avoids getting involved when important issues arise	36	44	16	2	2
6. Refers to his own important values and beliefs	10	28	30	22	10
7. Is absent when is need.	56	36	6	2	0
8. Looks for different perspectives in addressing problems	4	20	40	28	8
9. Speaks with optimism about the future	2	20	30	32	16
10. Makes me feel proud for cooperating with him	2	8	28	46	16
11. States clearly who is responsible for achieving specific objectives	2	4	34	44	16
12. Waits for something to go wrong to intervene	28	48	10	12	2
13. Speaks enthusiastically about the needs to be met	4	10	38	36	12
14. Determines the importance, having a strong sense of purpose	2	0	26	48	24
15. Devotes time to teaching and guiding	2	16	38	24	20
16. Makes clear of what result should anyone wait to get when the objectives are achieved	4	10	32	42	12

17. Seems to be stable in the view: "If something is broken, do not fix it."	54	28	10	2	6
18. Puts the good of the team above personal interest	4	22	30	26	18
19. Treats me more like a separate individual rather than simply as a member of the group	10	24	30	24	12
20. Follows the tactics that problems must exist for long before take an action.	58	18	14	6	4
21. Works in a way that earns my respect	2	8	24	42	24
22. Focuses his attention solely to monitoring and confronting mistakes, complaints and failures	12	28	46	10	4
23. Thinks the ethical consequences of decisions	2	14	42	26	16
24. Monitors every mistake made	0	14	44	24	18
25. Demonstrates a sense of strength and confidence	0	6	26	42	26
26. Displays an exciting vision for the future	6	30	32	26	6
27. Draws my attention when I do not meet the standards.	4	20	44	26	6
28. Avoids making decisions	44	40	10	4	2
29. Faces me, compared with others, as an individual with different needs, abilities and aspirations	18	28	30	14	10
30. Urges me to see problems from many different angles	4	12	36	34	14
31. Helps me develop my potential	4	12	26	44	14
32. Proposes new ways to complete a project	2	14	28	38	18
33. Delays to provide a solution to urgent issues	40	44	10	0	6
34. Emphasizes how important it is to have a collective sense of mission	2	10	40	32	16
35. Welcomes my response to his expectations	2	10	24	44	20
36. Expresses his confidence that the objectives will be achieved	2	6	30	44	18
37. Responds effectively to my job needs	2	12	24	42	20
38. Uses satisfactory leadership methods	4	10	20	54	12
39. Manages to make me do more than I would expect	4	24	32	32	8
40. Represents me effectively at senior levels	6	16	24	32	22
41. Works with me satisfactorily	2	4	20	42	32
42. Increases desire for success	4	6	28	46	16
43. Responds effectively to the requirements of the Service	0	4	22	40	34
44. Increases my willingness to try more	2	12	24	44	18
45. Leads a team that is effective	2	14	14	52	18

PMI (Public Media Institution Radio Television of Vojvodina) the New Media Organization

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Abstract

The basis of the effective functioning of the media along with the changes in the environment is in a constant development of management within the media, and therefore the corporate communication as a basic tool of development. Management JMU RTV broadcasting in the new (multi) media environment should establish a system of effective management of the technical, organizational, as well as innovation in the design and distribution of media content, aiming to find a balance between the needs of the market and the insatiable appetite of the media to the public, changes in technology, media legislation and general social trends. If the organization said that "the organism", then the communication is "bloodstream" of the organism. Corporate communication is a newer discipline which is used in all business segments worldwide. Top management creates, defines and improves corporate reputation through corporate communications and image management that created it. The image of a good and successful organization begins within. The level of satisfaction and motivation of our employees is a measurable and constant process that can be influenced, eg. how often and in which way to communicate with employees, how they transmit important messages and direct them towards achieving business goals. Corporate communication includes all communication and information activities among the members of the organization, it is targeted and oriented according to the success. Because the image of the organization can be understood as the reflection of its identity created corporate communication between different public - internal and external.

Keywords: corporate communications, reputation, corporate identity, image, management, organisational learning, public service, changes

1. Introduction

The success of an organization nowadays depends to a great extent on itself, but it is in direct conjunction with innovation, creativity and flexibility. The prerequisite for this is a good corporate communication, because it is the only way possible to understand the different wishes, requirements and needs of viewers / listeners / users of the portal and to adequately react in terms of programming, production and technology in order to meet their needs.

One of the helpful advantages and basic competences of successful people is to be able to communicate effectively and efficiently. Modern business world sets high standards which managers have to meet in order for the communication to be effective within and outside the organization. One of the manager's tasks is to accomplish organizational goals by communication and coordination of the employees' tasks (Jovanović, M., Žvković, M. i Cvetkovski, T., 2003, 65-118). Understanding of theory and practice will be useful for creating better working environment as a precondition of good communication.

Aim of this paper is to show the importance of the role of corporate communication in modern and successful organizations such as Public Media Institution Radio-Television of Vojvodina, also how substantially corporate communication affects the creation of this organization's new image which can also be the source of competitive advantage of the organization

regardless that this is Public service. This paper thoroughly deals with the area of corporate communication as an important tool which is at disposal for the management of PMI RTV¹ and it serves for effective image managing and competitiveness of the organization.

The review and detailed analysis of the literature, hypotheses and research have been carried out in order to prove them, i.e. that the intensity of corporate communication has a positive effect on the PMI RTV's image, respectively, that a positive image directly affects the increase of competitiveness of PMI RTV, and thus greater viewership, listenership and citations.

Relations with the environment (internal and external) should be an important part of business policy of every organization and a resource for top management in organizations. Confidence and interest are very important for corporate communication because they represent a base for new, permanent relations between business partners or service users (viewers/listeners/portal users in this case).

2. Corporate Communication – Term And Benefits heoretical Framework

Understanding the role of communications for the market success of the organization, led to higher positioning of this business function in the organizational structure, thus influencing strategic decisions. At the same time, scientists are beginning to study the strategic importance of corporate communications and their role in building competitive advantages (Forman J. & Argenti P.A., 2005.), and define them as planned obtaining of information from the environment and their exchange within the organization, as well as exchanges between the organization and various segments of the environment in which it operates. Communication is very important so that the organization could more effectively achieve its intended goals. The more functional it is, the more likely the achievement of the objective is, which is why the number of portable communication places is reduced to a minimum. Managers, by hiring quality staff, developing knowledge, innovation, create an adequate strategy of corporate communications and solutions in order to create a sustainable competitive advantage in the market.

Understanding of the role of communication for market success of the organization led to high positioning of this business function in organizational structure which therefore affects strategic decisions. At the same time, scientists, especially those who are studying public relations, are starting to study the strategic importance of corporate communication and its role in building competitive advantage (Forman, J. i Argenti, P.A., 2005, 245-264). In general, the role of corporate communication reflects, first of all, in the area of building corporate identity, corporate brand and company's reputation (Hawabhay, B.B. Abratt, R. i Peters, M., 2009, 3-20; Forman, J. i Argenti, P.A., 2005, 245-264; Flatt, S.J. i Kowalczyk, S.J., 2008, 13-30). The first two concepts are directly connected to the marketing theory, and the concept of reputation develops in the area of the management theory and public relations (Dowling, G., 2004, 196-205).

Corporate communications can be defined as planned obtaining of information and its exchange within an organization, as well as the exchange of information between the organization and different parts of the environment in which it operates. In the modern world, no organization can survive if it is not in constant communication with external environment which they inform about and which is being informed.

Organizations are formed and they survive with the consent and support of the public. Arthur Page's famous statement, who is a pioneer in the area of public relations, also testifies about this and says that in a democratic society every business starts with the permit of the public and it exists with its permission (Capozzi, L., 2005, 209-293). The public is consisted of individuals and institutions to which the organization is directed, and they can be divided in separate groups such as: financial public, media public, government and its institutions, civil sector, local community, employees, competition, business partners and suppliers, business buyers, consumers and service users. In modern management theory, these specific groups of public are called stakeholders². The success of a company also depends on how it is seen by its stakeholders. Focus on development of different stakeholders' positive perception means active usage of corporate communication in order to effectively communicate the key values of the organization to the stakeholders. This approach received affirmation from numerous organizations and relevant literature as reputation management. That means that

¹ PMI RTV – abbreviation for Public Media Institution Radio-Television of Vojvodina

² Stakeholders – term for those individuals, institutions, groups, which have a certain type of stake (not necessarily financial) and benefits related to the existence of the company in the market (Freeman i McVea, 2001).

management of an organization has to adjust its activities to the needs and interests of numerous interested parties, and in that process corporate communication becomes very important as a business function.

Financial operations ceased to be solely a measure of success, but in addition to financial indicators that reflected competitive advantage, today there are also so-called soft factors, where the reputation of an organization has a particularly important place (Flatt, S.J. i Kowalczyk, S.J., 2008, 13-30). Good reputation is a result of successful activities in corporate communications (Burke, T., 1998., 5-10). Creation or improvement of business reputation means changes in the way of thinking and working of the organization in all of its forms on the market. The key role in that process has communication with internal and external stakeholders. By employing quality personnel, improvement of knowledge, innovations, quality and affirmation of social responsibility, an organization comes into a position to create an adequate strategy of corporate communications and solutions that will ensure the transition of corporate identity and internal determinants of corporate reputation in the desired image in order to create a sustainable competitive advantage in the market and values for stakeholders.

3. Image – Definition

During the mid 50s of the last century, image becomes an important factor for organizations. At the time, the campaigns dedicated to the image had a task to familiarize consumers with a particular brand/organization, and tie them to them, with the aim of creating competitive advantage. As a result of not engaging employees in the process of building identity and reputation, even the best image campaigns failed. That is why it is said that the image of a good and successful organization starts within itself. Many modern authors (Kotler, P., 1997, 292; Grey, E. i Smeltzer, L., 1985, 73-78 i Barich, H. i Kotler, P., 1991, 94) define image in corporate sense as a manifestation of all mental images that people have about the organization. Described concept of image is based on external, because it all comes down to how a certain image is perceived by the target audience. Based on this, we can come to a conclusion that the image of an organization is directly related to its success in the market, affecting its competitiveness, achieved results and the general level of quality of its operations.

Image can be defined as a cognitive image of an organization, product, person, process or situation that an individual shapes based on previous experience, attitudes, opinions and performance that are more or less in line with the actual characteristics, while the role of communication, especially public relations, publicity and advertising is particularly significant in the formation of the image (Cornelissen, P., 2003, 217-234). Some authors state that the image of a company is in fact a network design which emerged from the interaction of many experiences, beliefs and knowledge that people have about certain company (Worchester, R., 1997, 146).

Image of an organization can easily be transformed, but if it does not invest continuous effort in maintaining the good image, a positive one can easily turn into negative. Precisely because of that, corporate communications must be constantly focused on image of the organization, which is its reflection in the eyes of internal and external public. The image should be consistent, homogeneous and identical to the internal and external public.

Marketing communication is directly focused on the attempt to create a desired image and to attempt to provide a precise answer to the question about the extent to which the image is really useful for an individual or organization, where it can be applied best and which communication tools and methods can achieve positive and quality image. The way of communication of the desired image must be adapted to the target group by selecting appropriate communication channels, as well as the structure of the communication message. A good image of an organization means that its communication activities are intensive and that they are set properly and that it benefits from them (it increases competitiveness) (Balmer, J.M.T. i van Riel, C.B.M., 1997, 340-355). At the same time it is associated with numerous organization attributes such as the name, structure, diversity of products and services, tradition, ideology, and the overall quality impression communicated by each employee in the organization towards its clients/customers or target communication groups (van Riel, C.B.M., 1995).

The process of image management of an organization is a systematic approach of solving problems at the level of organization that begins with analyzing the current situation and setting goals, and ends with the process of checking and comparing the actual and the desired image, and the implementation of necessary corrections. Questions: "Does the organization properly and adequately use all the possibilities offered by the application of corporate communication?" and "How compliant is the internal image of the organization with the external image?", are always open. The image of the

organization is the main factor that distinguishes it from the competition and its comprehensiveness and integrity is based on the uniform corporate communication activities.

The key element in creating the image of an organization is its employees. If they do not understand the objectives of creating certain image and if they do not apply them in public, there will be lack of desired results. There may be "deliberate" resistance to change, but sometimes the procedures of creating the image itself is not sufficiently clear and presented in a consistent manner. A positive result can be expected only if everyone is aware of the significance of the changes and if they adopt them as their personal and common values.

4. Specificity Of PMI RTV

"Public service is a nonprofit, independent radio-television organization, established in the name of the general public and financed from public funds, that meets the needs of the largest possible number of citizens, and the general public by diverse, balanced, high-quality programs, impartially and without discrimination". (Veljanovski, R., 2005, 28) "It is free from political interference and pressure from commercial forces. With secured pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service can serve as the foundation of democracy". (Mendel, T., 1999, 10.11.2015.)

PMI RTV is a successor of RTV Novi Sad, which started broadcasting radio program in 1945, and television program in 1975. It was established on 26th May 2006. on the basis of Article 94. of the Broadcasting Act (RS, Ministry of Information, 2006, 20th January 2014.), and since 13th August 2014. according to the Law on Public Media Services (RS National Assembly, 2014, 20th August 2014.), it continues to operate under the name of Public Media Institution Radio-Television Vojvodina. The main activity of RTV¹ is production, purchase, processing and broadcasting of television and radio programs, informational, cultural, educational, children, entertainment, sports and other content in 11 languages, 24 hours a day, which meet the needs of a wide audience in Vojvodina and beyond. During 2013, the Strategy of RTV was adopted which defines the vision, mission and general courses of action and development, "BI² RTV is a public service broadcaster for the territory of the Autonomous Province of Vojvodina which broadcasts all day program on two television and three radio channels as well as through the internet portal. With approximately 18,000 hours of the broadcast program content per year (out of which more than 50% is its own production), this institution is in the "golden middle" of program offers of European national public service, and in comparison with regional services it is among the top five in Europe." (RTV, 2013, 25th August 2013.).

Financial strategies are also defined, and some of them are marketing strategy and public relations: "Increased income from marketing activities is one of the main reasons for fundamental change in the system of preparation of the program and the business plan, which should be well-timed, complete and roll-on oriented. Public service RTV was created to meet the needs of the public and citizens and that is why the communication with the public should be paid attention to." "Networks of NGOs and civil society require adequate processing. No one will promote RTV if it does not engage itself for that cause. The battle for affectation of the public cannot be won only by quality programming content, but also by modern and constant communication. Multimedia portal is of a great significance, as well as transparency of the work. The very nature of the management of public funds obliges to that, but also the obligations summarized in international documents (European Council, EU, EBU)." (RTV, 2013, 25th August 2013.)

Technical functioning is important for functioning and performance of the basic activities of a media service (production and distribution of content), such as PMI RTV Vojvodina. Because of the complete destruction during bombing in 1999, the functioning of the Public Service was enabled by the rest of the equipment and the temporary installation in a rented room with inadequate working conditions for a professional TV. RTV digitalized its infrastructure in the standard definition in 2009/10 by its own means, and the process of transition from analogue to digital broadcasting was completed on 18th May 2015. By digitizing existing audio and video archives a digital archive system is being prepared. Current systems are multifunctional, with a high degree of integration of the radio, television, and internet and mobile applications, which enable interactivity, reliability, cost effectiveness, modular and phased feasibility, expandability, sustainability and coherence.

¹ PMI RTV – abbreviation for Public Media Institution Radio-Television of Vojvodina

² BI - abbreviation for Broadcasting Institution

5. Research Methodology

If a management of an organization does not understand the importance of proper, systematized and organized corporate communication, as well as the importance of its integration and application, it will not be able to fit in the modern market trends. The image of an organization itself is how it is seen by the public and it shows the level of integrated communication in an organization. Therefore, organizations need to adapt their own communication message according to the expectations of the target public, their attitudes, interests and specific knowledge.

In the very process of the research, many scientific research methods are applied. First, a detailed analysis of the available literature, primary and secondary data sources, and their synthesis methods of description, classification and comparison are conducted. Then, the established scientific findings were synthesized and two hypotheses were defined whose determination of truthfulness was the subject of the research:

Hypothesis **H1**: the intensity of corporate communications has a positive effect on creation of PMI RTV's image.

Hypothesis **H2**: positive image of PMI RTV has a positive effect on increasing competitiveness of PMI RTV.

In order for the hypothesis **H1** to be accepted, the research needs to meet the following conditions:

multiple regression model is statistically significant at the level $p < 0.05$

appropriate beta coefficient is statistically significant at the level $p < 0.05$

appropriate beta coefficient is in expected direction

In order for the hypothesis **H2** to be accepted, the research needs to meet the following conditions:

the correlation coefficient is statistically significant at the level $p < 0.05$

the correlation coefficient is in expected direction

Data were gathered in the field by surveying the external public. The research included 1,012 subjects on the territory of AP of Vojvodina, out of which 49,9% were male and 50,1% were female respondents, aged between 18 - 60+, of all educational backgrounds, occupations and social status, and it was conducted during September and October in 2015. Respondents for whom it was thought that they would be able to answer the survey questions were chosen as a sample, taking into consideration the complexity of the research issues. The structure of the samples is shown in **Table 1**.

Table 1. *The structure of the samples*

Sample	1012	%
Gender	male	49,9
	female	50,1
Age	18-29	18,8
	30-44	24,9
	45-59	27,6
	60+	28,7
Educational status	Without school, unfinished elementary school and elementary school	1,6
	Three or two years of high school	10,8
	Four years of high school or gymnasium	30,2
	College or faculty	53,9
Employment status	Magister degree or doctor of science	3,5
	Employed in the public sector	25,6
	Employed in social or combined sector	16,2
	Employed in private sector	23,9
	Unemployed (housewife)	4,6

	Retired	8,0
	Agriculturist	8,1
	Pupil, student	9,0
	Unofficially employed (unregistered work)	3,6
	Did not give an answer	1,0
Languages on which they watch TV programs	In Serbian language	84,2
	In Hungarian language	7,4
	In Romanian language	0,3
	In Ruthenian language	0,1
	In Slovak language	1,2
	In Bunjevac dialect	0,4
	In Ukrainian language	0,2
	In Croatian language	2,9
	In Macedonian language	0,1
	In Romani language	0,1
Another language	0,5	
Settlement type	Urban	59,4
	Rural	40,6

By surveying the external public, attitude of respondents on the quality of the image of PMI RTV Vojvodina and on its competitiveness and intensity of application of various forms of corporate communication was researched. The instrument for this survey was a questionnaire. The studied variables were measured using measurement scales containing attitudes (statements) for which respondents expressed their agreement or disagreement. For attitudes that were available for respondents, Likert scale with five levels (range 5 - 9 can be seen as the optimal solution) was applied. All attitudes which were required for this research were formed by the authors.

Table 2. List of attitudes for determining variables - image PMI RTV

I have positive associations about PMI RTV (i1)
I consider PMI RTV to be a particularly good organization (i2)
PMI RTV has a good identity (i3)
PMI RTV has a good image (i4)
PMI RTV has a good reputation (i5)
I have a positive attitude towards PMI RTV (i6)
PMI RTV is a bad organization (i7)

Table 3. List of attitudes for determining variables - competitiveness PMI RTV

PMI RTV is competitive (k1)
Competitiveness of PMI RTV is higher compared to the competition (k2)
I consider PMI RTV to be more competitive compared to other organizations (k3)

Table 4. List of attitudes for determining variables – intensity of corporate communication of PMI RTV

Corporate communications of PMI RTV are frequent (kk1)
Compared to the competition, PMI RTV has more intense corporate communications (kk2)
Intensity of the use of corporate communications in PMI RTV is higher compared to other organizations (kk3)

For the analysis of gathered data, by surveying the external public, multiple regression method was used, which aimed to show that the intensity of corporate communications affects the image of the PMI RTV Vojvodina. The impact of the image

on competitiveness of PMI RTV Vojvodina was measured by correlation analysis. Gathered data were also analyzed by the additional statistical methods:

Reliability and the validity of the used scale were tested – Cronbach's coefficient - α was calculated and its value if certain attitudes were left out.

Methods of descriptive statistics were used: mean value and frequency distribution.

6. Research Results

Table 5. shows the value of Cronbach's coefficient - α for the measurement scale used in this research and processing of obtained data. Cronbach's α coefficient is a measurement for internal consistency of groups of attitudes whose value can range from 0 to 1. The closer the Cronbach's α coefficient is to 1, the measurement scale is more reliable. If the coefficient of reliability, including Cronbach's α coefficient is about 0,9 – reliability can be considered to be excellent.

Table 5. The values of Cronbach's coefficient - α

Measurement scale	Cronbach alfa coefficient
Image of PMI RTV Vojvodina	0,92
Competitiveness of PMI RTV Vojvodina	0,78
Intensity of corporate communications in PMI RTV Vojvodina	0,87

Source: author's research

Based on Cronbach's α coefficients, we can conclude that the used measurement scales have a satisfactory level of reliability. Measurement scale for competitiveness of PMI RTV Vojvodina showed the lowest reliability, while the measurement scale for the image of RTV Vojvodina showed the best reliability for which it is even possible to say is excellent. The value of Cronbach's α coefficients of corresponding measurement scales increased, and thus their reliability, leaving out the attitudes that affected the reduction of the reliability of the appropriate measurement scales.

Table 6. The influence of certain attitudes on the Cronbach's α coefficient of the measurement scale for variable - image of PMI RTV Vojvodina

Cronbach's α coefficient for the scale is: 0,92	
Attitude	Cronbach's α coefficient if an attitude is left out
i1	0,91
i2	0,90
i3	0,82
i4	0,91
i5	0,90
i6	0,90
i7	0,93

Source: author's research

Table 7. The influence of certain attitudes on the Cronbach's α coefficient of the measurement scale for variable – competitiveness of PMI RTV Vojvodina

Cronbach's α coefficient for the scale is: 0,78	
Attitude	Cronbach's α coefficient if an attitude is left out
k1	0,80
k2	0,67
k3	0,60

Source: author's research

Table 8. *The influence of certain attitudes on the Cronbach's α coefficient of the measurement scale for variable – intensity of corporate communications in PMI RTV Vojvodina*

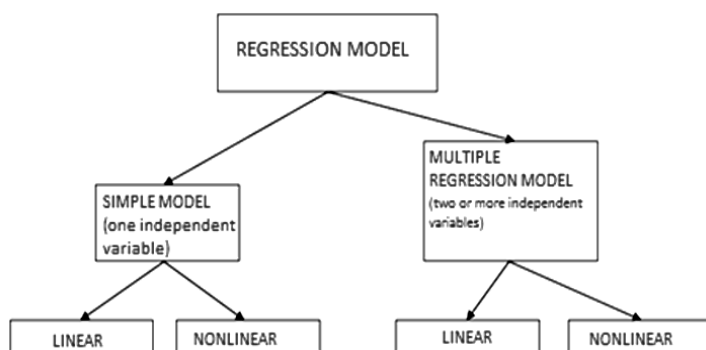
Cronbach's α coefficient for the scale is: 0,87	
Attitude	Cronbach's α coefficient if an attitude is left out
kk1	0,82
kk2	0,81
kk3	0,82

Source: author's research

Based on the presented results we can conclude that two attitudes affect the reduction of reliability of the appropriate measurement scale, and those are: attitude (i7) for variable – image of PMI RTV, or (k1) for variable – competitiveness of PMI RTV. By leaving those two out, the value of Cronbach's α coefficient of the appropriate measurement scale was increased, as well as their reliability. Because of that, those attitudes were excluded from further research. The same way the analysis of the validity of used measurement scales was performed by implementation of research analyses of the factors by which convergent and discriminant validity of the measurement scales was parsed. Thus we come to the conclusion that analyzed measurement scales have convergent properties (related claims have high factor loadings on relevant factors) and discriminant validity (related claims have low factor loadings on other factors). Discriminant and convergent validity was tested by exploratory factor analysis and confirmatory factor analysis.

Since the used measurement scales have an acceptable level of reliability and convergent and discriminant validity, the gathered data are analyzed using multiple regression and correlation analysis¹, all in order to test the defined hypothesis H1 and H2. Regression analysis determines the analytical form of relationship between dependent (here we took the image of PMI RTV Vojvodina as a dependent phenomenon), and independent phenomena (the intensity of corporate communications in PMI RTV Vojvodina), describing the connections between them, while correlation analysis establishes a link between the given phenomena - independent and dependent, its shape, strength and direction, without going into what is the cause and what is consequence. The name multiple regression means that there are more independent variables (intensity and competitiveness of PMI RTV Vojvodina in this case) and it uses regression function as the best prediction.

Image 1. Regression model - a schematic representation



The aim of the testing by multiple regression was to determine whether the independent variable explains a significant part of the variability of the dependent variable, i.e. whether there is a connection between them, also, to determine the strength of the structure of those connections, to predict values of the dependent variables and define the sampling line of the

¹ Multiple regression and correlation analysis study the relations between two or more phenomena. The significance of these methods lies in being able to predict the outcome of certain events based on knowledge of other phenomena. The name regression, was introduced by a statistician Sir Frances Galton (1822 -1911) and it means going backwards.

regression with the least possible residuals¹. In practice standardized residuals are used, which we can get by standardizing residuals, and which have a normal distribution with the middle 0 and deviation 1.

The first hypothesis H1 was tested by the use of multiple regression, where the image of PMI RTV Vojvodina is seen as – dependent variable, and the intensity of corporate communications in PMI RTV Vojvodina as – independent variable. Mean values of the answers provided by the respondents about the attitudes which belong to those variables were calculated in order to be able to implement multiple regression. For each variable, one summary indicator (mean value) was obtained for each subject, and then those indicators were used as inputs in the implementation of multiple regression.

The assumptions, which the multiple regression model are based on, are similar to those that are valid for simple regression and they state that the form of dependence between all variables is linear, or straight line. This is especially important for the relationship between independent variables and the dependent variable, in this case the image of PMI RTV Vojvodina.

Before explaining the results, their statistical significance must be tested. If R², b and β are not statistically significant, it is concluded that the independent variable - intensity of corporate communication in PMI RTV Vojvodina, has no real connection with the dependent variable - image of PMI RTV Vojvodina, which means that the resulting model has no practical value. If all the regression coefficients are statistically significant, then the coefficient of multiple determination R² will certainly be significant. This indicates that the purpose of regression in this case is to determine the form of the relationship, namely dependence between the observed phenomena, image of PMI RTV Vojvodina and intensity of corporate communications in PMI RTV Vojvodina. This was achieved by using the appropriate regression model (stochastic model which best describes the quantitative relationship between variations in the observed phenomena in reality through a mathematical formula and a set of appropriate assumptions), which shows the average stacking variation of the tested phenomena. The regression model is not the goal itself, but a means by which we are able to evaluate and predict values of the dependent variable for the desired value of the explanatory variable.

The resulting multiple regression model is statistically significant at the level of p < 0.05. The coefficient of multiple determination R² is a relative measure and it shows the participation of the explained variability in total (how many variations of variable Y are explained by variable X), i.e. it represents the quotient of deciding - the ratio of the dispersion of the dependent variable that can be explained by the independent variable. The value of 0.57 represents 57% of the variability in the dependent variable that can be explained by the independent variable, so the level of connection is strong, i.e. the image of PMI RTV Vojvodina.

Table 9. The results of multiple regression analysis

Independent variable	Beta coefficient - β
intensity of corporate communications in PMI RTV Vojvodina	0,17

***statistically significant if p<0,05**

Source: author's research

The first hypothesis H1: Intensity of corporate communications positively affects the creation of image of PMI RTV Vojvodina, and it is accepted based on the results of the analyses of multiple regression because the following conditions were met.

multiple regression model is statistically significant if p < 0.05
 corresponding coefficient beta - β³ is statistically significant if p < 0.05
 corresponding beta coefficient - β is in the anticipated direction

The second hypothesis H2: Positive image of PMI RTV Vojvodina affects the increase of the competitiveness of PMI RTV Vojvodina. It was tested using correlation analysis between variables - image of PMI RTV and competitiveness of PMI RTV. The correlation coefficient between these two variables is 0.68 so it is statistically significant at the level of p < 0.05. This

¹ Residuals – errors, they should be approximately distributed.

² Coefficient of multiple determination (correlation) is used to determine the quality of the prediction of the dependent variable.

³ corresponding beta coefficient - β useful for the interpretation of the relative importance of independent variables

result suggests that the second hypothesis H2 can be accepted since both defined conditions are met. That is, we can conclude that the positive image of PMI RTV Vojvodina affects the increase of its competitiveness.

7. Conclusion

Using existing and creating new channels of communication, an organization creates a safe way for launching messages and plays an active role in building an attitude about the environment towards it - image creation. Image of an organization with corporate identity is a central concept of corporate communication, and as such it has been attracting the attention of a large number of marketing professionals worldwide for many years. By analyzing the available literature, we recognized the causal relationship between corporate communication and image of an organization, as one of the main sources of competitiveness of PMI RTV Vojvodina (Carey, J., 1983, 311-313; Carey J., 1985; Solomon, R.M., Marshall, W.G., Stuart, W.E., 2008, 376). By efficient management of corporate communication, PMI RTV Vojvodina profiles the desired image and creates a suitable position in the minds of the viewers/listeners/portal users and the public, coordinating the tasks that employees do (Jovanović, Živković, Cvetkovski, 2003) (Jovanović, M., Živković, M., Cvetkovski, T., 2003).

Corporate communication is directed towards the organization as a whole and towards the importance of its image (Dolphin, 2000). Mastering communication skills itself, does not lead to corporate identity, image or reputation of the company. Managerial competence is necessary so that the position and reputation of the company can be analyzed, corporate image/identity (corporate values, messages) determined, communication plan designed and developed, and finally, the results can be evaluated after the implementation of the plan. This is where the strategic management comes into play, and it is assumed that managers must be able to monitor and critically understand the actions taken, as well as to create communication programs which are appropriate for corporate goals. The organization needs to understand, from a strategic point of view, which is the most effective way of functioning of corporate communications, and how they can be used to achieve corporate objectives, to organize them, and decide what means should be used to complete their potential. Corporate communications also have an important role in decision-making and overall corporate strategy. They are integrated into the corporate goals, mostly with long-term implications. From the above, we can conclude that the corporate communication is: management function that requires from the communicator a complete understanding of communication and integration of communication strategies with corporate strategy and objectives (strategically planned series of activities which emerges from the general corporate strategy); According to Cornelissen (Cornelissen J., 2004), a version of the definition of the relations between corporate communications and image might sound like this: Corporate communication is a management function that offers the effective coordination of all means of communication, with the ultimate goal of establishing and maintaining the desired reputation i.e. the image of the group of stakeholders whom the organization depends on.

In order to test the hypotheses, a comprehensive research was conducted. Both hypotheses were accepted by the analysis of the obtained data, and the implications are possible benefits for PMI RTV Vojvodina i.e. the possibilities for strategic and long-term image management as well as its competitiveness by means of intensive, integrated and quality of corporate communication activities in the market.

The first implication indicates the need for forecasting further growth of the intensity of corporate communications in PMI RTV Vojvodina with absolute imperative - the integration of complete corporate communication activities of the organization, with the purpose of quality control over their own image, because there is reasonable doubt that all forms of corporate communication are not equally used. Changes in behavior and expectations of viewers/listeners/portal users, as well as the communication revolution in PMI RTV Vojvodina set imperative of constant monitoring of modern communication trends and adjustment to their own corporate communication activities in accordance with the current communication moment.

The second implication is based on recognition of the important role of the image of PMI RTV Vojvodina, whose quality in the current economic conditions and in conditions of high market competitiveness directly affects the competitiveness of the organization i.e. the viewership/listenership/citations. Corporate communication has a strategically important role in the process of quality image management in PMI RTV Vojvodina.

The research results show that the achieved level of image quality of PMI RTV Vojvodina is directly connected and dependent on the success of the organization to properly organize, implement and integrate their own corporate communications activities in practice, and to apply them with appropriate intensity. The higher the level of intensity of total corporate communication activities of the organization, better it is able to manage its own image. The research results also

show the existence of a direct link between the achieved level of image quality of PMI RTV Vojvodina, based on integrated and intensive corporate communication activities and its competitiveness. We can conclude that the competitiveness of PMI RTV Vojvodina is equal to its image based on integrity, and intensity of corporate communication activities at the level of marketing, organizational and managerial communication. The competitiveness of the organization is deeply rooted in the concept of corporate communications, i.e. it is under the direct influence of the image of PMI RTV Vojvodina, based on intensive and integrated corporate communication activities. This is how the image of PMI RTV Vojvodina becomes a direct source of competitive advantage of the organization in modern market conditions, highlighting the strategic importance of corporate communications.

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Jurisprudential Analysis on the Implementation of and Compliance with European Safety Standards on Patient Mobility in the Romanian Health System

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Abstract

Since the Directive on cross-border healthcare regulates the provision of pan-European medical services, but without taking into account of the organization, provision and financing of such services, this article examines the need to reform national legislation in order to eliminate any restrictions to the fundamental freedoms of European citizens. This article aims to analyse, by presenting the jurisprudence of the Court of Justice of the European Union, the degree of harmonization of national policies in view of reforming the Romanian health system, in order to create a modern health system. In order for a modern health system to be created, it needs to be centred on patient needs, to have dynamic and integrated structures, adaptable to the various and changing healthcare needs of society in general and of individuals in particular and which, not least, must recognize the active role of the patient as partner in healthcare policies.

Keywords: patient's rights, European law, the Court of Justice of the European Union, the reformation of national legislation, health system, healthcare policies

1. Introduction

The Court of Justice of the European Union has paved the way for the implementation of the right recognized at Article 35 of the Charter of Fundamental Rights of the European Union [1] for every person to have access to preventive healthcare and to benefit from medical treatment.

As stated in the Council Conclusions on Common values and principles in European Union Health Systems, "*health is a value in itself*" [2], also being a prerequisite for the economic prosperity of the Union, because people's health influences the economic results in terms of productivity, manpower, human capital and public expenditure.

To achieve the strategic objectives of the Union (ensuring access to high quality healthcare and the more efficient use of public resources), the Report of the European Commission for 2013 on economic growth and cohesion [3] recommends reforming health systems to ensure their profitability and sustainability and performance evaluation.

In order to remove the restrictions on the fundamental freedoms of European citizens, the Directive on cross-border healthcare [4] creates a standard of protection at EU level, by harmonizing national policies in the field, thus ensuring patient mobility and the freedom of healthcare benefits and regulates the provision of pan-European medical services, but without taking into account of the organization, provision and financing of such services.

2. Theory

In the field of the provision of cross-border healthcare services a certain overlap of EU law with national law is reached, so that in many cases European law is essentially limited to indicating a compulsory aim, namely achieving the free movement of citizens patients and their equal treatment, irrespective of nationality, in relation to national authorities, while maintaining the powers of Member States.

On the background of this overlap, Member States are obliged to comply with the legal framework imposed by primary law and secondary legislation, to the extent that they are not allowed to violate European Union law when exercising their powers [5].

In the absence of the legal force of a European regulation, the free movement of patients would have created a competition between the health systems of Member States to attract more patients, thus raising the likelihood that, by the free access to cross-border services, a drop in the price of medical services throughout the European Union take place, to the detriment of the quality of healthcare services; such a law could have adverse effects on short and medium term, on the sensitive economics in the European health sector [6].

As part of the wider framework of services of general interest to the Union, health systems are a central component of social protection, and contribute both to social cohesion and social justice and to the sustainable development of the European Union.

The Strategy for Sustainable Development [7] of the European Union cannot be achieved without investment in health, ensuring in this way, a smart, sustainable and inclusive growth of national health systems.

Investing in health helps the Union to overcome the challenges identified in the EU Health Strategy [8], which were worsened by the economic crisis: an aging population, increasing chronic disease, a greater demand for health and the high cost of technological progress.

3. Results and Discussions

Important institution of the European Union, the Court of Justice is the one that assesses the scope of the EU legal framework established by Article 49 EC for the exercise of the competences of the Member States. It is also incumbent on the Court, assigned by the founding treaties, that by the interpretation given to a provision of European law, to clarify and specify its meaning and scope, such as to be understood and applied from the time of its entry into force.

In addition, the Court case law expressly emphasized that the mandatory adaptations of national social security systems aiming to achieve the fundamental freedoms guaranteed by the Treaty should not be considered by Member States as interference in their sovereign competence in the field of public health [9].

To examine what degree of harmonization of national policies in view of reforming the Romanian health system, in order to create a modern health system, we will refer to Petru case who was a first in the case law of the Court.

Mrs Elena Petru was suffering from severe vascular disorders, which resulted in a surgical procedure in 2007. As her condition worsened, in 2009 Mrs Petru addressed the Institute of Cardiovascular Diseases in Timisoara where, following the medical report, it was established that she required urgent surgery.

Given the seriousness of the necessary surgery, as well as poor material conditions provided at the Institute of Cardiovascular Diseases, Mrs. Petru requested from the County Health Insurance House (CJAS) Sibiu an authorization to perform the surgery in Germany and not in the said hospital in her State of residence.

By the issued decision, CJAS rejected the Mrs Petru's request, based on the health condition of the insured person, the evolution of the disease in time and the time required until surgery, as well as on the invoked reason (the poor material conditions).

Following the rejection of her application, Mrs Petru addressed a clinic in Germany, where the surgery was performed, with the total cost, including postoperative hospitalization of 17,714.70 euro.

Immediately after the treatment carried out in another Member State, Mrs Petru filed a civil suit at the Sibiu Court, through which she requested CJAS, under Article 22, paragraph (1), letter (c) and Article 22, paragraph (2), second subparagraph of Regulation no. 1408/71 [10] the reimbursement of the expenses incurred in Germany.

The national legal framework applicable in the case of Mrs Petru is the Law no. 95 / 2006 [11], Article 208, paragraph (3) and Order no. 592 / 2008 of 26 August 2008 [12], Article 40, paragraph (1), letter b.

By the preliminary address to the Court [13], the Tribunal of Sibiu presented its doubts about the interpretation of Article 22, paragraph (2), the second paragraph of the Regulation No. 1408/71 in a case in which a Romanian citizen, Elena Petru, requests from the authorities of her country of residence the reimbursement of the costs of surgery incurred in Germany.

The question addressed to the Court through the appeal of the Tribunal of Sibiu was if a generalized deficiency of basic sanitary conditions in the country of residence should be considered a situation where it is impossible to provide the treatment in another Member State.

Admitting that a structural deficiency of healthcare conditions may be a circumstance that would allow the issuance of an authorization under Article 22 of Regulation No. 1408/71, interpreted in the light of Article 56 TFEU [14] and of Article 35 of the Charter of Fundamental Rights of the European Union [15], the Commission adopted an intermediate position which requested the addressing court, the Court of Justice of the European Union, an analysis taking into account all circumstances of the actual case file.

In order to rule in the case of Mrs Petru, the Court had to consider on the one hand, if a deficiency or shortcoming of the material conditions within a healthcare institution, in certain circumstances, can amount to a situation where you cannot timely perform a certain medical benefit, which is still included among the benefits covered by the social security system.

Secondly it had to be examined whether the mentioned shortcomings and deficiencies in the hospital facilities in Romania, which correspond to a systemic situation due to different circumstances (natural, technological, economic, political or social) can be the equivalent to a situation where the medical benefit cannot be provided in a timely manner.

Starting from the main applicable legal and legislative aspects in the case of Mrs Petru, the Court has given an interpretation based on the freedom to provide services, but which takes into account the very different and heterogeneous circumstances characterizing the healthcare sector in Europe.

In its judgment of October 9, 2014 [16], the Court stated that in order to assess whether a treatment that presents the same degree of effectiveness can be obtained in a timely manner in the Member State of residence, the competent institution is obliged to consider all circumstances which characterize each specific case. Among the circumstances which the competent institution is required to take into consideration may be included, in a particular case, the lack of medicines and medical supplies of primary necessity because, as in the absence of specific equipment or specialized competences, their absence may, obviously, make it impossible to grant identical treatment or having the same degree of efficacy in a timely manner in the Member State of residence.

Considering the considerations in the Petru case, the Court ruled that the prior authorization necessary for carrying out cross-border healthcare (Form E112) cannot be refused when the hospital treatment in question cannot be provided in due time in the Member State of residence of the socially insured because of the lack of medicines and medical supply essentials.

If the facts invoked by Mrs Petru on the lack of medicines and medical supply essentials at the Institute of Cardiovascular Diseases in Timisoara are proven, the Court held that it is for the referring court to determine whether this intervention could not be achieved in this timeframe in another hospital in Romania. However, the appreciation of impossibility should be made at the level of the all the hospitals in Romania able to provide such treatment and in relation to the timeframe in which the latter can be obtained in a timely manner.

4. Conclusions

The real problem the Court faced in the Petru case was not that at the level of principle, but that expressed in terms that were characterized as "*dimensional*". In a more circumstantial formulation, the real problem arose when the lack of material

conditions required to perform the medical benefit in question went beyond being a punctual, localized, and essentially an accidental situation, being the expression of a situation of structural, generalized, long-term deficiency, which the Court essentially described as a “systemic” deficiency.

From the jurisprudence of the Court of Justice of the European Union unequivocally results that people normally resident in a Member State operating a national health service, are entitled to receiving hospital treatment in another Member State at the expense of the national health service.

Member States may condition this right by the requirement that the person concerned should have obtained prior authorization, only if such authorization is based on objective, non-discriminatory and transparent criteria within a procedure system. The absence of such criteria and the lack of easily accessible and transparent procedures cannot deprive a person of this right. Also, if the conditions for authorization (form E112) are designed to safeguard the financial stability of the national health system, considerations of a purely budgetary or economic nature cannot justify a refusal to grant such authorization.

To determine whether the treatment is available without undue delay might be considered the waiting time and the priority to treatment granted by the national health authority, only on condition that they are based on concrete indications relating to the patient's condition at the time of evaluation, as well as its medical history and the prognosis for the patient seeking treatment.

Regarding the obligation of a Member State to reimburse the cost of hospital treatment provided in another Member State of the European Union, Article 49 EC does not allow to take into account budgetary reasons, unless it is demonstrated that compliance with this obligation on a more general scale would threaten the financial balance of the respective national health system. Moreover, in accordance with Article 22 (2) of Regulation EEC No. 1408/71 [17], budgetary considerations cannot be taken into account in decisions refusing prior authorization for treatment abroad.

The Petru case was a first in the case law of the Court because it was the first time when was addressed a question regarding cross-border healthcare based on the poor medical conditions affecting the State of residence.

In our view, the Petru case is symptomatic and also relevant for the illustration of the realities of the Romanian health system.

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Understanding Implementation of Basel II and III in Albania: Obstacles and Solutions

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Abstract

Banking Sector in Albania is suffering from high NPL levels, compared with historic levels of NPL in Albania, or with regional nations who have comparable economics. The 2008 crises in USA taught us the impact that the real economy can have from a crisis in Banking Sector. Thus the implementation of Basel III framework and its Capital Requirement ratios becomes crucially important for the stability of the Financial sector and stable growth of the economy. This paper firstly examines the state of Basel II implementation in Albania by the banking sector. The banking sector is primarily invested in government bonds and treasuries and lending to businesses and individuals but the high levels of NPL from both bankrupted businesses and individual poses a credit risks and wider market risks. Albanian Government has committed to speed up implementation of Basel II and Basel III on capital ratios. But questions remain: What's the status of the implementation? Can the economy absorb the costs of implementing or not implementing Basel III? Secondly we research the additional costs associated with implementation of the banking sector. Because of the expansionary policy of the Bank of Albania the lending rates have fallen but not as fast as expected. Credit growth has been mostly stagnant posing a risk to the growth of the economy. For this study we use time series on Financial Institutions in Albania from the Bank of Albania on capital ratios as well as the policies and requirements set. We find that Basel II criteria have not been met and more can be done to prepare the implementation of Basel III.

Keywords: Basel II, Basel III, Bank of Albania, Banking Sector, Implementation, Capital Requirements

Introduction

Financial sector is crucial to the development of the real economy, production and the transfer of the means of the production from the owner to entrepreneurs. But the financial sector also poses huge risks to the real economy. The 2008 sub-prime mortgage crises in the USA came to be known as the "Great Recession" a term reminiscent of the Great Depression of the 1930s.

Albanian banking sector has been exposed to some of the same risks as its counterpart in the west. The NPL reached new levels risking to drag down the real economy. The causes of these NPL levels, which in September 2014 reached the level of 24,9% , are identified in the study of Meka.

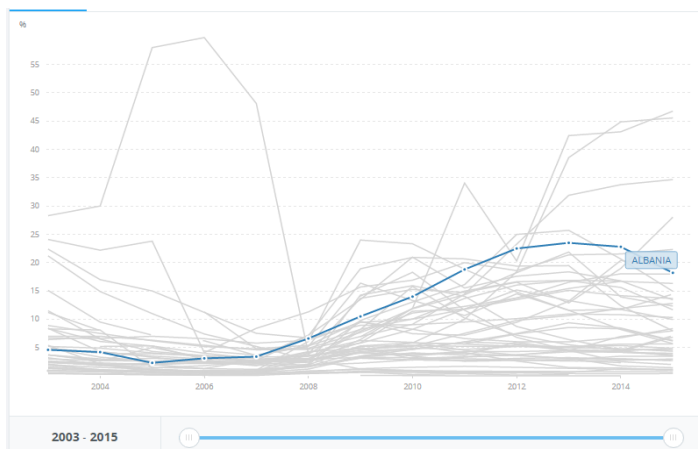
Lack of economic growth

Declining remittances from emigrants

Unpaid and deferred government obligations to businesses

Loan making patterns applied by Albanian banks before and after the crises

Chart 1: Source: International Monetary Fund, Global Financial Stability Report



In 2015 NPL in Albania 18.2% with an improving trend after the write-offs from the balance sheet of the banks. Countries in the region with a NPL worse than Albania is Serbia and Greece. We would expect Greece to be in this level due to the financial crises that Greece is going through but why Serbia since they are ahead of all regional countries (list below) in implementing Basel II requirements?

According to the National Bank of Serbia the main cause is the risk coming from exchange rate (National Bank of Serbia 2012). About 75% of the loans are denominated in Euro and 90% of the savings are also in foreign currency, mostly Euro.

Despite the small improvements NPL in Albania remain at high levels and more should be done to improve the situation.

Basel II

Basel Committee was created in 1974 in response to the Bretton Woods system collapse to respond to the need for the oversight of the banking system. Out of the committee came the 1988 Accord, subsequently called the Basel I and after much critique (see Jones, 2000) was improved in its final version produced in 2006: “Basel II: International Convergence of Capital Measurement and Capital Standards: A Revised Framework - Comprehensive Version”. The summary of Basel II is presented by Caruana (2004) in the chart below:

3 Pillars of Basel II

Pillar 1	Pillar 2	Pillar 3
Minimum Capital Requirements: <ul style="list-style-type: none"> • Risk management incentives • New operational risk capital charge • Risk weighted assets (RWA) for credit more risk sensitive • Market risk largely unchanged 	Supervisory Review: <ul style="list-style-type: none"> • Solvency reports • Regulatory review • Capital determination • Regulatory intervention • Addresses risks that are not captured in Pillar 1 like concentration, interest rate, and liquidity risks 	Market Discipline: <ul style="list-style-type: none"> • Minimum disclosure requirements • Scope • Capital transparency • Capital adequacy • Risk measurement & management • Risk profiling

Figure 1: 3 Pillars of Basel II

Source; Jaime Caruana, 2014

2.1- Basel II accord and the its integration in the Albanian regulatory system

The challenges for Albania in adopting Basel II standards were foreshadowed by then Governor of the BOA. Of the many challenges he foresees in the information disclosure criteria by the banks is the public reaction to bad news.

“However, in short run information disclosure might also have some adverse implication, say in Albania. Let me explain myself better on this issue. Public is usually more sensitive to bad news than positive developments. In countries like Albania, reactions between good or bad news are even more asymmetric than in mature market economies. Public in Albania is particularly over-reactive toward grim news on banking sector or on a certain bank while tend to ignore what falls in the positive side. This could be due to both historical factors, e.g. the crisis of financial system in 1997, and culture factors e.g. low level of bank business understanding, e.g. the overreaction of public to the introduction of the Deposit Insurance Law in 2002. This means that enhanced information disclosure required by Basle II, could be problematic if not supported by a proper public understanding.” (Fullani, 2005)

Mr. Fullani concludes by partially committing to try to implement Basel II “its implementation may be a bit too ambitious and a difficult task for our countries. Therefore, it is in our interest to find ways to make it more suitable to our needs by following a gradual approach rather than jeopardizing its success through an uninformed adoption.” (Fullani, 2015)

Despite the reluctant beginning by Albania’s regulatory body, BOA, the Basel II framework and its policy goals became a necessity since the EU has made compliance with Basel II mandatory for countries that opt to join EU.

In its medium term policy strategy, the governing body of the Bank of Albanian laid out the goals to implement the Basel II accord in the areas of Capital requirement, regulatory policy and adopting the IFRS accounting principles. (BoA – Strategjia Afatmesme e Zvhillimi 2013 – 2015). As a consequence, the Bank of Albania regulatory body released in 2013 the new policy: “The report on capital adequacy” and this report was followed with an update in 2014.

In a survey from FSI done in 2015 BOA indicated the following information:

Section One: Survey responses on Basel II implementation

Country	Elements ¹	Status ²	Year ³	Remarks
Albania	SA	4	2014	Pillar 3: Regulation “On minimum requirements for disclosure of information by banks and branches of foreign banks” was amended in the beginning of 2015, aiming the review of the regulatory framework in order to increase transparency and promote banking market discipline, through the alignment with the European directives and regulations on the activities of credit institutions and the Basel Committee standards for disclosure of information.
	FIRB	1	NA	
	AIRB	1	NA	
	BIA	4	2014	
	TSA	4	2014	
	AMA	1	NA	
	SMM	4	2014	
	IM	1	NA	
	P2	1	2015	
	P3	4	2015	

Figure 2: Basel II implementation

1 The following abbreviations are used in the table: **Pillar 1** – credit risk: SA = standardised approach, FIRB = foundation internal ratings-based approach, AIRB = advanced internal ratings-based approach; **Pillar 1** – operational risk: BIA = basic indicator approach, TSA = standardised/alternative standardised approach, AMA = advanced measurement approaches; **Pillar 1** – market risk: SMM = standardised measurement method, IM = internal models; P2 = Pillar 2; P3 = Pillar 3

Status indicators are as follows: 1 = draft regulation not published, 2 = draft regulation published, 3 = final rule published, 4 = final rule in force, 5 = not applicable.

3 This column denotes the year in which the draft or final rule was or is expected to be published or when the final rule was or will be in force. NA means that the jurisdiction is not planning to implement this component or is planning to implement the component but does not know the year in which it will be implemented.

Source: BIS survey by FSI, 2015

Table 1 : Albania’s Compliance with Basel II relative to regional countries

Elements1	Albania	Bosnia and Herzegovina	Montenegro	Macedonia	Kosovo	Serbia

SA	4	2014	1	2016	4	2008	4	2012	4	2013	4	31.Dec.11
FIRB	1	NA	1	2016	1	2015	1	2016	5	NA	4	31.Dec.11
AIRB	1	NA	1	2016	1	2015	1	2016	5	NA	4	31.Dec.11
BIA	4	2014	4	2009	4	2008	4	2012	4	2013	4	31.Dec.11
TSA	4	2014	1	2016	4	2008	4	2012	4	2013	4	31.Dec.11
AMA	1	NA	1	2016	1	2015	1	2016	5	NA	4	31.Dec.11
SMM	4	2014	1	2016			4	2009	1	NA	4	31.Dec.11
IM	1	NA	1	2016			1	2016	5	NA	4	31.Dec.11
P2	1	2015	1	2016	4	2012	4	2009	4	2013 partially	4	31.Dec.11
P3	4	2015	1	2016	4	2012	4	2007	4	2013 partially	4	31.Dec.11

1 The following abbreviations are used in the table: **Pillar 1** – credit risk: SA = standardised approach, FIRB = foundation internal ratings-based approach, AIRB = advanced internal ratings-based approach; **Pillar 1** – operational risk: BIA = basic indicator approach, TSA = standardised/alternative standardised approach, AMA = advanced measurement approaches; **Pillar 1** – market risk: SMM = standardised measurement method, IM = internal models; P2 = Pillar 2; P3 = Pillar 3

Status indicators are as follows: 1 = draft regulation not published, 2 = draft regulation published, 3 = final rule published, 4 = final rule in force, 5 = not applicable.

Source: BIS, 2015

As seen in the table above Albanian has done progress in most indicators of Basel II. BOA chose to apply the Standard Approach (SA) in Credit Risk evaluation. Progress has been made in Pillar III with the 2008 “On minimum requirements of disclosing information from banks and foreign bank branches” and the updated 2014 version.

Basel III

Little to no progress has been made in adopting the Basel III. bankruptcy of Lehman Brothers increased the urgency to improve on the Basel II framework. According to the BIS (BIS, 2015) “banks were operating with high leverage and inadequate liquidity buffers” (BIS, 2015)

Table 2 : Section Three: Survey responses on Basel III implementation

Elements	Albania				Bosnia and Herzegovina				Montenegro		Macedonia	
Liq (LCR)	1	2016			1	2016			1	2016		
Def cap	4	2015	1	2016	1	2016	4	2012	5	2016	1	31.12.2015
Risk cov	1	2016-2017	1	2016	1	2016	1	2016	5	NA	1	31.12.2015
Conserv	1	2016-2017	2	2016	1	2016	1	2015	5	2018	4	31.Dec.11
C-cycl	1	2016-2017	2	2016	1	2016	1	2015	5	2018	1	31.12.2015
LR	1	2016-2017	2	2015	1	2016	1	2015	5	2016	1	31.12.2015
D-SIBs	1	2016-2017	2	2016	1	2016	1	2015	5	NA	1	31.12.2015
G-SIBs	1	2016-2017	5	NA	1	2016	5	NA	5	NA	1	31.12.2015

The following abbreviations are used in the table: Liq = liquidity standard; Def cap = definition of capital; Risk cov = risk coverage; Conserv = capital conservation buffer; C-cycl = countercyclical capital buffer; LR = leverage ratio.

¹ Status indicators are as follows: 1 = draft regulation not published; 2 = draft regulation published; 3 = final rule published; 4 = final rule in force; 5 = not applicable.

BIS: Survey of FSI, 2015.

In a survey by FSI (Financial Stability Institution) it was reported that: "The Supervision Department of the Bank of Albania has already begun its preparatory work for moving toward Basel III. By the beginning of 2015 BoA has started an impact study with the banking sector for assessing the level of LCR in the Albanian banking system." (FSI, 2015)

There is no report of progress done on implementing Basel III requirements. Should there be one? According to studies (see Civici, 2012) the cost of implementing Basel III is 0.15% of GDP.

Compliance of Albanian banking institutions with the BoA requirements

BoA needs to do more to formalize the ICAAP and according to reports it is working with the bank of Italy. At this time there is no concern for banks to meet the requirements for the level of capital due to the weak investments by the economy. In the future Pillar 2 of Basel Accord should be formalized and procedures be formulated in accordance with EU guidelines for Banking Oversight.

The cost benefit of Basel III

As banks in the developing countries strive to implement Basel II it has become a fact that banks in the developed world have already complied with capital requirements of Basel III. Basel III strives to improve on banks' ability to absorb losses by increasing capital requirements, especially the Common Equity Tier 1 capital.

Mr. Stefan Ingves, Governor of the Sveriges Riksbank and Chairman of

the Basel Committee on Banking Supervision seems to be very excited to announce, in his 2013 speech that the banks have already complied with Basel III requirements. He states as follows:

"The good news is that the global banking industry is responding well to the new requirements and, for large parts of the industry, the transitional time may not be needed. For the 101 large internationally active banks (the so-called Group 1 banks)¹ that we survey every six months, the story is one of an industry that already on average meets the 2019 requirements. The average CET1 ratio at end-December 2012 was 9.2%, well above the basic 7% minimum". (S. Ingves, 2013)

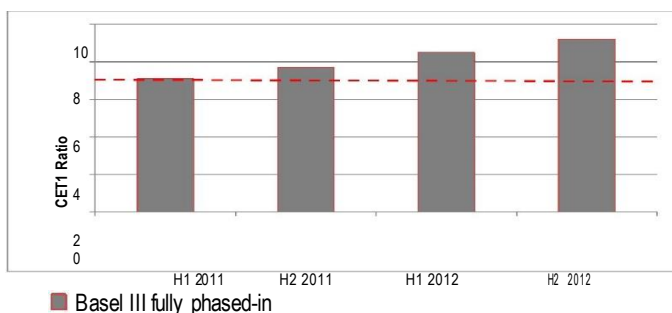


Chart 2: CET1 Capital Ratio (%), Group 1 banks

Source: Ingves, 2013

But should Mr. Ingves be so enthusiastic? Is it that large banks have complied with Basel III because of wanting to meet the standards? Implementation Basel III is associated with costs because higher ratios of capital must be kept by the banks. In capitalistic terms this doesn't make sense since banks would be incurring unnecessary costs by tying up capital when they are not required.

The reason the banks have extra capital is the Europe-wide consumption crises that has forced many European banks to resort to negative interest rates as explained by Ruchir Agarwal and Miles Kimball 2015. The same point is made by Randow and Kennedy, (Jana Randow & Simon Kennedy 2016 "Negative interest rates are an act of desperation, a signal that traditional policy options have proved ineffective and new limits need to be explored. They punish banks that hoard cash instead of extending loans."

Conclusions

Albanian banking system is healthy despite the high level of NPL and the regional and national financial crises. Banks are profitable in spite of the lowering of crediting of the economy. The capital ratios to credit are above the levels as outlined in the Basel I because of the low crediting.

BoA has adopted regulation on Pillar 1 and Pillar 3 of Basel II requirements. In Pillar BoA has chosen to adopt the SA (Standard Approach) to measuring risk and capital requirements. This is because of the size of the banks. No rating companies have been approved in Albania and receiving ratings from foreign rating companies is expensive. Because of this choice the bank has ignored FIRB and AIRB indicators.

Some studies suggest that there is a negative relationship between CAR and NPL and bank profit. We noticed that in spite of the fact that Serbia has implemented Basel II requirements since 2011 the NPL is among the highest in the region. Studying this relationship, it is difficult because more time is needed to see the effects.

The BoA should do more to adopt the requirements and the procedures described in the Pillar II of Basel II on procedures to assessing banks' capital adequacy to their risk profile and strategies to managing this risk. European Union has issued guidelines which should be followed.

Despite the fact that the bank has done no effort in implementing Basel III the CAR is already above the required ratio of 7%. Studies suggest that implementing Basel III may cost a national economy up to 0.15% of its GDP. Other studies should focus on the feasibility of implanting these standards and long term benefits.

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Copyright and Copyright Protection

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Abstract

One of the legal intellectual property disciplines are copyrights which concerns artistic and literary works. Copyright is: bundle of exclusive legal rights that has to do with protection of literary and artistic works. It is granted to authors and artists to protect expressive works against unauthorized reproduction or distribution by third parties. Copyright protect "works", expression of thoughts and ideas. Literary, dramatic, musical and artistic works must be original, it means not to be a copy. Copyright covers two other types of right: economic rights, the right of the owner to benefit financial reward from use of his work by others and moral rights which always have to do with original holder no matter if economic rights are transferred or not. Economic rights can be transferred. Bern Convention for the Protection of the Literary and Artistic Works is international key agreement and the oldest multilateral agreement in the field of copyright. Copyright subsists automatically on the creation of a work, no application needed, nor do any formalities apply. Nature of copyright is territorial and the minimum term of protection is life of the author plus 50 years after his/her death. In European Union and in certain number of countries, terms of protections of are extended to life of the author plus 70 years after his/her death.

Keywords: intellectual property, copyright, protection of copyright, originality.

Introduction

The term "intellectual property" may sound pretentious, but it is an apt description for subject matter of the laws that give rise to proprietary interests in creations of the mind. The principal one of the legal intellectual property disciplines is copyrights which concerns artistic and literary works.¹

Copyright is granted to authors and artists to protect expressive works against unauthorized reproduction or distribution by third parties. Expressive works are broadly defined, and include such things as books, films music recordings, and computer software.²

Article 2 of the Bern Convention for the Protection of the Literary and Artistic Works the expression 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic

¹ R. SCHECHTER and J. THOMAS, *Intellectual Property the Law of Copyrights, Patents, and Trademarks*, Thomson West, USA, 2003

² F. ABBOTT, TH. COTTIER and F. GARRY, *International Intellectual Property In An Integrated World Economy*, Second Edition, USA, 2011, p.9

works, to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science. [...] Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work [...] Collections of literary or artistic works, such as encyclopaedias and anthologies which, by reason of the selection and arrangement of their contents constitute intellectual creations shall be protected as such, without prejudice to the copyright in each of the works forming part of such collections.¹ According to this any creation of the mind can attract copyright protection as long as it meets the requirement of the Berne Convention and the requirement of national law. Bern Convention with article 2 specifies that the expressions “literally and artistic works” shall include production in the literary, scientific and artistic domain. One of definition for copyright is: bundle of exclusive legal rights that has to do with protection of literary and artistic works. As we can see, copyright protect “works”, expression of thoughts and ideas. Ideas and thoughts can not be subject matter of copyrights. Idea as a idea can be freely copied, example an idea for writing a novel for France aristocracy can be copied as a idea from anyone, but then this idea is expressed in words it gains a protection.

Protection of copyright

Copyright protect “works”, expression of thoughts and ideas. There is no formal definition of “work” but case law suggests that some minimum amount of effort must have been expended in author’s creation. Copyright protection has been refused to works which are very trivial or very small.²

Work should come within meaning of the concept of “literally and artistic works” in accordance of Article 2 of Berne Convention.

A work of authorship must be original in order to qualify for copyright protection. It means that

1. the author must have engaged in his own intellectual endeavor, rather than copying from an preexisting source and
2. the work must demonstrate a minimum amount of creativity.³

Literary, dramatic, musical and artistic works must be original, but ‘originality’ is not defined. This judicially initiated principle has two aspects: a work must emanate from its author, and the author must have exercised a modicum of ‘skill, labour, and judgment’ in the work’s creation. To be original a work must not be a copy.⁴

Copyright confers the exclusive right to reproduce the work, issue copies to the public communicate it or adopt it. It is infringement when one of these acts is done without a permission.⁵

Work is protected by its creation, and in some national legislations “works” have to be fixed before its protection. The work consider fixed when it is written down or recorded. Upon creation or fixation, depending on the national legislation, copyright protection automatically comes into force without further formality.⁶

The author is the person who invests the element of creativity for the creation of the work at issue. And it is usually to whom copyrighted is granted.

The author of copyright enjoys two type of rights economic and moral rights.

Economic rights

Economic rights are right of the owner to benefit financial reward from use of his work by others. Copyright law traditionally has focused on granting authors economic right in their works.

¹ Bern Convention for the Protection of Literary and Artistic Works, September 9, 1886, completed on 4 May 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome, June 2, 1928, at Brussels on June 1948, at Stockholm July 14, 1967, at Paris July 24, 1971, and amended on September 28, 1979

² C. COLSTON, Principles of Intellectual Property Law, London, 1999

³ M. BRRETT Intellectual Property, Third Edition, New York, 2012

⁴ C. COLSTON, Principles of Intellectual Property Law, London, 1999

⁵ C. COLSON, J. GALLOWAY, Modern Intellectual Property Law, Third Edition, USA, 2010

⁶ K. Idris, Intellectual Property A Power Tool For Economic Growth

By contracts many countries have fashioned their copyright laws to extend such personal, along with economic rights.¹

Economic rights provided from Bern Convention can be separated in four groups:

Right of reproduction regulated in Article 9 part 1 of convention which says: authors of literary and artistic works protected by this Convention shall have the exclusive right of authorizing the reproduction of these works in any manner or form.²

Right of translation or adaptation. Translation is the right of the author authorizing for translating of his work from one language in other languages. And adaptation means remodeling in another form or adjustment of the work.

Public performance is through public performance, broadcasting and communication to the public and

Resale right

Economic rights can be transferred, it means that third party can obtain economic rights if the rights are been transferred by the author.

It is opposite with the moral rights, they are non-transferable.

Moral rights

The moral rights protect the integrity of work against unsuitable treatment by others. They are: the right to be named as author, the right to object to derogatory treatment of the work and the right against false attribution.³ Regarding this, Article 6bis of Convention provides two type of moral right

the right of the paternity identifying the author in each copy of the authors work and

the right of integrity, right of the author to object to any derogation, distortion or other modification to his work which will consist to his honor or reputation.

Copyright protection is territorial in nature which means that for gaining copyright protection firstly you have to meet the requirements of that country in which protection is asked for. If the work meet the requirement for copyright protection than the minimum term of protection under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, will be life of the author plus 50 years after his/her death.⁴ However, in European Union and in certain number of countries, terms of protections are extended to life of the author plus 70 years after his/her death.

Bern Convention

Bern Convention for the Protection of the Literary and Artistic Works is international key agreement and the oldest multilateral agreement in the field of copyright. The main purpose of this convention is to harmonize copyright law of Contracting Parties, where the Contracting Parties are obligated to offer authors at least minimum standard of protection provided from this Convention.

Basic principle from this convention are: principle of national treatment, automatic protection and independent of protection. The main principle of the Bern Convention is national treatment. Bern Convention obligate the contracting parties to treat foreign author of the Bern Union same as national authors,⁵ under national law countries can not discriminate against works from other countries part of the convention. Only authors of works protected under the Convention are entitled to national treatment. Under article 5 of the Bern Convention "Authors shall enjoy, in respect of the works for which they are

¹ C. COLSON, J. GALLOWAY, *Modern Intellectual Property Law*, Third Edition, USA, 2010

² Bern Convention for the Protection of Literary and Artistic Works, September 9, 1886, completed on 4 May 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome, June 2, 1928, at Brussels on June 1948, at Stockholm July 14, 1967, at Paris July 24, 1971, and amended on September 28, 1979, Article 9 part 1

³ M. BRRETT *Intellectual Property*, Third Edition, New York, 2012

⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization

⁵ K. Idris, *Intellectual Property A Power Tool For Economic Growth*

protected under this Convention, in countries of Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention":¹

Example

An author who is a national of the contracting states

An author of a novel first published in a contracting state who lives in contracting state but is not a national of a contracting state

An author of piece of architecture erected in contracting state but who does not live there or have an office there

A market of cinematographic works who has a head office in contracting state but is not a national of that state and who does not live there.

The second principle of the Bern Convention is Principle of automatic protection who is regulated by article 5 point 2 which says that: the enjoyment and the exercise of these rights shall not be subject to any formality.

It means that the author can attract a copyright protection without having to comply with any formalities such as deposits of the work in a National register.

Principle of the independence means that copyright protection of a German novel in Italy is independent of the fact that this novel attracts copyright protection in Germany or not.

Article 5 point 2 says that: enjoyment and exercise of copyright protection in a work in a Union country is independent of the existence of copyright protection in the country of origin of the work.²

CONCLUSION

Copyright is a bundle of exclusive legal rights that has to do with protection of literary and artistic works. A "work" must be original in order to qualify for copyright protection. The owner of copyright may use his protected work as he wishes, same time he can prevent others to use his protected work without authorization. There are two types of rights: economic, the right of the owner to benefit financially from use of his work by others and moral rights which always have to do with original holder.

For granting a copyright protection there are no formalities or fees, it consists in automatic protection on the creation of a work and the work is protected in that particular territory in which it is granted, it means that copyright protection is territorial in nature.

Regarding the protection of copyrights, Bern Convention for the Protection of the Literary and Artistic Works is an international key agreement and the oldest multilateral agreement in the field of copyright. The main purpose of this convention is to harmonize copyright law of Contracting Parties.

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Independence of Independent Institutions: The Case of Independent Media Commission (IMC) in Kosovo

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Abstract

This paper addresses the issue of independent institutions in Kosovo that are constitutional category, their operation and role within the state, problems and challenges that arise especially in those areas that the issue of regulation is very sensitive. The key focus in this study is IMC. This paper contains analysis of political influence on financing and appointment in decision making bodies. Furthermore, it includes analysis of the political independence from industry. These issues will be addressed according to the guidelines and recommendations of the European Union compared with domestic legislation and various European practices. This study has been done using secondary data, and it concludes that Independent Institutions in Kosova are not immune from the political and industry influences, and it provides some recommendations on how to avoid such influences.

Keywords: Influences, Independence, IMC, financing, political, industry

1.0 Introduction

Independent institutions play a very important role in a contemporary society. Their independence in relation to state bodies and political parties essentially reflects the democratic culture, development concept, intellect, social direction, and expectations of citizens.

The more powerful and independent are the independent institutions; their decisions will be so beneficial for societies where they operate. Therefore, it is vital that independent institutions function on the basis of the principle of balance and control, with full responsibility and accountability to the public interest. Societies that have emerged out of transition, wars, or those that have embraced the liberal political concept of decision making, have immensely benefited from the independent functioning of these institutions. Furthermore, these institutions have contributed greatly to the country's democratization, economic development, freedom of expression, social equality, and in the process of European and Euro-Atlantic integration.

The Republic of Kosovo, along with the state-building process has worked regularly in the legal infrastructure and funding in order to strengthen independent institutions gradually and function in harmony with the directives of the European Union. Despite the great progress that has been exceptionally made in recent years, independent institutions in reality still are not immune to political and industrial interferences.

The purpose of this research is to conduct an objective evaluation of the functioning of independent institutions in Kosovo, with particular emphasis on the Independent Media Commission (IMC), due to the role, its function and importance in direct

relation with printed and electronic media. And indirect contribution of this institution in all areas and fields of Kosovo's society.

2.0 Literature Review

2.1 Influences in the Independent Institutions

Separation and balance of powers, which was previously just a theoretic formulation, raised early in a general form of John Locke and fully elaborated and argued by Montesquieu (Omari, 2011), almost a century later, it still has influence in the state organization and operation of political institutions.

The reason why most institutions have been created in the mid-90s, it may be that in most European countries, the political system has changed. We have gone through the processes of privatization and liberalization (Gilardini, 2008), and in the same time there has been a loss of trust in the institutions.

Now, the independent institutions are responsible for the exercise of their activity, as guaranteed by the constitution and other legal acts. They perform activities independently on a specific area that is independent from other branches of government. Besides the autonomy in carrying out their activities, there is also the control mechanism, which aim is to prevent the abuse of power. In the Republic of Kosovo institutions have been created based on the principle of balance and control powers. The Constitution of the Republic of Kosovo in its article 4, defines separation of powers (Constitution of Republic of Kosovo, 2008).

As a point of study in this research will be the Independent Media Commission in Kosovo (IMC), which is an independent body and its powers are defined by Article 141 of the state top act on, in constitution (Constitution of Republic of Kosovo, 2008), this institution is responsible for the regulation, management and supervision of the broadcasting frequency spectrum.

Besides the Constitution of the Republic of Kosovo, the powers of the IMC are defined by the Law on IMC, among other things, the law stipulates that IMC regulates the rights, obligations and responsibilities of natural and legal persons who provide media services audio and audiovisual (Law on the Independent Commission for Media, no. 04 / L-44, March 2 201), licenses public and private broadcasters, giving entities authorized the right to use frequencies in the frequency spectrum of the transmission, and licenses all audiovisual media services, and under the terms of the license, IMC requires those who obtain to respect the law and regulations issued by IMC.

Viewed from the perspective of a number of competencies, necessarily doubts are raised that where they are coming from members of the decision maker? Who appoints them? Or can they be independent from the influences of external forces to perform their function properly? , and for all issues and dilemmas raised the mind goes to the legal basis which determines the appointment manner, that what criteria the law of the IMC has defined.

But in this paper except the law, we have referred to the recommendations of the Committee of Ministers to member states on the independence and regulatory functions (Recommendation of the Committee of Ministers to member states on the independence and regulatory functions, Recommendation Rec (2000) 23). Among other where the legislative framework specifies that Member States should ensure the establishment and unimpeded functioning of regulatory authorities for the broadcasting sector by devising an appropriate legal framework. The rules and procedures governing or affecting the functioning of regulatory authorities should clearly affirm and protect their independence.

Duties and powers of the regulatory authorities for the broadcasting sector, and the ways making them accountable, the procedures for appointment of their members and the means of their funding should be clearly defined by law, and without doubt these are two elements that significant impact the regulatory independence, because if we have political appointment or is funding that goes through government control, obviously we do not have independence, so we need a clear definition in order to protect the independence of institutions of any intervention, especially by political forces or economic interests.

To this end, the recommendation of the Committee of Ministers foresees that should be set specific rules regarding incompatibility, as defined in order to avoid that regulatory authorities are under the influence of political power, members of regulatory authorities not to exercise functions or hold interests in other companies or organizations in the media or related sectors, which could lead to a conflict of interest in connection with membership of the regulatory authority.

Furthermore, rules should guarantee that the members of these authorities are appointed in a democratic and transparent way, not to come from interest groups, not to be close to them or not take instructions from any external body. But this is not enough that only a provision in the law superficially to note that these actions are not permissible.

Where we should focus on more is the way of appointing candidates to decision-making body for the independent institutions, the right to nominate, and the barriers to become a candidate. Also very important is the composition of the committees dealing with interviewing and selection of candidates (usually done by deputies and it all is dictated by party recommendation), then see how to achieve the objective that an institution be independent. Legal regulations must clearly specify the actions to be taken to achieve the goal.

Based on our reality and what is required by IMC law, certainly we notice some shortcomings starting it that one of the criteria is that it does not allow IMC employees to be members of the decision-making, with this prohibition law lawmakers make a legal and practical error here, when we say so, we consider legal law of Kosovo civil servants which does not provide these prohibitions..

While the practice part is that the IMC staff throughout their careers are associated with the regulation of the media and, it is said that they are professional in this area, and to forbid them to obtain such positions is certainly is absurd in itself. Even more, it is another point of the law which stipulates that former employees of the IMC in two (2) years are after leaving IMC are strictly forbidden to be considered for positions in decision making body. This means that if a person want to advance in their professional career should be out of professional flows for two years and after this period, such candidates certainly will be have lack of relevant information and not very competent to run for decision-making body. The purpose of these two provisions are entirely without any analysis and are not based on any practice of independent institutions within the country, or even international practices.

3.0 Methodology

In this research, qualitative methods will be used with the focus IMC, as an independent institution in Kosovo. Critical analysis will be adapted to derive a more efficient research. This research was developed based on secondary data, using existing literature, reports from various international academic journals, and existing laws. These data are derived from reliable sources, impartial and academic with a very high level of quality.

Data analysis used in this study is of the interpretive technique. The most common analysis of qualitative data is observer impression, a situation where the researcher observes and analyzes the data, interprets through the formation of an impression and reports the impression in the structured form and quantitative sometimes.

4.0 Analysis

4.1 Political Influences

Also, with the law of the IMC is tried to avoid political interference in the process-of appointments making it impossible to be a member of the decision-making persons holding public positions, elected and appointed (the public officials) or persons who have been in these positions during the last two (2) years, members in the leadership positions of a political party or persons who have been in these positions during the two (2) years (Law on the Independent Commission for Media, no. 04 / L-44 , March 2, 2012). The lawmaker apparently even here have not well specified, since in practice many high ranking officials of political parties are presented who are not elected and are not part of the governing body, such as the advisers of head of political parties or political party spokespersons, and other similar cases, where these individuals are considered too close to political parties, while the law does not provide stops for them.

Continuous political interference are evident, it is mentioned in international reports (Kosovo progress report, 2014), which states that the independence of media regulator has been challenged by political interference.

Besides political interference, the other problematic is the impact of industry or interest groups that have the greatest impact and for this the law determines, but still does not clearly specify that persons who have a financial interest, directly or who currently work or who has worked in any broadcaster in the operation of telecommunications or broadcasting and in the IMC in the last two (2) years, cannot be nominated for the members of the decision-making body.

4.2 Impacts from the financing

It can rightly be concluded that these restrictions are more for illustration of the law, as oppose to achieve the certain effect, the reason is that if we refer to the law of the IMC, and stop first at ways of financing, we note that although the IMC by law collects the license fee (Law on the Independent Commission for Media, no. 04 / L-44, 2 March 2012), the same is unable to utilize for its services, which means the use of these be conform rules as stated in the law for the management of public finances, but as a way of financing IMC, allocated financial resources from state budget are foreseen.

The funding manner of independent institutions in general is not assessed practically, because there is not available a special funding structure. Part of the majority of these institutions is funded directly from the state budget of Kosovo, with the exception of a limited number that are allowed by law to collect the revenue from licensee's fees. For reason of not a good execution of payments, most institutions fail and face difficulty to collect revenue other than those that are separate from the central budget. The survey that is done by the OSCE on the financing of independent institutions shows that the low budget prevents them to perform their activities and functions due to insufficient budget. Separate budget lines from the central budget are too small in relation to the initial demands that these institutions consistently address (OSCE, 2012).

In current situation, to overcome financing barriers and in order for the independent institutions to exercise their power free of influences, the lawmakers should amend the laws and provide means of financing other than from state budget. All the income that derives from license fees, fines and penalties, membership fees directly should go into the institutions where it belongs. The state role should be only of supervision nature to ensure that payments are received and processed according to existing laws.

4.3 Impacts from Industry

The main point that foresees the recommendation of the Committee of Ministers is the impact of the industry, and if we stop just at this issue we see that here except for cases of conflict of interest in decision-making, we have to do with the impact of the industry power, which especially happens via media through various television stories based on news reporting while at the same time we can say that this is blackmail, and it occurs prior to taking a decision that potentially harms the interests of industry players.

The law does not have strict and clear restrictions, and it casually mention a few stops, and we can say that the essential elements of the impact of the industry are not addressed in the law of the IMC, except others does not stop to be part of the decision making body people who have their relatives in management positions in any company that their work is related to IMC, or other case sets limits only for last two years, which means that for a few years a regulator of the media can be guided by former journalist and former editor of a particular medium

5.0 Conclusion

We can clearly observe that the three kev elements that an independent institution to be independent have not been adequately addressed by the legislation in force, and for this it can be concluded that independent institutions face problems of political and financial influence at all times. There have been different influences that have started with appointment method of decision making bodies, the way financing as well as other different influences from interest groups.

To this end, this has been argued international reports, such as Kosovo Progress Report of 2014, but not only, who among others stress that independent institutions are challenged by political interference and other interventions.

In order to avoid political and other interventions, it is necessary to think about:

- A reformation of the legal regulations that guarantee the functioning of these institutions;
- To have a special care at the means of financing (from the income generated by the services they perform or from state budget);
- The criteria that should be met for the candidates to become members of decision making body;
- The composition of committees for interviewing and preparing the final list of candidates;
- A clear distinction of competences between the decision-making powers which are temporary and professional staff that is permanent, and to ensure that both will do their job independently.

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The Place of the Criminal Justice for Children in the Legal System of Republic of Macedonia from Its Independence Until Today

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Abstract

In this paper the author will analyze the legal treatment of juvenile delinquency in Republic of Macedonia, in historical aspect of the development of its legislation. In this way it will be presented the place of the criminal law for juveniles in the criminal legal system of the country and its development during today. The study will be focused on the innovation of legal protection of delinquent children, especially it will be analyzed the sanctioning of juvenile perpetrators and their special treatment from the majors in Republic of Macedonia. It will be a chronological comparison reflect of the juvenile sanctioning based on some of laws in Macedonia such as: Criminal Code of Former Yugoslavia, Criminal Code of Republic of Macedonia (1996), Law on Juvenile Justice (2007) and Law on Child protection (2013). The purpose of the study is to bring out the types of criminal sanctions for juveniles in Republic of Macedonia from its independence until today which, above all, are aimed on protecting the interests of the juvenile delinquents. Also the author of this paper will attach importance to the so-called "Measures of assistance and protection" provided by the Law on Child protection of Republic of Macedonia, which represent an innovation in the country's criminal law. This study is expected to draw conclusions about how it started to become independent itself the delinquency of minors as a separate branch from criminal law in the broad sense – and how much contemporary are the sanctions to minors from 1996 until today.

Keywords: Sanctioning of minors juvenile delinquency, criminal legal system, measures of assistance and protection.

1. Introduction

The basic idea of the definition for this research is the challenge of solving the dilemma for the legal nature of criminal justice for children, an independent positive branch of law in the Legal Criminal Code of the Republic of Macedonia, or as it is presented as an integral part of the criminal law in general?

This question arises during a chronological analysis of the development of criminal law for children within the criminal justice system of the Republic of Macedonia. When analyzed, criminal justice in our country from its independence until today, will be faced with a large number of laws that are repealed by new ones and have been amended several times with the others, and this puts the researcher in front of a challenge to analyze all those legal changes that are in its interest. In this case it will be examined how criminal justice for children is regulated by the criminal legislation of Republic of Macedonia.

2. Research Methodology:

2.1. Methods

In this research will be a chronological overview of the development of criminal justice for children in Republic of Macedonia in the framework of legal regulation in this field. It will be presented chronologically its legal treatment from its independence until today, which will come out also on the development of this branch of law.

There will be compared in parallel these laws: The Criminal Code of the Republic of Macedonia (1996); The law on juvenile justice of the Republic of Macedonia (2007) and the Law on Justice for Children of Republic of Macedonia (2013), in the following aspects. The categorising of juveniles, the principles on which the criminal law for children / minors is based, types of criminal sanctions and other non-criminal measures.

To the paper are attached some statistical data released by the state statistical Office of the Republic of Macedonia, regarding the number of minors sentenced in Republic of Macedonia from the years 2006-2015, as well as coverage of criminal sanctions imposed by the courts of country to the minors convicted. And we will be able to draw some conclusions regarding the development of criminal justice for children in Macedonia.

2.2. Findings and discussion:

Criminal justice system of the Republic of Macedonia has been operating five years after its independence (1991) with the Criminal Code of Macedonia¹ of the former Yugoslav Federation until 1996 when it became effective the new Criminal Code². Within this Code is regulated the activity of competent state bodies with minors who are appear to the society as delinquent of different criminal acts. Namely until 2007, the Criminal Code has been effective with the 70-96 articles in a special chapter dedicated to the juvenile delinquency entitled "Educational measures and punishment of minors", where are provided all repressive measures which can be sentenced to guilty minors under conditions provided by that law.

In 2007, there was approved a special law regulating this field, the Law on Juvenile Justice of Republic of Macedonia³, which comes into effect from 1 September 2008 and beside abolishes the provisions of Chapter 6 of the aforementioned Criminal code (1996). So that at this moment criminal justice starts to get separated from Criminal code and to gain a more autonomous nature of building in its aspect with detailed. And the last law which regulates the criminal justice for children, is the Law on Justice for Children of the Republic of Macedonia⁴, 2013. This law is in force and it regulates in detail the entire treatment of children who are in conflict with the law or represent victims of crime.

2.2.a. Underlying the principles of criminal justice for children in the Republic of Macedonia - comparative aspect of the laws which regulate this area

-The provisions of the Criminal Code of the Republic of Macedonia that regulated the area of criminal justice for children, had determined the basic principles upon which was built and operated the preventive-repressive system of juvenile delinquency. The rule of excluding the criminal sanctions from children under 14 years old stayed on top of the list of the main principles of the Criminal Code of Republic of Macedonia.⁵

Very important principle is the proclamation of the idea of preventive character of the criminal sanctions which can be imposed to juveniles convicted and beside the purpose of educational measures, sentencing and alternative measures is to provide assistance and protection to minors, and supervised them; for professional development and their responsibility, and to achieve the main goal, which is education, rehabilitation and their right development.⁶ This principle continues to be very effective along the criminal law for children, up to the present day.

Also in this article it is proclaimed the principle of special and general prevention in the context of the purpose of sentencing the juvenile prison, which although is as a final alternative, for those juveniles who have reached age 16 year. Other principles are not defined in the Code explicitly and specifically to minors, because of the general principles outlined in it that apply also to adult persons and which are not contrary to those principles mentioned above.

¹ Criminal Code of Republic of Macedonia "Official list of SFRJ" no 44/74, 34/84, 74/84, 57/89, 3/90, 38, 90 and Official Journal of R. M. no 25/92 and 32/93, and "Official Journal of SRM" no. 25/77, 23/84, 50/87, 36/89, 7/90, 23/91, 24, 92, 49/93.

² Criminal Code of Republic of Macedonia, Official Journal/year: 37/1996

³ Law on Juvenile Justice of Republic of Macedonia, "Official Journal of R.M." no. 87/2008, 103/2008, 161/2008, 145/2010.

⁴ Law on Justice for Children of Republic of Macedonia, "Official Journal of R.M." no. 148/2013.

⁵ Criminal Code of Republic of Macedonia, 1996, Article 71

⁶ Criminal Code of Republic of Macedonia, 1996, Article 73

-The Law on Juvenile Justice of the Republic of Macedonia (2007), provided some other principles explicitly, but also including the principles upon which was based the juvenile delinquency regulated with the Criminal Code until then. Those principles are as following here below:

The principle of legality, one of the main postulates of criminal law in general (Article 3 of the Juvenile Justice Law, 2007);
The equal treatment of minors as adults during the course of informal and criminal procedure (Article 4)
The purpose of sanctioning the minor which is in the interest of defense, education, rehabilitation and fair development of minors (Article 5) – A principle which is repeated again, with what you foresaw in the Criminal code.

Another important principle is giving **priority to preventive protective and education measures** compared with the sanctions provided for by this law (Article 7). It also proclaimed the principle of **individualization of the criminal sanction / measure** for the juvenile who commits criminal offense. ¹ Even this law provides that the principle of **avoidance the minors on front of criminal proceedings**, except in cases provided by this law (Article 9), we will inevitably cases to adjudicate only competent court to judge delinquency of minors. ²

-With the Law on Justice for Children of Republic of Macedonia there are defined the fundamental principles based on which is based the functioning of the criminal justice, and they are: The right to use the language, the right to be informed at every stage of the criminal proceedings, the prohibition of discrimination on any base, principle of legality, the prohibition of cruel inhuman and degrading treatment, deprivation of liberty of juveniles only as a last resort in procedure, protecting the interest of the child to education, the right to appeal, the priority of preventive measures, education and protection, the principle of individualization of punishment, etc.³

2.2.b. Categorizing of minors by age

It should be noted that although criminal justice for children has faced modifications overtime, it did not change the minimum age limit for minor incrimination of persons who commit offenses. There we can definitely outline a very important principle that provides the law on justice of children, "the child who at the time of the commission of the act that the law is foreseen as a criminal offense or offenses not has reached 14 years, can not be applied sanctions defined by this law."⁴ All criminal laws of Republic of Macedonia have determined the criminal liability limit by the age on 14 years and the completion of a minor (childhood) the aged 18 years. But what is bringing innovation to the last laws on Justice for Children, are the so-called Help and protection-measures which are not imposed in offense of non-criminal procedure, of which may be imposed on persons who were not having attained the age of 14 years old at the time of the commission of any offense.

2.2.c. The 2nd difference on laws on children- The categorization of minors by age: ⁵

Under the old provisions of the Criminal Code (1996) and the law on juvenile justice (2007) children were classified into several groups, partitioning it, which is more detailed, in comparison with divisions that were merely the minors with the previous laws, according to them there are only categories of juveniles: Junior minors (14-16 years) and adult minors (16-18 years).⁶ By the current law in force children are divided as it follows:

- **child** is any person under 18 years,
- **children at risk** every child has reached seven years and has not attained 18 years of age with physical or obstacles mental development, a victim of violence, neglected aspect educational and social, who is in a situation in which it is hampered or prevented realization educational function of the parent / s or guardian / s, which is not included in the education system and education, involved in begging, weaving or prostitution, which uses drugs and other psychotropic substances and precursors or alcohol, and who because of these conditions is or may be contrary to law as a victim or witness the action as provided by law as an offense or act that is prescribed by law as a criminal offense,

¹ Law on Juvenile Justice of Republic of Macedonia, "Official Journal of R.M." no. 87/2008, 103/2008, 161/2008, 145/2010, Article 8

² Law on Juvenile Justice of Republic of Macedonia, "Official Journal of R.M." no. 87/2008, 103/2008, 161/2008, 145/2010, Article 11

³ Law on Justice for Children of Republic of Macedonia, "Official Journal of R.M." no. 148/2013, Articles 3-16

⁴ Law on Justice for Children of Republic of Macedonia, "Official Journal of R.M." no. 148/2013, Article 20

⁵ Law on Justice for Children of Republic of Macedonia, "Official Journal of R.M." no. 148/2013, Article 19

⁶ Criminal Code of R.M. Official Journal/year: 37/1996, Article 72

• **children at risk by age 14 years** is any child who at the time of the offense prescribed by law as an offense for which he was prescribed fine or imprisonment for more than three years or criminal prescribed by law as an offense, is aged seven years and has not reached 14 years,

• **children at risk from 14 to 18 years** is any child who at the time of transaction, foreseen by the law as an offense for which he was prescribed fine or imprisonment up to three years or work provided by law as an offense, has not reached 14 years of age of 18 years,

• **children that conflicts to the law from 14 to 16 years** is any child who at the time of transaction prescribed by law as a criminal offense which can be punished with imprisonment over three years has reached 14 years and did not 16 years of age,

• **children that conflicts to the law over 16 years** is any child who at the time of transaction prescribed by law as a criminal offense which can be punished with imprisonment over three years, has turned 16 years has not filled 18 years,

• **child victim is any child aged up to 18 years** who has suffered harm, including physical injury or mental, incurrance emotional, material loss or other breach or threaten the rights and interests as a result of action taken by law provided as a criminal offense,

• **the youngest adult person** is a person who during the trial for action prescribed by law as a criminal offense, the age of 18 years to the age of 21 years.

Despite this division, if we analyze the content of these provisions still remain the same limit criminal responsibility of minors, ie children, from age 14 to age 18, who are now in positive law Justice for Children denominated " children in conflict with the law "by the age of 14-18 years."¹

2.2.d. Types of criminal sanctions for children in Macedonia based on Law on Justice for Children of Republic of Macedonia(2013)

There two main types of sanctions: Educational measures and penalties. Following will appear all divisions of these two types of criminal sanctions. Types of educational measures:²

(1) Children older than 14 years for acts provided by law as a criminal offense that may be imposed on the following educational measures:

- Measures rebuke or referral center for children
- Reinforced supervision measures by the parent /s or tutor /s, or centers and foster family
- Entity measures by sending in educational institutions or in educational and correctional home.

(2) Measure warning or referral center for children is sentenced to the child when there is a need for longer measures of education, especially if committed an act which the law has prescribed as a criminal offense out of thoughtlessness or folly.

(3) Measures of intensive supervision of children when there is a need imposed by longer measures of education, rehabilitation or treatment with appropriate supervision, do not need their complete separation from current environment.

(4) imposed measures of child entity when there is a need of long measures of education, rehabilitation or treatment and complete separation from current environment. The duration of these measures can not be longer than five years, but mostly by filling 23 years.

To the child at risk until the age of 14 years and children at risk on the age of 14 years shall apply the measures provided by law for help and protection, which are of interest to the child and his development and education." (Article 21)

¹ Law on Justice for Children of Republic of Macedonia, "Official Journal of R.M." no. 148/2013, Article 19

² Ibid. Article 37

Assistance and protection measures are measures prescribed by law in the area of education, health, social, family and other forms of protection. (Article 22)

Although the law does not define which are these measures precisely, in practice, some of these measures encountered are: Mediation between the minor and the injured party mediation between the minor and his family, compensation of damages to the injured party attendance regular school, employment or training for a profession, Performance of unpaid community education in general traffic rules, etc. psychological counseling.

Also below will appear explicitly types of sentences for children over 16 years:

(1) Can be punished a child over the age of criminal responsibility to 16 years, unless due to the severe consequences of the offense committed and the high degree of criminal responsibility would not be reasonable to impose educational measure.

(2) Under the conditions established by this law, children over the age of 16 years may be imposed the following penalties:

- Jail for children
- Fine,
- prohibition of driving certain type or category of motor vehicle and
- deportation of foreigners from the country.

2.2.e. Representation of the situation of criminal justice for children in the Republic of Macedonia, as seen from the data published by the State Statistical Office of Macedonia

Table 1: Convicted children in republic of Macedonia during years 2006-2015 ¹										
T O T A L	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
	844	676	715	748	547	722	556	473	461	348

The table 1 shows the number of children sentenced in the Republic of Macedonia during the years 2006 to 2015. From these data it can be seen that the criminality of minors in the Republic of Macedonia goes diminishing in recent years, especially if we compare years prior to the latest research with them. From these results it can be concluded that with law changes in implementation of preventive measures and those of assistance and protection for children have shown success and are presented as alternative of convictions.

In table 2 can be seen types of penalties they have imposed on the courts of the Republic of Macedonia during 2015 to total 348 convicted children.

Also shown is their gender, it can be observed that only a very small number of them, then sentenced to 22 are female. Of this number 73 are children aged 14-16 years old on whom penalties are imposed such as: rebuke, and say are Intensified Most of Supervision by parents and by a social agency!

Table 2: Convicted children by types of criminal offences, attempt, sex and penalties during 20152		
T	Total	Children aged 14 to 16 years

¹Perpetrators of criminal offenses in 2015, Skopje: State Statistical Office of the Republic of Macedonia, 2016
<http://www.stat.gov.mk/Publikaci/2.4.16.08.pdf>,T-30.

² Ibid. T-33

O T A L				Disciplinary measures		Measures of intensified supervision			Institutional measures		
	All	Female	Attempt	Total	Re-buke	Disciplinary center	By the parents	In another family	By a social agency	Educational institution	Reformatory
	348	22	9	73	14	-	35	-	21	-	3

In Table 3 it is reflected the number of penal sanctions imposed in 2015 against children aged 16-18 who have committed crimes in the Republic of Macedonia. In this case we see a number of satisfactory priority that educational measures compared with the imprisonment for children, which is a very low number compared to the first. This proves that the courts respect the principle of detention as a last resort the procedure for minors!

T-3 Convicted children aged 16 to 18 years by penalties during 2015 ¹			
TOTAL	275	Child imprisonment	
		8	Educational measures 267

3. Conclusions

The criminal justice for children in Republic of Macedonia although it is independent with special law on child justice, in which are regulated all its institutions, principles, criminal sanctions and other non-criminal measures for children and the criminal procedure for children, it still remains dependent on criminal law in the broad sense, in terms of treatment of general principles and institutions that regulate this branch of law within the legal system of the country.

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¹ Perpetrators of criminal offenses in 2015, Skopje: State Statistical Office of the Republic of Macedonia, 2016. <http://www.stat.gov.mk/Publikacii/2.4.16.08.pdf>, T-34

Professional Mobility and “Objective” and “Subjective” Satisfaction. a Non- Linear Analysis from the Theory of the Three-Dimensional Spiral of Sense in Population of Doctors

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Abstract

This work goes along the lines of the author's research (1995-2016) on professional careers and models bearing causes and effects regarding sustained interaction (core, psychosocial, institutional and structural factors). The aim of this paper was analyze, through the doctors' social representations, the levels of satisfaction evidenced by those who have advanced professionally to the highest positions within the scientific (or other) system. The hypothesis states that the relation is not linear but inverse. Satisfaction would not increase according to the Professional Status. We consider here, on the one hand, the insufficient Professionalization and the increasing demands from the market; and on the other, the impact structural limits have on the micro level. The methodology used was quanti-qualitative (semi-structured questionnaires, interviews, and hierarchical evocations). The population consisted of doctors (2005-2012) from the National University of Cuyo, in Argentina and the Cnam (France) of different courses of study. The results confirm the hypothesis. As regards what was observed among those who advanced professionally, the increase on the growing market demands along with the lack of institutionalized means in order to reach goals, result in lower satisfaction. This is interpreted from the theory of the author, which involves 3 levels (macro-meso-micro-macro) (Aparicio, 2015 a, b). We also consider the theories of anomie and of the expectancy of valence (Feather & Davenport). Findings along this line were also seen in studies with scientists (Aparicio, 2014). The results propose a revision in the prevailing working conditions and police: satisfaction acts on subsystems and consolidates them.

Keywords: Professional Mobility – Status Professional – Professional Satisfaction – Social Representations – Labor Market

1. General Introduction: Epistemological Support

This article refers to the theory or, if someone prefers, pre-theory is the result or synthesis of the principal research works done within the CONICET (National Council of Scientific Research) and since 1995 the Argentine Ministry of Education, Science and Technology, with individuals belonging to different populations, some of them covering periods of over 20 years (intra-generational studies), and others covering three generations in-line (inter-generational studies). It is called the Theory of the Three-Dimensional Spiral of Sense. It develops out of studies carried out on six disciplinary areas in which the new analysis of the social data was carried out: Education, Health, Science, Media, International Relations and Interculturality. As far as we are concern here, the first area – Education – is dealt with through different levels (secondary level, tertiary level, University and PhD training). It is, especially, in a second stage of the research developed since 1995 along the lines of Social, Labor and Organizational Psychology, in which I focus on the relation between Achievement at University and at Work, and their mutual sustained interaction and on the relation to several factors and/or quantitative dimensions which act as conditioning reasons/causes of said Achievement (Rosen, 1956; McClelland, 1961, 1970). Throughout this long period, the problem of socio-professional Mobility in relation to Education/Formation, is a core issue. My interest grew stronger, particularly in connection with the analysis of the impact (explanatory/quantitative level) and comprehension (qualitative level) of the psychosocial factors on achievement within the context of the international patterns related to Quality Assessment at University in its connection with the scientific and productive systems (for a case reference, see Aparicio, 2014 b, 2015 a CROS and b). It should be noticed that the prevailing criteria for quality assessment are efficiency, political effectiveness, efficacy and relevance. However, due to the difficulties regarding the interactive analysis

of the answers provided by the university system to the needs of the socio-productive and scientific world, this last criterion – the core issue in our studies – was mostly overlooked at the international level.

It should be mentioned here that this Assessment was started late in Argentina, in 1995, when the University Quality, combined with context, is first considered a priority. University polices emphasize the need to reach systemic analyses. However, Assessment comes down to figures, statistics, diagnoses, inputs and outputs, but the human processes, which lie at the base of such figures, remain unknown in the Argentine system and, more globally, within the international framework, as it has been commonly pointed out literature until these days. As regards this issue, since the publication of *L'inégalité des chances* (1973), translated by Aparicio (1983), R. Boudon, one of the methodological mainstays in my research, despite our differences, urges us to work on this kind of patterns, which in 2004 were yet nonexistent, as he himself stated in one of his latest works.

It was a challenge to implement a systemic analysis of the factor with an impact on achievement at the macro level, and of the impact of the macro or micro organizational contexts on the individuals.

In this article, we will focus on the latest comparative studies (Argentine and France) carried out on populations of PhD students and doctors. It strictly analyses the relation between Professional Mobility, its impact on the rise in the organizational hierarchy, from the point of view of Professional Status reached and its relationship with Satisfaction. Such relation does not develop as a linear or correlating act. Satisfaction, as we will see, shows two faces: one deriving from Status Rise or Change, linked to Mobility, and a second face which we call "Subjective or Lived/Experienced Satisfaction" (Hertzberg, Mausner & Snyderman, 1959), linked to new demands of the new position within a context of increasing demands from the market. Said Satisfaction does not seem to be associated psychological or group Wellbeing. This leads to coin the term "experienced Satisfaction" (Aparicio, 2016).

1.1. Objectives

1. Being aware of the factors affecting professional achievement of doctors (French and Argentine) at the quantitative and qualitative levels.
2. Being aware and comparing (descriptive level) the sociological, psychosocial and institutional issues, taking into account that labor insertion is nowadays an international problem (general discomfort within training institutions at the moment of entering the labor market, and, later, labor organizations).
3. Analyze the relation between "lived" Satisfaction, and the Satisfaction which implies Professional Mobility (which generally involves reaching a higher Status in the organizational hierarchy).
4. Begin aware, through the representations shared by French and Argentine doctors, which psychological factors and/or dimensions (climate, leadership, etc.) are more associated to "subjective" Satisfaction, as we have decided to call it.
5. Analyze the similar and different factors among the doctors, which develop from different national and institutional contexts.
6. Providing those in charge of the educational sector (French and Argentine) with material for reflection in order to implement programs aiming at improving the quality of continuous training and, there before, labor insertion.

1.2. Hypothesis

- The relation between the levels of satisfaction evidenced by those who have advanced professionally to the highest positions within the scientific (or other) system is not linear.
- The relation between Satisfaction "subjective" would not increase according to the Professional Status.
- Psychosocial factors have a great influence on "lived" Satisfaction, besides The Professional Mobility and the status reached.
- The factors and/or dimensions which are favored according to the macro-national, meso organizational/institutional and micro-personal contexts differ. They show a self-sustained interplay.

2. Methodology

The quantitative/ qualitative method was applied. This study refers only to the qualitative method.

2.1. Participants

Consisting of doctors in Education and other social sciences at Universidad Nacional de Cuyo (2005-2009), and doctors training in Adult Education at Cnam, Administration and Sociology (National Conservatory of Arts and Crafts) (France). Two research laboratories took part in this work- It is expected to find different profiles according to the work/professional contexts in which they are situated.

2.2. Techniques

Quantitative and qualitative techniques were applied. We use the "hierarchical evocation" (Aparicio & Cros, 2015 a) and the lexicometric analysis techniques. Interviews were also conducted on each doctor/PhD student. The latter slowed to show which representations are part of de "nucleus" of a doctoral training in each of the national groups, and which are their most evident differences and the ways they experience their professional practice according to their expectations.

2.3. Core questions of this research

How and where are the doctors positioned within the market? Which professional structures are they in? Which are the aspects defining their actual insertion in terms of achievement (objective, subjective, hierarchical position)? What do they expect as regards their PhD training? Do they regard PHD training as a lever of progress? Which are the prioritized values and or factors/dimensions? Do the search for stability reality of the benefits related to a PhD degree? How do they envision their future? How do they see their role? Which are, from their own perspective, the factors currently prioritized by the market? Is there a lack of correspondence between their training and the market demands? Which prevails in the national groups, hope or pessimism? Finally, are their differences within the dimensions linked to "lived" Satisfaction according to Careers on both countries and Careers (meso level)? Do these doctors (French and Argentine) share specific "identities" and "interests"? What are their differences and similarities? (plano macro.) IDoes the level of Professionalization impact on such experience?

3. Results

We now present the results in relation to the objectives and hypotheses put forward

The qualitative analysis found that Satisfaction does not run parallel to Professional Status or to Professional Mobility. This leads Dr. Aparicio (2015a) to coin the term Subjective Mobility, and in this work, "Subjective" "Satisfaction", even though it may seem repetitive.

What does this mean?

One thing is Status, reached objectively, which in general terms implies a rise or Rising Professional Mobility in the professional Rank, being higher in Argentina, since the plafond effects or graduates oversaturation is less observed. The other face has to do with which involves such Mobility (not always accepted by the graduates). That is, the various implications of the new position, the widespread feeling that University did not teach many of the competences required (especially, collective and social ones), necessary material demands, but also those related to leadership (Aparicio 2002 a, 2014 a). Inadequate formation regarding "open mindedness" to favor internalization of a new "organizational subculture" and job-related values (Aparicio, 2002a; 2004a and b). The interviews also show – particularly within the group of doctors graduated in Management – organizational capacity and technology management problems; problems regarding recruiting and government competences required by the new demands, in addition to others associated to protecting human resources in their charge, to securing, through continuing training, uninterrupted employability of subordinates in order to promote and implement supporting programs for study-courses, etc. (Gilbert, 2003, 2004). These aspects are related to the psychosocial and organizational levels, on which Dr. Aparicio has been researching for the past 30 years, approaching them in a complementary fashion, as well as on their systemic interrelation (Aparicio, 2007 a and b; 2015 c and d, Theory of the Three-Dimensional Spiral of Sense).

In other words, even though there was a certain generalized Satisfaction within our population, it did not appear with all its dimensions, and it showed some discomfort from the experiential point of view.

Let us expand on it. Many felt unhappy about the climate/atmosphere (Brunet & Savoie, 1999; Rochon & Courcy, 2006; Parker, Baltés, Young, Huff, Altmann, Lacost & Roberts, 2003; Courcy, Harvey, Marceau, Rochon & Belleau, 2006 ; Payne, 1973;), about the quality of life at work and the new risks, about the demands of new management styles and human resources adapted to their respective socio-cultural, economical and political contexts (a developed country like France versus an emerging country, the category into which Argentine has stood for the last years after the so called "lost decades" and having been an international power). Other declared to have been trained for the organizational change (restructuring auditing, advising, consulting), for evaluating and promoting according to the competences required by the corporate sectors (in France, these processes are part of the Social Security Management of Competences [GEPC]. See Aubret & Gilbert, 1997; Gilbert, 2003, 2004, 2006).

Differences were also detected in connection with quality of life at work as regards the respective macro national and meso disciplinary contexts. Thus, many of the worries we pointed out appeared in the Management Courses in a more noticeable way than in Sociology and Education. These said to have problems associated to Training for Retraining, for evaluation, for designing programs aiming at employability against a growing unemployment which affects doctors too. (Giret, 2003; Calmand & Haller, 2004; Dupray & Moullet, 2004; Dupray, 2005; Giret, Moullet & Thomas, 2003 ; Aparicio 2009 d, e, f).

Some even held that those rises threatened their health at work, such as longer hours, work load (dimension, temporality) and rhythmicity. Besides, the usual tensions experienced by managers shook their former security, their feeling of "being efficient" and "effective". Many felt they lost the "power" provided by their previous activity and that they were confronted to new complex learning situations. Such situations demanded, especially, decision-making and negotiation abilities – the so called "meta-competences" – ; competences to reach consensus and avoid conflict in their respective Departments or Areas of performance (Argyris & Shon, 1974, 1978, 1996 a and b).

As for the rest, their expectations and dreams did not tally with the everyday professional practice; that is, there was a great difference, different according to courses of study, between organizational over-prescriptions and the competences to face them (Goffman, 1963). This aspect was more evident in Argentina, a country where University is still limited to disciplinary knowledge without focalizing on collective and social competences demanded by today's working world.

Among them, doctors mentioned the competences for controlling and improving dysfunctional behaviors (addictions, fraud, absenteeism, conflicts,...); "management" and "management control" responsible for "Career Transition", for the retraining required today, for social responsibility,... All this, although some, who are "ideologically blinkered", considered responsibility to be "evil", which involves the Market in liberal societies. Some evil involving working harder, forsaking leisure and pleasure time in order to protect the interest of others' capital. (Henriquez, 1976, 1989; Zarifan, 1988; Aubert & Gaulejac, 1991; Reynaud, 1992; Louche, C., 1998; 1992; Luminet, 1996; Castra, 1998; Cueillens, 1998; Chauvot ; 1997; Dubois, 1994 and particularly, Beauvais and his team, 1994 and subsequent works to *Traité de la servitude libérale: Beauvois & Joule, 1981, 1991; Beauvois, Bourjade & Pansu, 1991 ; Beauvois, 1994*). A kind of evil that leads to alignment, according to these writers, in favor of the interests of a business that neglects its employees; it alienates its employees by means of what they call alignment (Aparicio, 2003; 2006 c; 2009 f and g).

The findings on this line complete, from a qualitative level, the current ones in Aparicio, 2005a and 2009c, where Alignment was one of the key variables in relation to subjective and objective Job Attainment. In fact, the aligned individuals – although they freely consent to submission – felt satisfied and they developed fast careers, crowned with the prize of submission. Rise came soon (See Results on the same line in graduates, Aparicio 2005 a; 2006 a and b; 2007a and b; 2009 a, b and c). This is, in our opinion, significant dysfunction. However, it controls business and public working environments. It appears almost as a "necessary evil" to rise and pursue careers without major opposition or difficulties.

In our work, the most significant and relevant words coming from observation techniques of social representations (hierarchical evocation of J.-C Abric, 2001; Moscovici, 1986; Doise & Palmonari, 1986; Doise, Clemence & Lorenzi-Cioldi, 1992) expressed their visions about global work world, quite tinged by Negativity and Fatalism, especially observed in France when reference was made to professional (the details of the words used, to which we will not refer for the sake of brevity, can be seen at Aparicio & Cros, 2015 a)). It is important to point out, too, that there was much difference between the words used by doctors to define the Work World and the Professional Work, somewhat less negative due to the

connotations of being a professional today and before. It will be presented (ibid). [It will be presented in more extensively in a work in the next conference (EUSER, Hensinski)].

4. Conclusion

As we can see, the individual (micro level), work organizations (meso level) and the surrounding macro context showed themselves in a self-sustained interplay, not linear, with the view to true development and satisfaction which gives a feeling of fulfillment and "psychological well-being", in addition to the feeling of happiness. Mobility may cause.

Findings suggest rethinking, at the institutional (University) and organizational (businesses, and more globally, work world) levels, which competences must be strengthened in order to guarantee a true growth at the professional level of the individuals and of the organizations themselves (Zarifan, 1988); a kind of growth which does not lead to decrease in security, to alignment, to achieving a type of satisfaction "marred" by numerous dimensions; a kind of growth which is not just financial, because globally speaking, the more Mobility, the more Professional Status and the higher pay. Nevertheless, the financial matter does not define Satisfaction. On the contrary, it seems to be seeking development at a human level, lasting development accompanying physical, mental and organizational health.

Rise appears as a conflict issue: there is a price to pay. Aubert & Gaulejac (1991) have been referring, for the last 20 years, to "the price of excellence", still expending its connotation.

It represents a challenge for trainers, planners, work and organization psychologists, Administration and Management experts in order to prevent physical, psychosocial, and contextual risks for the benefit of quality of life inside and outside of work.

5. Discussion

This non-linear relation between Professional Mobility and "lived" Satisfaction, at first sight apparently inconsistent, has been previously found in a work (qualitative level) carried out on researchers and research-teachers who work at the Science Area at the same University and CONICET (National Council of Scientific Research, in Argentina).

The findings may be understood through the distance between the demands of work World when it is in a higher position (in terms of knowledge updating, upgrading, production and transmission, Mobility within a context of increasing internationalization) and available elements, including Material Factors, economic aspects, salaries, administrative factors (number of technical support personnel, micro-management operation, Planning, Supervision/Boss, Atmosphere at work, ...); growing Responsibility in connection with the rank in the hierarchical scale, Leadership, collective and social competences not adequately developed, anomy extended into the micro-social level, little expectation for change based on the low credibility in the political system, among other factors. The findings may be understood in the light of the Expectancy-Valence Theory (Weiner, 1980; Feather & Davenport, 1959, 1981, 1982). From the "expectation" theory, it can be assumed that the most movable subjects (those who have climbed the corporate ladder) tend to have higher expectations once they have reached a high position in the professional pyramid, thus demanding more and more from those leading the system (Weiner, 1980).

Also, this "experienced" Satisfaction may be interpreted in the light on the theory of anomy (Clinard, 1967; Chazel, 1967; Aparicio, 1982, 2014a); a theory developed a century ago, which, considering the present market circumstances, has regained popularity.

Finally, it may also be interpreted in the light of the "consumption/investment" model. From the "investment"-model point of view (Becker, 1964), those who have reached a higher position and made a greater effort towards higher achievements of the group may expect more benefits, many of which are associated to management.

As for the rest, dissatisfaction clearly appears due to the so called "plafond" effects followed by mass Universities: the more high level graduates there are, the more difficult it is to reach the desired position, and if Professional Mobility is known, it is not unusual for the graduates to feel unhappy when confronted to the increasing pressures from a more globalized and competitive Market. In France, the interviewed doctors are less satisfied than those in Argentina (doctorate programs have existed for over 500 years). However, in Argentina, a PhD degree still constitutes an "extra" (particularly in social sciences,

where the number of doctors is fewer). In addition, this study shows significant Professional Mobility (in one on the courses of study that have been analyzed, said Professional Mobility or rise gets to 70% , even before being awarded the degree).

The Interplay between the individuals in different disciplinary fields and the organizational and macro national contexts appears clearly in this international work.

Finally, the "objective" Status reached in the hierarchical scale does not correlate with what has been "experienced" or "felt" when such Status has been achieved ("lived" Satisfaction at the level of group or individual Psychological-social well-being).

All this is relevant and it shows that salary factors are important, although they are far from being the most valued aspect doctors, who also demand certain conditions for their professional and personal development, within a work climate or atmosphere which favors such development (Payne, 1973) and, especially, socio-professional recognition. This aspect is shown in the study with researchers. Doctors-researchers from both fields feel they are not satisfied with leadership in their teams (Fiedler, 1967; Knorr, Mittermeir, Aichholzer & Waller, 1979; Hollander, 1971; Andrews et al., 1979). Also, Recognition, or better, the lack of it appears much more evidently at the level of an unsatisfied need within the French group, although it is also present (due to the recurrence of evocation of the word as well as to the rank of importance assigned to such term) as a relevant issue for Argentines. It would seem to be a "widespread disease" (Aparicio & Cros, 2015).

To conclude, connected to other articles (Aparicio 2009h; 2015 b; Aparicio, 2012b; 2014 c; 2015 a,b,c,d,e, and f; 2016 a,b,c and d.), in the interplay between Position and Satisfaction, from a complementary angle, there appears the issue of Identity. In fact, it is the result of a construction between the historical-biographical, personal-socio-cultural and the relational aspects in the professional places for interaction (Sansaulieu, 1977; Courpasson, 1994; Dubar, 2000a, b and c).

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AEFI Reporting Rates in Albania During 2008-2015: A Retrospective Analysis of AEFI Reporting Forms

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Abstract

In Albania, passive AEFI surveillance is conducted by Institute of Public Health, which is under the supervision of Ministry of Health. Reports of suspected adverse events following immunisation (AEFI) are reviewed by the Control of infectious disease department in the Institute of Public Health and recorded in a central database. In this study AEFI database is analysed for individual AEFI reporting forms during 2008-2015. AEFI reporting rates and their patterns were assessed. At 2003 a national standardized AEFI reporting form was introduced to the health-care workers who were obligated to report any observed AEFI. This form was changed and added more requisites in 2008 and nowadays this is the formal AEFI reporting form in Albania. Safe vaccines are essential to preserve high adherence to immunization programs [1]. During the last years the reporting rate increased significantly due to implementation of enhanced vaccine safety reporting strategies but it is still low and underreporting remains one of the limits of passive surveillance. Reporting rates were calculated using as a denominator the administered doses of vaccines.

Objective

The first aim of this study is to individuate the principal patterns of adverse events following immunization in Albania since establishment of AEFI system till the last year and highlight any significant difference between these patterns. The second objective is to observe the AEFI reporting rate during the years and evaluate the possibility of undertaking new provisions to expand the reporting of AEFI and strengthen the rules of reporting the AEFI.

Introduction

The implementation of vaccine safety surveillance system in Albania has started since 2003 as part of National Immunization Program (NIP). A modified version of the WHO recommended reporting form with standard case definitions was adopted. Data received from individual reporting forms are collated in the National AEFI database situated in the Institute of Public Health. In 2008 the AEFI database was enriched with more information and details about each case. Brighton Collaboration case definitions of adverse events following immunization is adopted to code and define each medical terminology.

In Albania the surveillance of adverse events following immunization relies on passive surveillance and active surveillance conducted during mass immunization campaign. Reporting of AEFI is mandatory and is done by primary health care providers in public health services all over the country, tertiary health care providers in the national University Hospital center "Mother Theresa" and a few private health care units. Detection, validation, investigation and causality assessment of vaccine safety signals are core objectives of Albanian National Institute of Public Health. Expert opinion is provided by AEFI Expert Committee situated at the Ministry of Health. The department of infectious disease control in the Institute of Public Health forwards AEFI data to WHO Uppsala Monitoring Centre [2] Although formal guidelines about adverse events

following immunization have been developed since 2003 from the ministry of health, the real efforts to build a National AEFI surveillance system has started in 2008.

In Albania vaccination is mandatory by the law No.15/2016 "For the prevention and control of infectious diseases" which states that immunization is obligatory for children aged 0-18 years old. (Art.8) and it is one of the requisites for registration in school. [3]

The immunization schedule has changed over years and the actual schedule is operative since March 1, 2014. Children aged from 0-18 years old are immunized against 11 infectious diseases ; Tuberculosis (BCG), Hepatitis B (HepB), Diphtheria, Tetanus, Pertussis (DTP-HepB-Hib, DTP, DT, Td), Haemophilus influenzae type b (Hib), Measles, Mumps, Rubella (MMR), Pneumococcal (PCV10) and Polio(IPV,OPV).

This study analyses and describes national passive surveillance data for adverse events following immunisation (AEFI) reported to the Institute of Public Health. Data are considered from 2008 till 2015 because during these years the immunization schedule has undergone various changes regarding new vaccines. On January 2009 it was introduced Hib as part of the combined vaccine DTP-HepB-Hib (Pentavalent) administered to children at 2, 4 and 6 months of age. On January 2011 it was introduced pneumococcal (PCV10) vaccine administered to children at 2, 4 and 6 months of age and on March 2014, inactivated polio vaccine (IPV) replaced the first two doses of oral polio vaccine (OPV), while the third dose of pneumococcal vaccine was shifted from 6 months to 10 months of age.

Monitoring of vaccine safety is critical component of vaccination programs; according to current guidelines in Europe, safety data are necessary to evaluate the benefit-risk profile of vaccines intended to be used on wide scale [4]. In these circumstances it is important to assess how the spontaneous reporting systems perform this function.

Materials and Methods

We performed a retrospective study on AEFI cases in Albania from 2008 -2015 and analysed the AEFI database in the Albanian Institute of Public Health. The study has taken place from January 2016 to May 2016. In the individual case report we have the following information: Identification number of the subject, age, gender, birth place, date of vaccination, date of AEFI report, type of vaccine administered, place of vaccination, type of adverse event, treatment of the event and outcome of the event. Reports are recorded in the database regardless of causality and severity.

Data Analysis

Reported AEFI were extracted from the AEFI database as Microsoft Excel files. Dose-based reporting rate of AEFI per 100,000 vaccine doses was calculated as the number of reported AEFIs divided by the total number of administered vaccine doses.

Data for AEFI received by National adverse events surveillance system during the 8-year period 2008–2015 were analysed using IBM-SPSS ver.21 statistics program. The distribution of AEFI records was analysed by vaccine type, type of the event and treatment outcome. The Chi-square test (χ^2) was used to compare the proportions and descriptive tests to evaluate frequencies. 95% confidence intervals were used for the mean values. Tests were considered statistically significant at $p < 0,05$.

Limitations and strengths of the study

Under-reporting is one of the most relevant limitations of every passive reporting system. Although the number of reports has increased in the last years it still remains low. The extent of under-reporting is not known exactly. It is difficult to compare background rates of adverse events after immunization with the background rates as there is no control group (high vaccination coverage)

The quality of the data also is suspicious. Because of the reporter knowledge and professional capacity events reported may be inaccurate, non specific or missing. The reporter bias may affect reporting rates in passive reporting systems. [21] The reporter is influenced by new vaccines introduced in the market, time of the event occurrence and media awareness [22] Because of the multiple vaccine administration it is difficult to correlate the reported case with a single vaccine. The strengths of the study include the fact that we could calculate the reporting rates using doses of administered vaccines.

Database was complete with the necessary information encoded by professional epidemiologist at the National Institute of public Health and the data received covered 8 years' time period; AEFI were ascribed to a vaccine without establishing a relationship of causality

Results

The total number of reports during these eight years was 99. The median number of AEFI reports per annum (2008–2011) was 12. The peak level of cases reported is observed in 2014. In 2015 it is observed a reduction of reported cases compared with that of 2014. Most of the AEFI reported were relatively mild and self-limited, with fever being the most commonly reported reaction. 44,5 % of the cases received ambulatory treatment all of which recovered after treatment. 7% of the cases needed no treatment while 48,5 % of the cases received hospital treatment from which 24.4% did not recover (12/99 cases) but were followed up at the moment of reporting.

Vaccines

Eight different vaccine types were reported in the 99 AEFI records received between 2008 and 2015 (Table 1). The vaccine with a high reporting frequency is Pentavalent (DTP-HepB-Hib) 39/99(39,4%). In these cases pentavalent is the only suspected vaccine to be related to the event while there are 32 other cases in which pentavalent is co-administered with other vaccines. The immunization schedule imposes children to receive more than one vaccine at the same time. For this reason all administered vaccines at the same day are usually listed as 'suspected' of involvement in an adverse event[5]

Taking in consideration the WHO information sheets on rates of adverse events of each vaccine, it is very possible that most of the adverse events reported after pentavalent vaccine administration is related with DTP component. Similar to a WHO report on vaccine safety, OPV was not associated with any adverse events [6].

Table 1. Number of events per type of vaccine administered

Vaccines	Responses	
	N	Percent
DT	3	3,00%
HepB/DTP	1	1,00%
DTP	12	12,10%
PENTAVALENT	39	39,40%
PENTAVALENT/PCV	22	22,20%
PENTAVALENT/IPV	6	6,10%
PENTAVALENT/IPV/PCV	4	4,00%
PCV	4	4,00%
MMR	4	4,00%
Td	4	4,00%
Total	99	100,00%

DTP containing vaccines

In Albania the pertussis component of the DTP vaccine is whole cell pertussis, therefore it is expected that adverse events related to whole cell pertussis develop after administration of DTP-containing vaccines. In general currently available combinations of DTwP with HepB and/or Hib do not result in adverse reactions that exceed, in frequency or severity, those seen with the same DTwP vaccine given alone [7]. For this reason DTwP vaccines are considered together. There were in total 12 cases reported in which DTP was the only vaccine suspected to be related to the event. All the adverse events reported as being related with DTP containing vaccines are consistent with DTP vaccine information sheet on observed rates of AEFI.[8] Mild adverse events following DTwP administration like rash, pain ant the injection site, hyperemia and inflammation were observed. Fever was the most common adverse event reported as being related to DTP-containing vaccines. In 7% of the cases DTP was the only vaccine administered, while in 21% of the cases Pentavalent was the only vaccine administered. Drowsiness was reported in two cases after Pentavalent vaccine. Anaphylaxis was reported in 5 cases where Pentavalent was the only vaccine administered while in 1 case where Pentavalent was co-administered with IPV vaccine. In one case, in a child aged 18 months toxic shock, convulsions, tremor, cyanosis and vomiting were reported after DTP vaccine administration. The infant was recovered after receiving hospital treatment. Encephalopathy was reported in two cases in which Pentavalent was one of the vaccines suspected to be related with the event. In one of these

cases convulsions were reported and the child was followed up at the time of reporting but the information was insufficient to define it as Davret's Syndrome. More recent studies do not confirm an association between DTwP and acute encephalopathy. [8]

Table 2. Relation between number of doses and occurrence of AEFI after DTP-containing vaccines administration

Vaccine	Dose number				Total
	Dose 1	Dose 2	Dose 3	Booster dose 1	
PENTAVALENT	24	12	3	0	39
PENTAVALENT/PCV	12	5	5	0	22
PENTAVALENT/IPV	6	0	0	0	6
PENTAVALENT/IPV/PCV	2	1	1	0	4
DTP	3	1	0	8	12
HepB/DTP	0	0	1	0	1
TOTAL	47	19	10	8	84

As indicated in the table most of the adverse events reported after DTP containing vaccines occur after the first dose administration (55,9% of the cases reported to develop AEFI after DTP administration). A few events occur after first booster dose. The first dose of DTP containing vaccines is given at the age of 2 months. At this age immunization system is not fully developed in infants and there are still present antibodies from the mother. The frequency of local reactions tends to increase with the number of doses administered, while systemic reactions with the exception of fever may diminish with subsequent doses [9]

Adverse Events

Each AEFI case report lists one or more symptoms, signs, and/or diagnoses, so the number of the events exceeds the number of the cases. All the events were recorded using Brighton Collaboration case definitions terms. There were in total 158 reported adverse events after vaccine administration. The distribution and frequency of events listed in AEFI database for vaccines received between 2008 and 2015 are shown in Table 2. The most frequently reported AEFI was fever (54/99), followed by convulsions (14 % of the cases).

According to WHO, Serious AEFI are considered those that result in death; are life-threatening; require in-patient hospitalization or prolongation of existing hospitalization; result in persistent or significant disability/incapacity, or; are a congenital anomaly/birth defect. [10] In our study no adverse events after immunization resulted in significant or persistent disability/incapacity nor were a congenital anomaly/birth defect. The cases considered as serious were those requiring hospital treatment or relevant medical conditions. Overall 30,3% (30/99) of AEFI cases received during 8 years of operation (2008-2015) meet the definition of serious. 20% of the cases defined as serious (6/30) didn't recovered after treatment compared to 10% in the non-serious events group (7/69). There were no deaths reported.

While non-serious were considered those cases which didn't need treatment (mild severity) or those which needed ambulatory treatment or event interfered with daily activities or loss of working hours(moderate severity)[10] Most of the reported events were mild and transient. They included pain at the injection site, urticaria like rash, local swelling, local redness, erythema and indurations at the injection site.

Table 3. Reaction categories frequency reported in the national AEFI database

ADVERSE EVENTS	Responses	
	N	Percent
Anaphylaxis	8	4,20%
Toxic shock	1	0,50%
Encephalopathy	2	1,30%

Abscess	5	3,20%
Fever	54	34,20%
Convulsions	14	8,90%
Generalized urticaria	7	4,40%
Respiratory difficulties	2	1,30%
Cyanosis	7	4,40%
Vomiting	4	2,50%
Persistent Crying	7	4,40%
Hypothermia	2	1,30%
Syncope	1	0,60%
Hyperpyrexia	1	0,60%
Facial paralysis	1	0,60%
Limb pain	3	1,90%
Inflammation	2	1,30%
Hematoma	1	0,60%
Angioedema	4	2,50%
Other Reactions	32	20,30%
Total	158	100,00%

Persistent crying. Some infants develop continuous crying which may be unaltered, inconsolable, and last for a number of hours. It is suggested that localized reactions may be a cause of persistent crying.[11] Persistent crying was reported after Pentavalent vaccine administration in 6 cases.

Convulsions were reported in 14 cases of which fever over 38°C was reported in 6 cases. While fevers are usually benign, an abrupt rise in temperature is a risk factor for febrile convulsions in susceptible children. [12]

Encephalopathy . There were in total 2 cases of encephalopathy reported after Pentavalent vaccination. One reported on 2010 (1 in 100,000 doses administered) and the other on 2012 (0.9 in 100,000 doses administered). Recent studies concluded that DTwP vaccination was not associated with an increased risk of encephalopathy [13]

Abscess at the injection site. There were 5 cases reported with abscess at the injection site after administration of Pentavalent vaccine in infants of 2 months of age and 1 case after Td administration in a 14 year old girl. In two of the cases fever over 38°C was reported and one of them was associated with persistent crying. Three of the cases were hospitalized and the outcome was positive except one that was followed up at the time of reporting.

Cyanosis was reported in 8 cases of which 6 were related with administration of pentavalent vaccine 1 with Td vaccine and 1 with DTP vaccine

Syncope was reported only in 1 case after pentavalent and IPV vaccine administration in a 2 month year old male infant. After perfusion and oxygen administration in the hospital the case was recovered.

Anaphylaxis. The average reporting rate of anaphylaxis per 100,000 administered doses was 1.07 cases. Although anaphylaxis is set apart from simple allergic reactions (e.g., urticaria, allergic rhinitis, asthma) by the contemporaneous implication of cardio-respiratory signs with mucosal and/or skin changes (urticaria, angioedema, etc.) there is still no consensus on exactly how to define anaphylaxis which has led to confusion and suboptimal diagnosis and treatment of this condition [14] The Council for International Organizations of Medical Sciences (CIOMS) differences between anaphylactic reaction, anaphylactic shock, and anaphylactoid reaction which is no longer used in current allergy terminology. CIOMS group specifies an “anaphylactic reaction” requiring the presence of just a single skin, respiratory, or cardiovascular symptom.[15] While Brighton Collaboration case definition avoids the term “anaphylactic reaction” due to its inference of a causal relation to a given exposure, referring to anaphylaxis only. [14] There are minor and major criteria which build level of diagnosis certainty. In the database there were only 8 cases defined as “anaphylaxis” although this might be misleading for the reasons specified above. In 6 of the cases Pentavalent vaccine was reported as being related with the event. In the other cases there are only one or a few of the signs and symptoms which although relevant does not constitute sufficient information for diagnosing the event as anaphylaxis. Generalized urticaria was observed in 7% of cases, rash was reported in 11% of the cases ,respiratory difficulties with tremor, cyanosis and vomiting was reported in 2 cases, cyanosis in 6 cases,

angioedema in 4 cases and erythema in 3 cases. All the cases were recovered, except one which developed generalized urticaria and were reported as being followed at the moment

Reporting trends

The overall reporting rate was 2,1 cases per 100,000 doses administered. This is a low value compared with the reporting rates in Australia, 14,1/100,000 population in 2009 [16]; Zhejiang Province, China, 9,2 per 100,000 doses in 2008 [17] ; USA, 5-7/100,000 doses [18] ; Oman, 10,8/100,000 doses [19] ; Emilia Romagna, Italy 4,6/10.000 doses [20]

Mean value of reporting rates per year was 2,0625 (95% CI; 1,13;3,03, p=0,002)

There is a significant increase in the reporting rates throughout years ($r=,877$, $N=8$, $p=,004$). There is also significant difference between two groups ;serious and non serious ($\chi^2=15,3$ $p=,000$). It is observed an increase in the reporting of non serious adverse events through years, while the reporting of serious events remains constant. There has been two peaks of increased AEFI rates during these years, in the last quarter of 2009 due to the introduction of Pentavalent vaccine and in 2014 due to replacement of oral polio vaccine with inactivated polio vaccine. It is observed a trend toward reporting of mild events in contrast of more serious adverse events such as anaphylaxis and febrile seizures. The most frequent AEFI, fever over 38°C has no significant increase through years. There is neither an increase in cases of convulsions ($p=0,748$).

The mean AEFI reporting rate for DTP-containing vaccines during the study period was 8,2 per 100,000 doses administered ($p=0,000$, CI: 95% , 5,7;10,7) compared with 21.7 per 100 000 doses administered during the 2003–05 period in Oman.[19] The highest annual reporting rate was 12/100,000 doses in 2014, while the lowest one was 4/100,000 doses in 2009. There is a significant increase in the reporting rates for pentavalent vaccine throughout years ($p=0,035$)

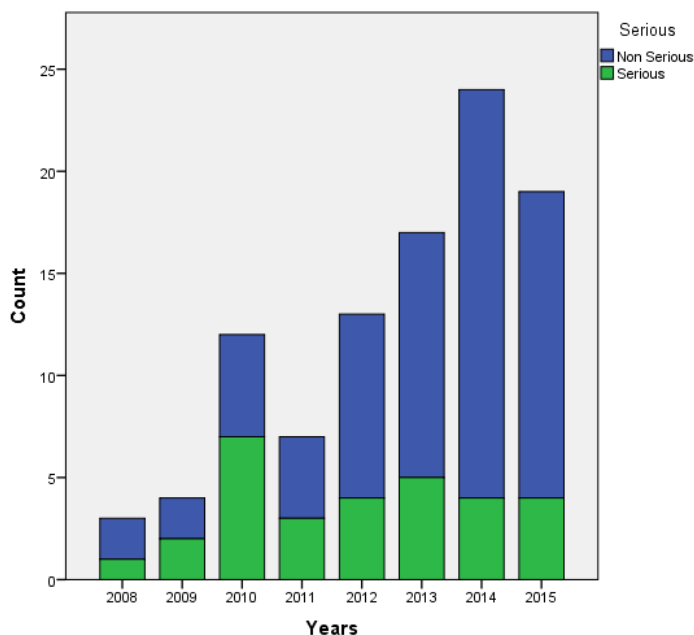


Figure 1. Reporting trends of AEFI throughout years

Most of the events occurred after administration of the first dose of the vaccine (51% of the cases). A few occurred after administration of booster doses.

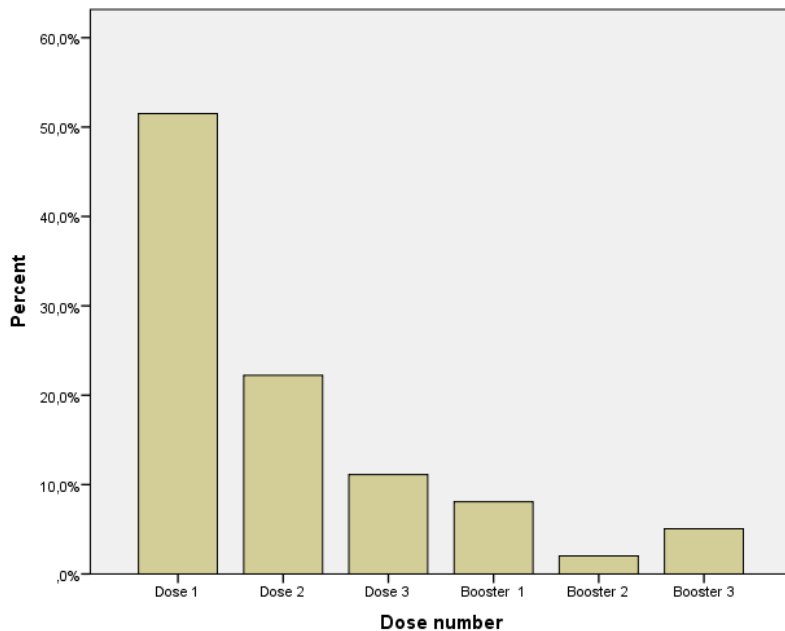


Figure 2. Relation between doses number and frequency of cases reported.

Conclusions

The majority of the adverse events reported during these 8 years are mild and non serious which somehow reflect the safety of vaccines in Albania. Overall the total number of reported events increased in the last 3 years (2013-2015) compared with the previous years. This increment can be explained by various factors. Introduction of new vaccines in the immunization schedule influences trends in reporting rates as the health care workers are more likely to report events related to a vaccine they are not familiar with. This is called Weber effect and this period is followed by a stabilization over time.[23] In our data this is reflected at the two peaks in 2009 after introduction of Pentavalent vaccine and 2014 after introduction of IPV vaccine. However the higher reporting rates reflect also the large number of activities undertaken by the IPH to train and encourage the reporting of adverse events following immunization.

Because of the limits of passive surveillance system mentioned above, information obtained by the AEFI database cannot be used to calculate the incidence rates of the adverse events, but it is useful to detect signals and generate hypothesis related to causality which should be further investigated by epidemiological studies. Underreporting still remains a problem, especially in rural areas making difficult interpretation of the data. In our data analysis it seems that DTP-containing vaccines are the vaccines showing the highest claims and still these are the vaccines with the highest occurrence of AEFI in Albanian children. This indicates the need for further studies and policy to pass from DTWP to DTaP

An AEFI reporting system is an integral part of an effective immunization program and analysis of data collated in the AEFI database are essential for immunization policy making. Paradoxically, when the immunization program is effective, the incidence of vaccine-preventable disease will drop, resulting in higher numbers of adverse events following immunization (AEFI) and its easier perception [24]. Thus assessing vaccine safety issues effectively is essential to drop false concerns about vaccination and maintain at the necessary levels public trust on vaccination. Although the database is completed with the necessary information about data analysis, collection of more detailed and accurate information from AEFI individual reporting forms should be considered as quality of the data reported are critical for accurate analysis

The role of health-care workers is essential to a successful and well-conducted surveillance of AEFI.[25] Therefore the efforts of national immunization program should focus on qualification of the health care workers in this field to increase

their active participation in surveillance of adverse events following immunization. The importance of professional qualification is reflected in the following results: 12% of the cases of AEFI did not recover after treatment suggesting the need for health worker training for management and diagnosing of an adverse event that follows immunization. It shows the need to improve and enrich the protocol of management of AEFI. 11 cases of rash and other cases with allergic reactions highlight the importance taking in consideration vaccines contraindications and assuring that the child is not allergic to any of the components of the vaccine. Two reports of injection site abscess reported with fever highlight the importance of sterile injection technique Differences between different countries regarding AEFI reporting are related to different reporting polices, data requirements, case definitions but they also reflect the data collection method, sensitivity of the surveillance system and compliance with the reporting.[26]

The objectives of the future include the implementation of an electronic method to report AEFI scaled up all-over the country and be accessed by all health centers in order to make the reporting of adverse events easier and faster. Legislative bases should be strengthened to mandate the reporting of AEFI. Developing tools to increase vaccine safety are is one of the most important priorities of IPH.

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The Instability of Mjaft Movement and of G99 Party, Led by Mr. Veliaj

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Abstract

This paper will analyze the loss of legitimacy of Mjaft Movement and G99 Party when they were directed by Erion Veliaj. Based on the post-structuralist model of philosophy of language, main points that constituted the movement, discourses and different public protests, data taken by an interview of Mr. Veliaj regarding the creation of G99 as a political party, this paper aims to assess their instability. Created as a non-political movement that would identify and solve problems, MJAFT was focused more in conducting awareness campaigns and organizing symbolic protests, than in taking concrete actions on these concerns. Even its main campaign "Nano Leave" ended up in a meeting with the Prime Minister Fatos Nano and none of the 8 points of their decalogue was not mentioned during the meeting. All these premises, followed by the resignation of the leaders of the movement to create G99 Party, planted in the audience the idea that they were looking for a new strategy to make the movement more powerful, an attempt that ended up to be unsuccessful because G99 became part of the Socialist Party. As a consequence, we can say that the use of the movement for personal goals dims the protests and disappoint people who believed they could be organized together for solving their problems.

Keywords: 8 points of the movement, no party affiliation, awareness campaigns, symbolic protests, meeting Mr. Nano, G99 party, joining SP and public rhetoric.

Introduction

In the school of socio-political thought is said that there have been very few social movements who have managed to fulfill their primary goals and objectives. This means that the achievements of these goals lead to the dissolution of the movement because their primary causes cease to exist. A movement can dissolve even as a result of physical violence or even murder by the state police of leaders or its activists. But in many cases the movements did not functioned and were unproductive because they had a hidden agenda with leaders of political parties or leaders of the government, using each other for their own personal profits. This is exactly what happened with MJAFT Movement and G99 Party, both led by Erion Veliaj. Based on the post-structuralist model of philosophy of language, this paper wants to affirm the thesis that MJAFT Movement and G99 Party lost their legitimacy due to their instability. This analysis will be based on main points of the movement, in their public discourses and protests, data taken by the interview with Erion Veliaj, the creation of G99 and its decalogue.

The bas political situation inherited by the conflicts of 1996-1997, opened a path of the MJAFT Movement, which was created in 2003 as a social movement that would identify and try to solve 8 main problematic issues of the country emphasizing that "we have had enough with a poor health system, bad education, revenge, human trafficking, organized crimes, poverty and unemployment, women discrimination and marginalized groups, pollution, no improvements in the way to the EU and enough with irresponsible policies and corrupted politicians" (Veliaj, 2003). Fatos Nano was the one to be blamed for all these problems and that is why the activists organized several protests and awareness campaigns. Being worried about his public figure, Fatos Nano decided to meet with the activists, a meeting organized by him as an attempt to fix his image that was ruined by the fact that he did not interrupt but continued to celebrate his holidays in Greece when the TV published the news of loss of some troops trying to reach the Italian coast, in 9th January, in the vicinities of Vlora. Erion Veliaj did not asked Mr. Nano to deal with the points that were mentioned above but asked him to lower the energy bills, come closer to people problems and to make an attempt to be more popular and less arrogant and to offer to the citizens a republic without clandestine boats (Veliaj, 2004). The wave of protests was perceived as a the peak of the

movement- because it served as a model for other protests such as the movement "NANO LEAVE" directed by the opposition, The socialist movement of integration and the movement for national development (Veliaj, 2004a)- and it would not collect any more any high number of activists. This made the leaders of the movement resign and regroup to create G99 Party and to join the Socialist Party in the elections of 2009 (The alliance for change, courage to Albanians, 12 May 2009). This was a contradiction to their first declarations when they affirmed "that MJAFIT is not supported and does not support any of the political parties in this country"(Veliaj, 2004b), or that this political party will continue the battles started by the movement, now as a political entity (Veliaj, 2014). What happened is that G99 based its campaign on the discourse of youth employment and education (Veliaj, 2009), a rhetoric that was used for pure personal profits. It looks like the use of the movement to create a party for personal profits can have more short comings but in long terms it can be perceived as a counter- organization of the previous one and incapable to fulfill its primary goals, especially when its ex-leaders become part of the party in power.

Founding MJAFIT Movement, based on 8 points and skipping them on purpose by Mr.Veliaj

MJAFIT was founded as a movement that would deal with socio-political and economic problems in the country, by identifying, analyzing and then finding solution to 8 mayor issues:

Enough to a poor health system, bad education, revenge, human trafficking, organized crimes, poverty and unemployment, women discrimination and marginalized groups, pollution, no improvements in the way to the EU and enough to irresponsible policies and corrupted politicians (Veliaj, 2003a).

Identifying, denouncing and offering solutions to the administrative corruption, poor conditions of education and health system in the country etc, the movement formalizes not only its activity but also legitimizes itself as an actor and factor of change in Albania. This means that while people get used to a reality they perceive as unchangeable- a reality that is protected by corruption and tolerates injustices, where most of its citizens have signed "a silence contract" to stop trying in changing this reality (Veliaj, 2003b)-, they perceive the movement as an organization where they can find support and can engage themselves. This movement can be defined as an attempt to bring social change (Jenkins & Form, 2005) because a social movement sees the political systems as a place "where each ideological characteristic is not only a reflection or a shade of the reality, but that it contains in itself the change of the reality" (Volosinov, 1973: 11).

MJAFIT Movement constructs itself based on double action; in one side it organizes public debates against corruption, poverty, violence, trafficking and environment, "involving everyone living in Albania (Veliaj, 2003c)" and in the other side, choosing 1st of April as the day of lies- many students march from the "Youth" park towards the Parliament, calling to stop giving false pledges and to improve the education and health system- in a huge placard it was written: "Happy 1st of April dear politicians! Thanks for all unfulfilled promises, for improving our lives, thanks for making this country the most transparent in the whole Europe!(Mjafit-against false promises,1st of April 2003). This double action approach, public debates and organizing these kind of protests, highlight the idea that even though the activists are not capable to improve directly these conditions- because they lack physical and material resources to go against politicians- still they attract the attention of many people who can support or join the movement (Turner, 1969).

Even though MJAFIT started its activity by stating 8 big issues that were mentioned above, it could be said that its first phases are more about public talks and symbolic protests, to make people aware for the power, by organizing several campaigns of awareness with students, doctors and teachers that could contribute to a better image of education and health system in Albania (Veliaj, 2003d), even though the change ought to be achieved through drafting some key topics and proposals to these people that could later on pass them as guidelines to the government to actually change the situation. In the second stage, the movement starts to identify and contradict some daily issues that have to do more with the scandalous behavior of politicians as was the case of.

MJAFIT! And the society of journalists protested today in front of the ministry of interior against the violence exercised on Ilir Babaroma by the minister Luan Rama. "Mr. Minister leave! "in the name of the citizens, you are fired! " Mr. Luan do not act as you were in a jungle" (MJAFIT Movement! Requires the resignation of Luan Rama, 16th of October, 2003)

The Prime Minister Fatos Nano arrived to Tirana when the citizens where protesting in front of the government building. He passed in front of them, driving and started to laugh at people. Since the entrance, he was faced with a strange welcoming: "white slogans that made fun of his absencefor more than two weeks (Veliaj, 2004c).

This happened because Mr. Nano was part of two incidents- he continued his holidays and celebration in Greece while a clandestine boat was brought in the sea- what made people more unsatisfied with his government and support more the movement and its cause. While Luan Rama was obliged to resign due to public pressure, the irresponsible behavior of the premier Nano and lack of apologies to the audience, created a chance for the movement to continue with its protests against him. His answer was quite provocative; he invited the leaders of the movement to meeting to discuss on these issues. Nano was more worried about his political image and how he could fix what the audience thought of him than the protests or their causes. This happened because he has never and never will offer a public apology even though the leaders of the movement were promised to offer an apology for his irresponsibility (Veliaj, 2004d). In the same meeting, it was required by the leaders to lower the bills of energy and telecom, become more humble and to create a republic without clandestine boats (Veliaj, 2004e), requirements that had nothing to do with what the movement wanted to achieve in its first wave. This is a sign that the approach and objectives of this movement are only perceived as an attempt to make people being heard, but not as an attempt to create a stable movement. The incapacity to follow its goals makes us question what were the conditions that made this movement change its strategy. Given that its leaders are incapable to state their proposal and the 8 points that constituted the movement and that the protests against Nano are considered to be the highest peak of the movement itself- because they created a model that would later on be followed by other parties and groups such as the opposition in its protest "Nano Leave" or the Socialist Movement of Integration and the Movement for National Development (Veliaj, 2004f), - making clear that the movement would not collect more activists than in this case, it means that are created the conditions to change this strategy. These new conditions will make some of leaders and other activists leave the movement to create a political party or to join other political entities in the days to come. This how was created the G99 Party (Veliaj, 2009a), or the case of Besjan Pasha, one of the first activists (Pasha, 2003e) who joined the Youth Forum of the Socialist Movement for Intergration (Pasha, 2010); the case of Ralf Gjoni, founder of MJAFT Club London (Gjoni, 2006), joined the rest to create G99 and later on join SMI etc (Gjoni, 2012).

Founding G99 as a pretense to continue with the movement and its rhetorical presence.

Attempts to delineate this movement as a citizen movement with no political affiliations cease to exist in the moment when some main leaders decide to leave the movement to create the G99 party and to be part of the coalition of the Socialist Party in the general elections of 2009(The alliance for change, courage to Albanians, 12th May 2009), even though they previously declared that

We desire to state clearly since the beginning that MJAFT! Does not support and is not supported by any political party in Albania. MJAFT! Is not identified with any of them and does not defend their interests. MJAFT! Was created and will continue to exist as the voice of the citizens against the Albanian political elites (Veliaj, 2004g).

In this sense, we can say that the leaders of the movement and the movement itself lost the moral and ethical connection with the citizens that believe that this structure would not be affected by any political parties and would continue to speak up for them, a conviction that was lost in the moment when they met with Fatos Nano and "forgot" to mention their cause on the table and leaving to create a new party and a new coalition. Despite that Mr. Veliaj continues to say that we will follow the battles started earlier (Veliaj, 2014a), it happened that they changed the route of their discourse and started to deal with education and youth employment (Veliaj, 2009 b), without taking in consideration that the political institutionalization is a facilitating space to further articulate their primary 8 goals. Becoming part of the coalition of the Socialist Party, in the general elections of 2009, stating that the Socialist Party itself would not base its campaign on a written political program but on the motto "beyond left and right" - the rhetoric on these two issues was totally controlled by the discourse on the party leaders such as: "some naive and some skeptics announced that today would be declared the left coalition but we say to them that today we are announcing the coalition of the citizens, because our desires, dreams and passion is not exclusively left or right" (Veliaj, 2009c). The above formula, both personal and all inclusive, gives path of a sense of familiarity between people and Mr. Veliaj, whose final goal what to make those words stuck to people's minds because:

In this way, the imposed things, standardized, general and functions appear to be "especially for you". There is not huge difference if the people addressed in this way, believe it or not. Their success (familiarity) shows that it incites self-identification of individuals with the functions that the things and other fulfill (Marcuse, 2006a: 111).

In long term, this communicative approach is strengthened by the self-identification of the function and the individual that commits it, when the speaker relies on the external language grammar. He is obliged to rely on a simple language because a compound sentence structure requires to be repeated often and it also makes the people wonder for it deeper meaning

that rarely matches the real meaning of the object we are talking about and putting in difficulty the speaker through listeners critics. On the other side, a complicated discourse can be characterized by the impossibility of the voters to decode the message, leading to an abandonment of communication totally due to meaninglessness, tiredness or boredom created by the complicated syntax used in the discourse. Said this, a simple language, a pragmatic reasoning, - especially when the speaker himself says that "the history of G99 is the history of a group of dedicated, successful that left their lives apart and dedicated themselves to the public sphere, giving spirits to G99-s" (Veliaj, 2009d)-, creates a direct relationship with functional content and immediate activating influence to the voters. With the formalization of language, Mr.Veliaj, does not only change the relationship looking for hospitality by the listeners as a participant who is using their language, creating a communicative action between two participants who use the same language:

After a word becomes official, repeated often by the "intellectual (speaker)", its abbreviation loses its value and simply serves to the acceptance of an irreversible fact. This style is so powerfully concrete and the thing equated with its function are more real than the differentiated thing from its function (Marcuse 2006b: 114)

Meanwhile, the discourse has to be delineated on an interconnected syntax compound not only qualitative words, that signify general or special physiological, social or cultural characteristics... but it contains as well metaphysical definitions. Such forms facilitate the use of expressions that are all inclusive, massive, with deep spiritual and psychological influences that does not allow reflection or critics by the others, thanks to its operational character that reduced each meaning that can come from the collaborative thoughts of those participating in the discourse: That is why Mr. Veliajsaid that

The problem we have today is that Albania is not any more the country of opportunities. With all those talents and capacities of our children, if they do not have the right surname or the right connections with those in power, they cannot be successful. That is why this coalition wants to create equal chances for everybody, despite their surname. Everyone has to have the chance to create his path despite our surnames or connection with those in power. Someone has to be successful in Albania even though he is not the child of a politician or of the prime minister (Veliaj, 2009e)

This lingual formulation expands the communication in two parts; first in a communication that is generated by the message and secondly as a communication generated by the interpreter, making possible the complete distribution of the message (Wadensjo, 1998). Erion Veliaj, to make possible the success of his message, has to bring his communication within the so called "interactive conversations as a way that gives in the responsibility on what he thinks he has to do and want the others (voters) think he will do" (Wadensjo, 1998a: 2), as was the case when he said that:

Based on the coalition, does not exist a left or a right way to cure children or to teach them c technology. "The Alliance for Change"will offer to Albanians equal chances after the elections of 28th of June, because the desires, dreams and our passion are not exclusively left or right (Veliaj, 2009f).

This means that when the role of the interpreter(speaker) is perceived as an interaction or when his role is analyzed by the right listeners, it becomes clear that the message will be perceived and transmitted to all participants as a communicative consequence (Wadensjo, 1998b). All this means that

In the nods of political discourse appear self-verifying and analytical sentences that function as magical ritual formulas. Injected in people's mind, they produce the effect of closure within some conditions that are described by the formula (Marcuse, 2006c: 107).

The conscience of signifying in the public discourse of many similar concepts does not prevent Mr.Veliaj to think that mingling contradictory concepts and serving them to the audience would enrich the "polarizing" nature of the discourse as is the sentence "this coalition goes beyond left and right" (Veliaj, 2009g). Of course this form surpasses any kind of ideology and logic, creating in people's mind and emotions metaphysical and transcendental images but it can also be dissolved if they are not followed by expressions that delineate content and influences that keep more or less the discourse alive. According to the rhetoric speaker, this has to happen when everybody believes on the cause and most of all they keep alive the debate within the communicative process, saying that it is the only way to achieve the utterance possibility in its continuous repetition of the utterance itself. More over Erion Veliaj said:

Something wonderful is happening in Albania, where youth, as you, in Tropoja, Kavaja, Gjirokastra and everywhere, are being organized and this magic is called change. It is the obligation of our generation to make this magic a reality by winning the elections of 28th June (Veliaj, 2009h).

It comes as no surprise, because Mr.Veliaj knows that non inviting people in communication, in the moment when the political programs is absent, destroys the discourse, losing the chance to hope in a party where:

The candidates of G99, despite their age and political experience, have learned to be patient and to go after to the voters thanks to their passion to change the public sphere in this country and to put it in service of the simple citizens and not to some privileged families of politicians, prime ministers or ex-prime ministers (Veliaj, 2009i).

Losing the basic goals that founded the movement, in the moment when they joined a party and a political coalition means that

The universe of discourse, were the opposites have been united, has a solid basis for such unifications- its convenient destructivity. The unification of opposites that characterize the commercial and political style is one of the many ways where the discourse and communication get immunity against the expression of the protests and of refusal (Marcuse, 2006d: 109-110).

Conclusions/ suggestions

This theoretical and methodological study opens a possibility to study, identify, comprehend, evaluate and solve some problems that different social groups face in their daily lives. It will also help to configure a broader point of view on the continuity of the social relationship within a state or abroad. In this sense, this paper tried to analyze how the misuse or personal use of a social movement can be negative and by personal use we mean being interested only to gain power and leave apart the causes that created the movement in the beginning. This destroys the common visions of the protests, both in the period when MJAFT was a movement and when she transformed itself into a political party. The leaders of these movements have to be aware of the face that the use of the movement for personal political gains can destroy people's trust in them. This means that as long as use these mechanisms for themselves the structure and its actions will fade out and would outgrow the distrust in their supporters and activists. But in the same time this rage can motivate people to re organize and act against the policies that articulate and will be articulated by the ex-leaders or party leaders.

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The Franciscanism of Ignazio Silone/Il Francescanesimo di Ignazio Silone

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Abstract

Ignazio Silone, one of the last “maestri” of the Italian literature, the intellectual who never betrayed his conscience, will be analysed in our scientific research concerning his franciscanism and how the “Poverello di Assisi” along with Francis’s evangelic faith have influenced the tormented Italian writer. An old friend of the protagonist named Pierro Spina writes at Silone’s novel *Vino e pane*: “creare un regime all’ immagine dell’ uomo”, isn’t this, what Francis had proclaimed in his entire life, combating the human limits in order to reach his “Precious Goal”? Everyone has a goal in life and Silone achieved his through pure religious and political faith maintaining a high level of dignity throughout.

Keywords: Ignazio Silone, franciscanism, Poverello di Assisi, faith, dignity.

1. Introduction

*“La perfetta letizia non può essere che nella perfetta dedizione di sé a Dio ed agli uomini, a tutti gli uomini... La nostra vita deve essere un cantico ed un olocausto di fraternità universale in Cristo Gesù”*¹. Using Don Orione’s words, Cardinal Angelo Sodano started his speech in the Comunità dell’ Ufficio delle poste della città del Vaticano on Tuesday, March 12 in 2002. Words which take us back to the period of time when Francesco taught frate Leone about absolute happiness/“la perfetta letizia” (*Fonti Francescane -FF*, 2004: 1148-1149 [Fioretti]).

In order to understand Silone’s Franciscanism, we need to elaborate on his relation with Luigi Orione, the Saint of our times, who taught the Franciscan ideal of God’s Poor Little man of Assisi/Poverello with his life and work.

2. The influence of Luigi Orione in the life of Ignazio Silone

This enlightened clergyman took teenage Secondino Tranquilli –Silone’s real name- after the earthquake in Marsica and instilled love of “pure” evangelical faith into him through his life and work, in a way completing the stories regarding evangelical excerpts which he heard from his mother. Orione is the personification of love. In 1915 for the first time Silone sees Luigi Orione take orphans from Pescina, which is destroyed by a massive earthquake, in order to offer them accommodation and affection. A year later, it is Silone’s turn to follow Orione when the former’s grandmother entrusts him to the latter’s care. The writer himself gives a full account of the trip to San Remo with “this strange clergyman” as his fellow traveler. This is the night which marked his whole life and signaled the beginning of a revitalizing relation for the young traveler. The two years which he spent in Orione’s schools constitute the beginning of his spiritual pursuit which lasted for his whole life. He describes the feelings aroused by the figure of this outstanding man with the following words: *“Risentirò la pace nel mio cuore, il sorriso sulle mie labbra, sentirò le parole dolci del suo cuore consolato e sulla mia fronte di nuovo pura il suo sguardo umile e buono”*². Luigi Orione’s steps into the world are steps of love and offer to those in need and his respect for St Francis of Assisi is reflected in his deeds throughout his life. The words cited below belong to him:

*“Quando andrete nell’ Umbria avrete la fortuna di andare a Greccio. Io ci fui parecchie volte.
San Francesco, tornato dalla Palestina, ancora infervorato dalla visione dei luoghi santi,*

¹ Available: http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_doc_20020312_festa-beato-orione_it.html

² Available: http://www.tracce.it/?id=266&id2=286&id_n=9936

volle che anche in Italia si facesse il Presepio vivente. Noi dobbiamo tornare ai primitivi tempi, al primitivo presepio, e si fa del bene" (Scritti V, 212)¹.

In the 1930s, inspired by the God's Poor Little man of Assisi, he embarked on the organization of live nativity scenes for the celebration of Christmas, which was a great success² in the very same way as Francis had done three years before his glorious death, on Christmas night³ 1223 in Greccio⁴. Great figures like St Francis of Assisi and Luigi Orione constitute role models of social mercy/"di carità sociale". Saints are the real illuminators of history since they are men and women with faith, hope and love. This thought by Benedetto XVI (Benedict XVI, 2005), taken from the circular "Deus Caritas est", reflects Don Orione's life and work. *"I santi sono i veri portatori di luce all'interno della storia, perché sono uomini e donne di fede, di speranza e di amore"*. This thought of Benedetto XVI, taken from the encyclical "Deus Caritas est", presents the character of Don Orione. How could it be possible for teenage Silone not to be affected by this stance on life and not to embrace the quality of life which evangelical faith encompasses, as a pure ideologist that he was? Blessed Orione deeply influenced not only the formation of teenage Secondino Tranquilli's character but his work as well since in almost all the romanzi we perceive his figure under a different name each time. We see him in the wonderful chapter "Incontro con uno strano prete" of the narrative entitled *Uscita di sicurezza*, as well as in *Vino e pane* as "Don Benedetto", in *Una manciata di more* as "Don Nicola" and as "Don Serafino in *Il segreto di Luca*. How could little Secondino not be influenced by the man who gave him his life back and led him to Jesus Christ? Silone, himself, writes:

"Avevo creduto di finirla una volta con quell'alternativa del bene e del male e mi sono disilluso. Ero come l'ubriaco caduto nel fango che vuole e non può rialzarsi e che finalmente cessa ogni sforzo e s'addormenta per terra, ma basta una lettera del prete di Tortona e non so perché quelle parole così ordinarie e semplici svegliarono in me la voce della coscienza (...) con una lettera nemmeno indirizzata a me, mi ha ricondotto a Gesù". (Di Nicola & Danese, 2011: 71)

3. The francescanism of Ignazio Silone

Ignazio Silone was one of the greatest Italian literary men in the 20th century. All his books seem to have been written with the aim of helping the poor and those suffering in the world. In this way, Silone appears to be another Francis, always ready to stand by his beloved poor peasants/ "amatissimi suoi cafoni" as Francis stood by every hard-hit "brother". Overall, his work unmasks deception all around and within us. He describes the life of simple laborers who try, in vain, to defend what little they have left in order to survive, struggling to do so against the "suffocating reality in that era", which is the canker of every period of time. Today this is the case more than ever before. It is as if he mirrors our time and its interests which appear more threatening and full of avarice than ever, especially to the peoples of the South! In his work, love of chaste life and pure, evangelical belief in God are pervasive, freedom and love acquiring the form of generous offer sometimes even through self-sacrifice.

He expresses his objection to any form of ownership. He writes in *Vino e pane* that one day we will destroy evil and this will be done when we renounce any kind of ownership, which constitutes "the dog's leash" which keeps us tied, adding that only those who have no "evil of ownership" will be redeemed⁵. We can see that Francis, Bernardone's son, puts the

1 Available: <http://www.messaggiidonorione.it/articob.asp?ID=498>

2 *The success was greater than expected* as mentioned in the newspaper article *La stampa del 28.12.1932: "Successo vi è stato e grandioso e lo dimostra la folla convenuta in numero strabocchevole soprattutto dall'Oltrepò e dalla zona montana, con ogni mezzo, per vedere il presepio vivente, e si calcola che oltre 40.000 siano le persone che vi hanno assistito lungo la romana Via Emilia"*. The newspaper *Il Corriere della sera* on 28.12.1932, makes mention of Don Orione with the following words: "Questo sacerdote dal nome astronomico è un tipico esempio della umana bontà senza riposi, senza ambizioni e senza enfasi. (...) Don Orione ha infine benedetto la folla che ha elevato canti e inni religiosi, conferendo alla scena un significato di viva commozione e di alta spiritualità" (vid. Peloso 2006).

3 It refers to the Christmas night in 1223. As mentioned by Bonaventura (FF, 2204: 674-675 [Leggenda Maggiore]), Francis with the Pope's assent requested that the Mass be celebrated on a "movable altar", which was uncommon at the time.

4 *Se vuoi che celebriamo a Greccio il Natale di Gesù, precedimi e prepara quando dico: vorrei rappresentare il Bambino nato a Betlemme, e in qualche modo vedere con gli occhi del corpo i disagi in cui si è trovato per la mancanza delle cose necessarie a un neonato, come fu adagiato in una greppia e come giaceva sul fieno tra i buoi e l'asinello"* (FF, 2004: 305-306 [Vita Prima]).

5 *"L'ingordigia della proprietà è come la catena del cane. Non si salvano quelli che hanno l'ingordigia della proprietà"* (Silone, 2012: 116).

renunciation of ownership into action since he takes off all his garments and his underwear, lays them on the ground and stands naked in front of all those present, returning to his father all that belonged to him (FF, 2004: 258 [Vita prima]). This very same thrilling scene is witnessed again in *L'avventura di un povero cristiano* as Pope Celestino V gives up the papal throne when we see him taking off the ring, the miter, the stole and the cope, putting them on the floor next to him and putting on the simple, rough cassock of a hermit again. In the famous *Fontamara*, Silone writes about our times:

“Il vero dio che ora effettivamente comanda sulla terra, il denaro. E comanda su tutti, anche sui preti come don Abbachio, che a parole predicano il Dio del cielo. La nostra rovina, aggiungeva Berardo, forse è stata di aver continuato a credere al vecchio dio, mentre sulla terra regna un altro”.

In his first book, he unfolds his faith in life and religion, both away from secular interests. He seeks simplicity purity in both interpersonal relations and his contact with the divine factor. In his book *Vino e pane*, he mentions:

“Nel catechismo, che da ragazzo mi hanno fatto imparare a memoria, stava scritto: le opere di misericordia sono, dare da bere agli assettati, vestire gli ignudi, ricoverare i pellegrini, curare gli infermi [...] Non c'era scritto, curare gli infermi che la pensano come te. C'era scritto curare gli infermi, senz'altro. Non so se mi sbaglio”. “Per Cristo bisognerebbe aiutarli”.

An offer to all making no distinction. This is what was taught by Francis, who mistrusted the educated but who opened his heart without any reservation to the outcast, the poor, the thieves. At the beginning of the Rule of the Order, he inscribed “Every human who comes to their brothers, friend or enemy, thief or robber should be accepted with kindness” (Joergensen, 1951: 165). In *Specchio di perfezione* (FF, 2004: 1064 [Specchio di Perfezione]), a relative incident which concerns the early years of the Order is mentioned and he relates the service offered to thieves by the frati minori that lived in the retreat of San Sepolcro¹ which resulted in their repentance and, for a number of them, their induction into the Order.

In romanzi *Fontamara*, *il Segreto di Luca*, *Vino e pane*, there is a ‘fellow traveler’, devoted to the hero, just as frate Leone was a loyal friend, companion and fellow traveler of St Francis. Luca, Berardo and Pietro Spina are human beings ready to live and die for noble ideas or deep love; people beyond reproach with a strong sense of duty for the others and the society they dream about. Next to them always stand an anti-conformist clergyman –for Silone, one such guardian angel was Don Orione ‘his own anti-conformist clergyman’- and a woman who platonically admires their integrity and their principles, as Santa Chiara² admired and respected the man who gave meaning to her being and opened her road to a life next to Jesus Christ, God’s Poor Little man of Assisi.

In *Vino e pane*, there are multiple references to St Francis of Assisi. Among the most typical ones, we can mention that of the hero don Paolo/Pietro Spina conversing with birds:

“Intanto una flotta di passerì e qualche colombo selvatico gli saltellavano e svolazzavano attorno come in un’uccelliera. Ad alcune donne che osservavano la scena da lontano, parve, ad un certo momento, ch’egli parlasse con i volatili [...] “il tuo prete” esse dissero a Matalena “conversa con gli uccelli, come San Francesco”.

In the famous work *L'avventura di un povero cristiano*, we find Matteo asking Concetta if she converses with birds: “Concetta che fai? Parli con gli uccelli?” Scenes which bring to mind the Prayer to birds by St Francis/predica agli uccelli di San Francesco. (FF, 2004: 289 [Vita prima]).

Next, we have fra Gioacchino’s self-characterization: I am God’s Ass/“Sono un asino del Signore”, a simile used by St Francis when he referred to his body as a brother ass/“fratello asino”(Joergensen, 1951: 155-156). Divine Providence constitutes a basic element in Silone’s romanzi. Expressions such as God will give it to us/“Dio provvederà”, Providence has sent you/“E’ la provvidenza che vi ha mandato” disse, baciandogli la mano”, an inspiration from Providence/“un’ispirazione della Provvidenza” are found in all 4 romanzi and as we all know Providence was the foundation stone in Francis’ life. The greeting “Pax vobiscum” (Silone, 2007: 79) which is met in *Il Segreto di Luca* constitutes a paraphrase of, God

¹ It is the monastery on mount Casale.

² For more information on the personality and life of Santa Chiara, vid. Spinola (2008b, 2014).

give you peace/ “*Il Signore ti dia la pace*” (FF, 2004: 101 [Testamento]) by San Francesco. In *L'avventura di un povero cristiano* is heard the Franciscan greeting “Peace is with you!” “*La pace sia con voi tutti*” (Silone, 2013: 66). Silone's heroes are all good Christians, with the evangelical meaning of the term Christian; people who hold no grudge and who are led in life by unselfishness, love and offer to those around them and society, as a whole; people who lead a difficult life, with hardships though free from meanness or malice, which poison one's soul; people who are unshakable in their faith in a broader sense, indicating the unshakable belief and interminable struggle for a noble aim which leads them to catharsis. All of them –Luca, Berardo, Pietro Spina and most of all Celestino V– are little Francis; pure and, at the same time, strong personalities, unreconciled with the social and the religious status quo of their times. In *Vino e pane*, Cristina's discovery is fundamental; she ascertains that intellectual life cannot be compatible with a life full of security. In order to be saved, one has to take risks/ “*Vita spirituale e vita sicura non stanno assieme. Per salvarsi bisogna rischiare*”.

In his work *L'avventura di un povero cristiano*, a narrative that turns out to be regarded as a sort of instruction, Silone's ideology regarding religion unfolds in front of us. The environment in which the main characters move is clearly Franciscan; on the other hand, the figures of authority apparently insulted the intellectual inheritance of the God's Poor Little man of Assisi.

In the introduction of his book, Silone states that his Christianity is due primarily to his family. He shares the evangelical parables which his mother narrated to him during his childhood and his teenage years with us and admits that he does not hesitate to believe rebels are more devoted to Jesus Christ.

He starts his narration admitting that he first visited those places with his family on a pilgrimage and he argues that he does not know to what extent the stories and the eulogies for saints/martyrs which he heard at a tender age touched him and formed his way of thinking. The region from the middle ages to the end of the 18th century was the place of the “*spiriti eletti*” and proved to be the place which housed and supported the *fraticelli detti spirituali*, when they distanced themselves from the *francescani conventuali*. Silone, himself, states that it was the land of the chosen and that of utopia. If utopia has not died/got lost either from religion or politics, it is because it answers a deep human need/ “*È stata la terra di elezione dell'utopia. Se l'utopia non si è spenta nè in religione, nè in politica, -afferma lo stesso Silone-, è perchè essa risponde a un bisogno profondamente radicato nell'uomo*” (Silone 2013: 23).

L'avventura di un povero cristiano is Ignazio Silone's only work whose plot does not refer to the contemporary political reality. However, this is only superficial. In reality the only thing this outstanding literary man is interested in is to reveal personalities who fight for freedom and dignity against any form of violence. And franciscanism constitutes a form of revolt.

The book is a praise of *fraticelli spirituali*. Many personalities of *spirituali* are mentioned in it, such as Pietro da Fossocombre renamed Angelo Clareno and Jacopone da Todi. The *spirituali's* struggle unfolds in its pages and reminds us of San Francesco's struggle against frate Elia.

Frate Ludovico characterizes frate Elia “*infame*” in Silone's work:

FRA LUDOVICO: *Le sue parole (cioè quelle di San Francesco) furono tradite prima ancora che lui morisse, dall' infame frate Elia, con l'appoggio del papa e dei vescovi. Nel concetto francescano della povertà essi vedevano un pericolo per i loro privilegi e quelli delle loro famiglie.*

DON CONSTANTINO: *La regola del 1223 contiene precetti più ragionevoli. Perchè non seguite quelli?*

FRA LUDOVICO: *Vi furono inseriti contro la volontà di San Francesco. La testimonianza di frate Leone non lascia dubbi in proposito. Il Poverello ne rimase ferito a morte.*

In reality, frate Elia was the means which opened the road to *fratelli conventuali*. Francis' animosity towards Elia was such that he answered the following when the latter asked him where his enmity derived from: “*La cagione si è questa, imperò che a me è suto rivelato da Dio che tu per i tuoi peccati apostaterai dell'Ordine e morrai fuori dell'Ordine, e anche m'ha lddio rivelato che tu sei dannato*” (FF, 1986: 945 [Fioretti])

Aiming to reveal why, in our opinion, Silone got engaged in writing this work, at this point we should make mention of what frate Elia represented for the franciscan spirit. Silone ardently supported the purest expression of the Christian belief, the belief in Jesus Christ's steps as experienced in life by Poverello and as expressed by the fratelli spirituali, the people who continued Francis' intellectual inheritance¹. He fights against the source of all evils, which is the temptation of power, and has aligned himself with Celestino's statement against Bonifazio's arrogance: in this deplorable century the honor to bear the name of Christian has been bestowed on "those poor creatures"/ *"in questo triste secolo, l'onore del nome cristiano sia affidato a quei poveretti"* by God. The war the conventuali declare against humbleness is Silone francescano's war against the arbitrariness of authority. Frate Elia represents this arbitrariness within the Order. Understanding the contrast between Francis and Elia will help us comprehend the problem of discord which Silone examines and which constitutes his cry of anxiety.

There are multiple accusations against frate Elia and they come from different sources². The 13 accusations of Salimbene (*vid. Dallari, 1970?: 49*) are well-known. Ubertino (*Dallari 1970?: 50*), who writes in 1305, places frate Elia against the will of St Francis and presents him as "*spiritus diaboli*", as "*frate superbo*" and as "*un bastardo dell'Ordine*"³. Giano, Eccleston και Salimbene accuse Elia mainly of despotism. For *Speculum Vitae*, Elia "*maximam destructionem Regulae praetendebat*" (*Dallari, 1970?: 50*) does not do anything else but transgress sacred poverty.

Frate Elia disagreeing with the Rule which Francis wrote visited him in Monte Colombo where the saint was with frate Leone, his loyal companion and frate Bonizo da Bologna in order to draw up the Rule of the Order. He went along with the other ministri who belonged to the subsequent movement of the conventuali, with the aim to dissuade him from drawing up a strict set of rules and regulations. Francis, then, as mentioned in *Leggenda Perugina* confronted him saying:

«Francesco uscì e vedendo i ministri chiese: "Cosa vogliono questi fratelli?"

Rispose Elia: "Sono dei ministri. Venuti a sapere che stai facendo una nuova Regola e temendo che sia troppo aspra, dicono e protestano che non intendono essere obbligati. Scrivila per te, e non per loro".

Francesco levò la faccia al cielo e parlò a Cristo: "Signore, non lo dicevo che non ti avrebbero creduto?" E subito si udì nell'aria la voce di Cristo: "Francesco, nulla di tuo è nella Regola, ma ogni prescrizione che vi si contiene è mia. E voglio sia osservata alla lettera, alla lettera, alla lettera! Senza commenti, senza commenti, senza commenti". Aggiunse: "So ben io quanto può la debolezza umana, e quanto può la mia grazia. Quelli dunque che non vogliono osservare la Regola, escano dall'Ordine!".

Si volse allora Francesco a quei frati e disse: "Avete sentito? Avete sentito? Volete che ve lo faccia ripetere?"».

(FF, 1986: 859 [*Leggenda perugina*])

Angelo Clareno⁴, the name given to Pietro da Fossocombre after the foundation of the religious group of the "Pauperes heremite Domini Celestini" extensively refers to Silone's work, as Silone is the person who genuinely continues San Francesco's work and as the intimate and like-minded friend of Pope Clemente V. Angelo Clareno claims that Elia is nothing

¹ *Vid. Spinoula (2009)* about Francis' worldview on poverty.

² *Vid. Spinoula (2008a)*.

³ "*Un bastardo dell'Ordine*" as Francis himself called him: "*Helia, Helia, tua fastosa pompositas et carnis prudential et tui simillium ordinem meum ducent ad nihilum et totam paupertatem evangelici spiritus evacuabunt*". Because God wanted him to be the Vicario of the Order, the sweet God's Poor Little man of Assisi felt compelled to say: "*Sed stupendum est de isto Deo qui talem te cognoscit et vult quod in tuis minibus ordinem derelinquam*".

⁴ Clareno (FF, 2004: 1424-1425 [*Libro di tribolazioni*]) says: "*Questi è mio servo Francesco che mi sono scelto e ho posto in lui il mio spirito. Gli ho domandato di fare quanto ha fatto e di scrivere la Regola che sta scrivendo; la vita e Regola che scrive è mia e viene da me, non da lui. Chi ascolta lui, ascolta me; chi disprezza lui disprezza me. A coloro che chiamerò a osservare questa vita e regola, conferirò lo spirito di fortezza per osservarla. Ma voglio che questa Regola sia osservata alla lettera, alla lettera, alla lettera*".

but a heretic and distorter of the franciscan spirit and that his sanctity is fake like his relation with their Francis. He ends by saying that he is a subverter¹:

His opposition to the Rule of the Order is perceived in the famous Capitolo generale delle Stuoie, in which 5,000 brothers and Cardinal Ugolino, later Pope Gregorio IX, participated. Most of the participating brothers were educated and belonged to the progressive, renamed conventuali. They were the ones who asked Ugolino to put pressure on Francis to accept to be guided by them who were educated so that they could lead a life based on the Rule of other Orders. Francis, however, remained adamant and replied with the following words:

«Fratelli, fratelli miei, Dio mi ha chiamato a camminare la via della semplicità e me l' ha mostrata. Non voglio quindi che mi nominate altre Regole, nè quella di sant' Agostino, nè quella di san Bernardo o di san Benedetto. Il Signore mi ha rivelato essere suo volere che io fossi un pazzo nel mondo: questa è la scienza alla quale Dio vuole che ci dedichiamo! Egli vi confonderà per mezzo della vostra stessa scienza e sapienza. Io ho fiducia nei castaldi del Signore, di cui si servirà per punirvi. Allora, volenti o nolenti, farete ritorno con gran vergogna alla vostra vocazione».

Stupi il cardinale a queste parole e non disse nulla, e tutti i frati furono pervasi da timore».

(FF, 1986: 860 [Leggenda Perugina])

Elia schemes to oust Francis from the leadership of the Order and he deceitfully seizes the Rule from frate Leone's safe keeping, writes Clareno (as cited in Dallari, 1970?: 50-51). On top of that, Clareno continues that Elia arbitrarily teaches things differently from what Francis loved and taught and deliberately made much of what he had heard and seen from the founder of the Order of Lesser Brothers sink into oblivion (FF, 2004: 1431 [Libro di tribolazioni]).

Sabatier (1904), on the other hand, implies that frate Elia's missionary zeal is perhaps due to his personal interest in removing all the brothers who were attracted to adventure and were less devoted to his authority. What is important is that he succeeds in changing the balance within the Order.

Fra Pietro di Angelerio, who later became Pope Celestino V, ardently advocated the spirituali, who were persecuted by the religious authorities, and gave them refuge. More specifically, as far as Pietro da Fossocombre is concerned, Silone writes: *"Egli viene iniziato alla coscienza del pensiero autentico di San Francesco, dal suo discepolo più caro e fedele, frate Leone. Per questo voi lo odiate e lo perseguitate come un bandito"* (Silone, 2013: 58).

In parenthesis, at this point let us confirm what frate Leone, who was Francis' intimate friend and ardent supporter of divine poverty, said. He is the only one to whom Francis left a written blessing, in which Tau-croce cuts Leone's name in half pointing out that he belonged to the chosen, *"segnati in fronte dal segno della salvezza"* (Cf. Ez 9,4; Ap 7,1-10).

The blessing to frate Leone/ Benedizione a frate Leone, in the original text is the following:

«Il Signore ti benedica e ti custodisca;

Mostrì a te il suo volto e abbia misericordia di te.

Rivolga il suo volto verso di te e ti dia pace».

(FF, 2004: 177 [Benedizione a frate Leone])

Frate Leone writes a second red-ink title just under Francis' blessing:

¹ *"Subtilitatibus philosophiae frater Helyas deditus, qui secreta post se trahebat catervam subversorum a spiritu cupiditatis et vanitatis, et sibi ipsi aperiebat lacum et fodiebat et quia seductus incidit et defect. Nec intelligebat consilia et astutias et adibutiones Sathanae, quibus ignorans per alias vias et expediebat itinera et semitas dirigebat, Christo in fundatore repugnans..."* (Clareno, as cited in Dallari, 1970?: 50).

«Il beato Francesco scrisse di sua mano questa benedizione a me, frate Leone:

“Il Signore benedica te, frate LeTone”

(FF, 2004: 177 [Benedizione a frate Leone])

Under the point of Tau (T), there is a third red-ink title by frate Leone: “Allo stesso modo fece questo segno thau col capo, di sua mano”¹.

As far as Pietro da Fossocombre is concerned, Silone mentions that fra Pietro di Angelerio had just decided to accept the papal throne and, while he was still in his hermitage, San Onofrio on mount Morrone, he called his confidant fra Ludovico, asking him to inform him as well as some more people of his absolute trust at once, so that they wait for him in Aquila because he was in dire need of them (Silone, 2013: 96).

Thus, we see that Silone focuses on the special relation between the two men, a relation that they both served faithfully and with fervor. For his part, fra Pietro as Pope Clemente V decided to integrate Pietro da Fossocombre into a new brotherhood named di “*pauperes eremitae*”, so as to put an end to the persecution he underwent. Thus, Clarena and his followers lived in a hermitage, far away from the conventuali.

The new pope, Pope Clemente V, unfolds his personality in Silone’s work *L’ avventura di un povero cristiano*. It is an evangelical personality, free from the ambition of secular authority and luxury that his office offers him. He is presented as a real hermit, as the person who continues the evangelical poverty, as the ardent supporter of the Franciscan ideal when it comes to both his dress, which is described as remarkably simple since he wears only a white cassock and has a wooden cross around his neck! “*Egli veste un semplice camice bianco e reca appeso al collo un piccolo crocifisso di legno*” (Silone, 2013: 99), and to his everyday habits.

When he lived in his hermitage, he was in the habit of playing and talking with the animals. He spoke with a fox he called “suor Giuseppina”, a snake he called “suor Concettina” and a cricket he called “don Cicillo”. Just as Francis he said: “*fratelli miei uccelli*”, “*sorelle mie rondini*”, “*fratello leprotto*”, “*fratello pesce*” (FF, 2004: 290-291 [Vita prima]), “*frate lupo*” (FF, 2004: 1170 [Fioretti]), “*frate fagiano*” (FF, 2004: 473 [Vita seconda]) and as Celano mentioned in “*Vita prima*”, he called all the creatures with the name brother or sister/ “*chiamava tutte le creature con il nome di fratello o sorella*” (FF, 2004: 303 [Vita prima]). Silone finds one more similarity between Francis and fra Pietro as, according to his companions fra Bartolomeo, fra Angelo and fra Ludovico, it is unthinkable to interrupt him during his prayers even if it is the king himself who is calling him. We ought to note at this point that it is no coincidence that the writer of *L’ avventura di un povero cristiano* places 3 companions next to fra Pietro. It is a parallelism with Francis’ three companions Leone, Ruffino and Angelo. In addition, frate Bartolomeo’s admitted that many times when the Saint of Morrone prayed, the mountain was wrapped in a pure, supernatural light. Joergensen in his “*St Francis of Assisi*” cites the same. He writes that when Francis prayed in the forest, he was wrapped in a sparkle. (Joergensen, 1951: 260).

After that, Silone has fra Pietro di Angelerio ardently support the purity of the Franciscan teachings with the following words: “*È l’interesse dell’intera cristianità che l’insegnamento di San Francesco sia salvaguardato in tutta la sua purezza*”. As a Pope, he then tries to convey this superficial simplicity of the teaching which hides the greatness of the holiness inside itself to the friars who are presented by Silone to be annoyed, with these words: “*L’ intera esistenza di un cristiano, [...], ha appunto questo scopo: diventare semplice*” and he continues: “*Il cristianesimo infatti non è un modo di dire, ma un modo di vivere*”. In these two sentences, however, the life and the work of the God’s Poor Little man of Assisi are summarized.

He tried to continue this simple life even after his enthronement. Nevertheless, we see that he becomes an object of derision and mockery by the cardinals and the papal court.

¹ Between the second and the third red-ink title, in the parchment, there is a drawing with a big cross in the shape of Tau, planted on a mountain roughly outlined, in which there seems to be a head wearing a headpiece wrapped in a turban. As mentioned in *Leggenda aurea* by Jacopo da Varace (FF, 2004: 177 [Lodi di Dio Altissimo]), the Tau is Jesus Christ’s cross planted on Adam’s grave and symbolizes the redemption of all the mankind. The cross shaped in Tau cuts Leone (LeTo) in order to signify that this particular brother belongs to the chosen who have the sign of salvation on their forehead.

4. Conclusion

The dual nature of the Catholic Church is embodied in the two main characters of the work: Pope Celestino V and Cardinal Caetani, who afterwards ascended the papal throne as Pope Bonifazio VIII. While Celestino puts the Word of God into practice, cardinale Caetani sees church as a political party which, in return, asks its supporters not for their vote but for their soul. We could go even further and assume that we are all Pope Celestino, all of us who still believe in ideals and values. Certainly, the writer himself, Silone, is one of them. On the other hand, we have the Bonifazi of this world with Pharaonic behavior, who are pitiless, in their effort to prove that a battle against them would be catastrophic. In this unequal battle, Silone's Christianity is emphasized as love for the less privileged of this life, a kind of Christianity in conjunction with socialism as a service to man, not as a political power focusing on the privileges of state power.

We all wish the bitterness expressed in Silone's note: the usual story/"la solita storia"⁴⁰ when he sent *L'avventura di un povero cristiano* to his editors in March 1968 to be converted into happiness and enthusiasm in people's souls as described to us by Petrarch in *De vita solitaria*: "*La gioia e l'entusiasmo della sua discesa testimoniano quanto l'ascesa fosse stata triste e contaria alle sue aspirazioni. Da persone che lo videro ho sentito dire ch' egli fuggì con immensa gioia, portando negli occhi e nel volto i segni della sua letizia spirituale, quando, libero finalmente e restituito a se stesso, si allontanò dal concilio quasi avesse sottratto non le spalle a un peso moderato, ma il collo a una terribile scure, sicchè risplendeva, nel volto di lui, non so che luce angelica. E non a torto: ben sapeva infatti che cosa andava a trovare, e non ignorava quel che lasciava. Dalle fatiche ritornava al riposo, dalle discussioni inutili ai colloqui divini, abbandonava la città, andava con l'animo e –se l'astuzia del successore non vi si fosse opposta- andava con il corpo su di una montagna aspra e scoscesa, lo ammetto: ma di là gli si sarebbe aperto facile il cammino fino alle cose celesti. Oh magari fossi vissuto con lui!*"(Silone, 2013:228-229)

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Cooperation Between Albania and Kosovo and Its Impact in Strengthening the Rule of Law Against Transnational Organized Crime, 2008-2015

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Abstract

Transnational organized criminal activities and local activities have affected both countries, Albania and Kosovo. Meanwhile, transnational crime with transnational and local base Albania-Kosovo, is of interest and influence, therefore, it is suggested that the cooperation between the Republic of Albania and the Republic of Kosovo in this regard be serving in law enforcement institutions in Albania and within law enforcement institutions in Kosovo. Transnational organized crime, terrorism, corruption and money laundering are global security threats and local, regional and international sources of crises. Organized crime knows no nationality, no countries, borders, homeland, race, ethnicity, religion and religious beliefs. That is why it is required cooperation in the fight against transnational organized crime and transnational organized crime to be implemented permanently with the main goal of the strategy implementation, action plans, joint operations between the two countries, Albania and Kosovo. Important role in this association play their respective law enforcement institutions such as the police of the two countries, prosecutions, courts and other institutions. While international cooperation is realized with major international organizations like the UN, the EU, Interpol, Europol, SECI center etc. During the years 2002-2015 between the governments, ministries of internal and Police of the Republic of Albania and the Republic of Kosovo have signed several agreements, memoranda of understanding and common protocols. Interstate and transnational cooperation through the tabulation and graphs presented and seek to build strategies, institutions, measures, operations and joint actions with preventive, managers and common problem solvers of security and the fight against transnational organized crime. Consolidation of security in Albania and Kosovo, is closely associated with the construction, consolidation and functioning of the rule of law, and the rule of law, reaching freedom and respect for fundamental human rights. Albania-Kosovo cooperation significantly affects the strengthening of the rule of law against transnational organized crime. This cooperation is a necessary precondition for the prevention of conflicts and internal, external and regional crises, in order to achieve security and human rights and freedom.

Keywords: International cooperation, transnational organized crime, lay, security, ekstradimi.

Introduction

"National" or internal organized crime,¹"International" organized crime,² "Transnational" organized crime ³or "international", "global" organized crime or "multination"⁴ in today's world is turned into a global "*phenomenon*". Globalization-trend of the NWO deals with numerous technological developments, but not only, and has had a positive impact on economic development and global technology. On the other hand, transnational organized crime, is the "*dark side*" of globalization⁵ because globalization which is considered "*a global village*" has brought it nearer also the

¹"National" organized crime or internal called when it occurs within the national borders of a country

² "Transnational" organized crime is when a criminal organization extends its country and also operates in other countries

³ "Transnational" organized crime is a criminal organization that operates also in other countries cooperating with criminal organizations in these countries

⁴ "Global" organized crime or multinational called criminal organization in the form of enterprises, organizations or criminal enterprises composed of different countries and nations who exercise their criminal activities in countries and nations

⁵Jennifer L. Hesterman the Terrorist-Criminal Nexus An Alliance of International Drug Cartels, Organized Crime, and Terror Groups CRC Press was suddenly not the "island" it had always seemed

transnational organized crime. Through the transnational organized crime the "bad" world has become a global "village" that is used more by crime and criminals. Therefore, the "global problems respond to local initiatives, but they also require global solutions".¹

Transnational organized crime has created social problems of society, but in terms of transnational and multinational organized crime, has created major concerns, has created murder, death, violence, serious crimes and high social risk, it has created numerous victims and "subdued" social strata, classes, groups, individuals up areas, districts, villages, neighborhoods, institutions, governments of individual countries that are part of organized crime addiction. Organized crime knows no nationality, countries, borders, homeland, race, ethnicity, religion and religion beliefs. Therefore, "we must not forget that criminal organizations have no border problems and act with complete assurance throughout the world".² In this regard "messy play of market and anarchic tendencies have led to pillage capitalism, as Soros has called it, led to this kind of anarchy in creation of private capital, which has brought real usurpation of national, state funds and markets by certain groups ..."³ But "these arrangements might be called predatory capitalism because the most effective way to raise private capital from a zero starting point was acquiring state assets".⁴ To prevent these actions Giovanni Falcone says: "... of course it is a practicable way of multilateral conventions, but many countries give their consent for them with great caution, making purely nominal."⁵ Therefore, not recognizing, not valuing and neglecting the aspects of international cooperation to fight the "phenomenon" of transnational organized crime, not only impacts negatively on countries, international organizations, on the other hand, affects positively and become a very important condition and advantageous for groups, organizations and enterprises of criminal enterprises to achieve their goals.

Interstate cooperation in the fight against transnational organized crime and preventing internal crises

The most disturbing occurrences for the new world order are the new forms of crises which are proven by international conflicting figures such as organized crime, international terrorism and money laundering, which does not recognize and does not have borders, do not have home, they do not carry color ideological, religious, racial and cultural. "...terrorism and organized crime have for financial institution the black money".⁶ They are rooted to the axis of evil and serve him. "...in the time after the Cold War is seen growing a collision between opening tendencies of globalization trends and closing tendencies of nationalism".⁷ Giovanni Falcone, referring to some analysts says, "are very dangerous, with incalculable damage and paradoxically, some attempts repeated, seeking to establish that organized crime does not exist as a joint criminal enterprise", and that such concepts, "sometimes expressed by politicians, but also a lawyer, appear too naive."⁸ Transnational organized crime and criminals "stay one step ahead" "stay one step ahead," of law enforcement.

Organized crime, terrorism and money laundering, etc., are threats to global security and local sources of crises, regional and international. The Western Balkans has an important position, but also complicated geostrategic. "...The Western Balkans is facing the need to take a number of measures. Our region represents a field with past crises, conflicts and wars. Let us remember that Bosnia, Serbia, Kosovo, Croatia became involved in the war, while Albania and Macedonia took serious crisis in that destabilizing environment, great potential of weapons are cheap in the hands of the region's population. On the other hand, in some areas have been identified participants in local wars of some volunteers with criminal and terrorist precedents or connection with the origin of terrorism sponsoring countries".⁹

How must we fight organized crime, has been designated by judge Giovanni Falcone¹⁰ who said: "The reality criminal mafia is too heavy, but should not be forgotten that they are humans like us, even those who belong to organized crime, who like all human things, can be overcome and won ... but ... it is required commitment of police forces and magistrates, coordinated

¹Anthony Giddens: "The third Way", English edition 1988, page 153 (obtained from Prof. Përparim Kabo "Authoritarianism in Transition. Albanian anthropology through globalism", Tirana, 2006, page 382)

²Zamir Poda "Organized Crime", Tirana 1998, page 26

³Prof. Përparim Kabo "Authoritarianism in Transition. Albanian anthropology through globalism", Tirana, 2006, page 385

⁴George Soros: "Crisis of Global Capitalism", English edition, page 154

⁵Zamir Poda "Organized crime", Tirana 1998, page 29

⁶Prof. Dr. Lisen Bashkurti "International crises" Tirana 2008

⁷George Soros: "Crisis of global capitalism", Albanian edition, page 19

⁸Zamir Poda "Organized crime", Tirana 1998, page 89

⁹Prof. Dr. Lisen Bashkurti "International crises", Tirana 2008, page 11

¹⁰Italian judicial martyr

with the work for the gradual abolition of availability of the population to tolerate the occurrence of such phenomena, which often encountered, it can provide an important contribution to weaken the potency that criminal organizations possess.¹ While, on the strengthening of cooperation against transnational crime, Godson, Roy and Williams Phil "Strengthening Cooperation against Transnational Crime, Survival" states that "Transnational organized crime is a critical challenge for democratic governance and the transition and modernization processes in many parts of the world. In response to this challenge it requires a comprehensive strategy that combines law enforcement and respond to regulatory requirements, such as analysis of enhanced intelligence and intelligence sharing, building state and inter-state cooperation, approaches non-reulatorv. such as expansion strateav in civil society and the private sector. The latter would involve changing cultural attitudes against organized crime and corruption "...²

First of all, good cooperation, giving them the talents available within the law enforcement institutions in Albania and in Kosovo, as well as with other countries and relevant international institutions.

Table 1 reflects the international operations by the State Police Albania, 2008-2012

Period	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Total
Number of International operations	25	22	44	65	73	229

Source: annual activity reports of the Kosovo Police for the years 2008-2012. Processing Copyright (2016)

In the table according to State Police Albania, presented the number of international operations for the period 2008-2012 and shows that in total have developed a total of 229 international operations. Developed international operations in 2011 and 2012 constitute 60.26% of international operations. Meanwhile, in 2008 and 2009 were developed international operations total 47% or 20.52% . During 2015 were developed "over 16 joint operations (with expansion in some countries), 70 joint police operations with international partners".³ While in Kosovo by the Kosovo Police, Kosovo Customs and the Financial Intelligence Unit for the period 2010-2013⁴ were conducted 295 joint operations, prevention of organized criminal activities in the areas of economic crimes, narcotics and organized crime, with a view to confiscation of monetary values during their trans boundary movements.

International cooperation is an extremely important and complex matter. In the first place, it has to do with awareness of the destabilizing capacity of transnational crime, and secondly, the ability to give impetus to the processes of legislative harmonization and consistent national policy. Therefore, we need that the fight against organized crime should be made as work on major international organizations like for example the UN, the EU, Interpol, Europol, SECI center etc. On the other hand, we should not forget that are regulated enterprises, organizations, Mafia and criminal groups in the world which seek to extend their activities across the country, the region and the world. Therefore, it beggars belief to know first and we know that weak states or failed states as countries of the third world, or countries that have fragile institutions, policies volatile, totalitarian states, democracy underdeveloped, weak economies, poverty unemployment, lack of investment, managing the state and politicians, high state dictators, totalitarian, corrupt, we come to see more clearly and accurately from the outset, starting with the right to work for the formulation of policies, strategies, programs and action plans of institutions to fight to the maximum the transnational organized crime.

¹Ibid, page 18

²Godson, Roy and Williams Phil "Strengthening Cooperation agains Transnational Crime, Survival, Vol.40, No.3, Autumn 1998-
<http://w ww.tandfonline.com/doi/abs/10.1093/survival/40.3.66#.VKChrsAEA>

³Ibid

Web: www.punetebrendshme.gov.al

⁴Assessment report on compliance with international standards in the field of Combating Money Laundering and Combating the Financing of Terrorism (LPP/ LFT), 2 December 2014, published by the Council of Europe, F-67075 Strasbourg Cedex. The project against Economic Crime in Kosovo (PECK) www.coe.int/peck

2. Interstate cooperation between Albania and Kosovo and the region for preventing and combating transnational organized crime, 2008-2015

Interstate cooperation at the bilateral level between Albania and Kosovo, 2008-2015, takes a strategic importance and is the kingmaker in the framework of cooperation and coordination of state structures, the law enforcement agencies and the institutional and practical level of this cooperation will depend regional cooperation and international cooperation with countries and relevant international organizations.

Albania and Kosovo have their similarities and differences, and it is difficult to make a comparative genuine analysis, because the relevant legislation and forms of criminality and the state of the stage of relevant state institutions and criminal justice are in various stages of training, development and their success. However, since we really are two countries, but we are a nation, we have respective obligations and no matter the not so small difficulties for obtaining relevant data, as well as their comparisons. But this is the first attempt of this kind and as the first experience, the inaccuracies are inevitable or the ambiguities but we think that it will certainly be a positive experience in this regard.

Table No.2 event reflects the activity of organized crime, organized crime Albania, Kosovo, region and transnational organized crime locally based and transnational Albania-Kosovo.

	Criminality in Albania	Criminality in Kosovo	Transnational crime Albania-Kosovo	Transnational crime transnational based Albania-Kosovo	Transnational crime local based on the Albania-Kosovo	Crime in the Region
Activity	%	%	%	%	%	%
Drug trafficking	29.10%	19.00%	40.80%	36.90%	36.00%	27.00%
Corruption	27.60%	33.00%	13.60%	4.90%	6.70%	8.80%
Money Laundering	14.90%	12.00%	11.70%	10.70%	15.70%	13.90%
Contract killing	7.50%	2.00%	3.90%	6.80%	4.50%	1.50%
Human trafficking	6.70%	7.00%	9.70%	18.40%	19.10%	19.70%
Putting fines	3.70%	2.00%	0.00%	0.00%	1.10%	0.70%
Smuggling of migrants	3.00%	8.00%	7.80%	4.90%	3.40%	6.60%
Weapons trafficking	3.00%	9.00%	5.80%	12.60%	6.70%	8.80%
Terrorism	3.00%	6.00%	5.80%	4.90%	5.60%	10.90%
Cybernetic Organized Crime	1.50%	2.00%	1.00%	0.00%	1.10%	2.20%

Source: Responses to the questionnaire "Democratic Institutions and Transnational Organized Crime Albania, Kosovo, 2008-2015". Processing Copyright (2016)

According to this table it reflects 14 events or forms of organized crime and organized criminology in Albania, Kosovo, transnational crime, transnational crime with transnational base and transnational basis Albania-Kosovo-based local and criminality in the region, on the basis of which may build better cooperation in this direction for more efficient fight against transnational organized crime. Comparing six aspects such as: transnational crime Albania, Kosovo, transnational crime with transnational base Albania-Kosovo, transnational crime with local base Albania and Kosovo, and regional criminality results in these directions, drug trafficking is ranked on the first level, trafficking in human beings is ranked at level second, and corruption ranked third level. Meanwhile, locally based transnational criminality Albania-Kosovo ranks at lower levels than transnational crime Albania, Kosovo and transnational crime based transnational Albania-Kosovo. By the analysis of the above comparisons, the most developed organized crime in Albania and in Kosovo results to be the organized crime based transnational Albania-Kosovo and less developed results the local based Albania-Kosovo.

While crime in the region is at a higher level compared to organized crime in Albania and Kosovo in organized criminal activities of human trafficking, terrorism, arms trafficking, smuggling of migrants and organized cyber crime. Meanwhile,

drug traffic is almost at the same level with drug trafficking in Albania and level two times higher compared with drug trafficking in Kosovo.

During the years 2002-2015 between the governments, the internal ministries and Police of the Republic of Albania and the Republic of Kosovo, there have been signed 21 agreements, memoranda of understanding and common protocols. The governments of Albania and Kosovo have signed 6 agreements, 1 memorandum and two common protocols. Interior Ministries have signed 2 agreements, 4 memoranda of cooperation and 8 common protocols. Meanwhile the police of the two countries has signed 1 agreement, 1 cooperation memorandum and 1 common protocol. Pursuant to the agreements, memoranda of understanding and the common protocols are conducted parallel investigations, through the exchange of information and operational activities for mutual assistance. For mutual recognition and execution penal court decisions it is signed an agreement with Austria. While in connection with the arrangements for transfer of sentenced people-it is a party denuar- is a party, Albania, Switzerland, Belgium, Turkey, Czech Republic, Macedonia, as well as agreements signed (2013) agreements on extradition and judicial cooperation related to criminal matters -with Italy.

Table No.3 reflects police cooperation agreements between Kosovo and other States, 2008-2015.

Years	Police cooperation agreements	Cooperation agreements in the operative field	Cooperation agreements with EULEX	Cooperation agreements in the field of border	Total
2008	1	0	2	0	3
2009	3	0	3	1	7
2010	3	1	0	1	5
2011	0	1	0	5	6
2012	4	1	0	2	7
2013	2	1	2	8	13
2014	3	1	1	6	11
2015	7	1	0	2	10

Source: *Annual Statistics of the General Directorate of Prisons at the Ministry of Justice in Tirana, 2010, 2011, 2012, 2013, 2014, 2015. Processing Copyright (2016)*

According to this table, the agreements of police cooperation between Kosovo and other countries for the period 2008-2015 it results a total of 62 results that are agreements by which, an agreement of police cooperation, 23 or 37.09%, cooperation agreement in the operative field, 6 or 9.67%, agreement of cooperation with EULEX, 8 or 12.90% and cooperation agreement in the field of border, 25 or 40.32%. By comparing the joining number of agreements signed during the years 2008-2015 it shows that in 2008-2012, there are signed 28 agreements or 45.16%, whereas in the years 2013, 2014 and 2015 a total of 34 agreements were signed or 54.83%.

These agreements by the Republic of Kosovo are connected to 18 countries, namely: Austria, Bulgaria, Great Britain, France, Finland, Germany, Hungary, Croatia, Lithuania, Macedonia, Montenegro, Sweden, Serbia, Slovenia, Albania, USA, Turkey and Switzerland. While the International Organizations Frontex have signed multinational Agreement (Kosovo, Albania, Macedonia, Montenegro, Bosnia and Herzegovina, Serbia). The Interior Ministry with the Customs, have signed a total of 12 cooperation agreements with :12 countries, while 10 countries are preparing draft agreements and are in the process of study and negotiation. While the Interior Ministry with the Financial Intelligence Unit have signed a total of 13 cooperation agreements with 11 countries, while 9 countries have prepared agreement. In order to prevent and combat the transnational organized criminal activities and local activities that have affected both our countries, Albania and Kosovo, it is requested intensification of cooperation between the Republic of Albania and Republic of Kosovo. And in Kosovo within law enforcement institutions, and then to identify projects of cooperation between Kosovo and Albania, prepared, adopted and implemented by both sides correctly. To have good cooperation between the Republic of Albania and the Republic of Kosovo as a whole in all areas, as well as in the fight against transnational and organized criminal activities and local criminal activities that have affected both countries, requires first of all good cooperation to exist within law enforcement institutions in Albania¹ and within law enforcement institutions in Kosovo, and then it needs to be identified the projects of cooperation

¹The annual analysis of the State Police in 2015

between Kosovo-Albania, they need to be prepared, to be adopted, and to be applied correctly by both parties. Ernst Florian Winter says: "Cooperation between Kosovo and Albania should be released from the complexes, but also from the pathetic of great words. This requires a shift in the identification of projects of mutual interest. Both governments have the opportunity to do more about infrastructure projects (roads, energy, ports), education and health, in these three segments there are many problems. The two only countries perhaps in Europe, have not yet been able to provide electricity, water, education of high standards and dignified recovery for citizens. Joint projects in these areas should be well managed throughout their cycle, so to realism. Governments should also encourage and facilitate private initiative, businesses, associations and civil society to promote cooperation projects".¹ Joint meetings of two Albanian governments in Kosovo and Albania, have made possible the signing of several agreements, but in addition it is also done good work, their "publicity" is greater than concrete work implemented by relevant structures and institutions in joint ground operations.

In connection with international cooperation, the Ministry of Justice for the period 2010-2013, received a total of 10.274 new requests for assistance, of which; 7.488 requests for service of documents, 489 requests for legal assistance of a different nature; 1,169 requests for custom paper, 512 requests for verification of documents; 57 requests for extradition; 114 requests for transfer of judicial procedures; 178 requests for execution of court decisions; 43 requests on international child abductions; 43 requests for transfer of sentenced persons; 13 claims of war crimes; 193 requests for issuance of international research paper.²

Table No. 4, shows the number of prisoners from Kosovo citizens extradited from Albania, 2008-2015.

Years	2008	2009	2010	2011	2012	2013	2014	2015	Total
Condemned citizens of Kosovo condemned and extradited ones from Albania	0	0	3	7	3	3	3	2	21

Source: Annual Statistics of the General Directorate of Prisons at the Ministry of Justice in Tirana, 2010, 2011, 2012, 2013, 2014, 2015. Processing Copyright (2016)

On the basis of the annual statistics of the General Directorate of Prisons at the Ministry of Justice in Tirana, for the years 2008-2015, it shows that a total of 21 sentenced citizens from Kosovo and were extradited from Albania. For more information refer to Table No.4 which represents the number of prisoners from Kosovo citizens extradited from Albania, 2008-2015.³

Table No.5 reflects the strengthening of the rule of law (Albania-Kosovo) in the fight against transnational organized criminal activities, 2008-2015.

Suggestion	% of answers
Constitution	7%
Lays	14%
Law enforcement agencies	44%
Media	10%
Education	14%
Civil society	12%
Total	100%

¹Ernst Florian "Some observations on the social problems of Kosovo", page 113

²The annual work report of the Ministry of Justice Kosovo, 2010,2011,2012,2013

³ Ibid

Source: Responses to the questionnaire "Democratic Institutions and Transnational Organized Crime Albania, Kosovo, 2008-2015". Processing Copyright (2016)

According to this table, respondents under question 9¹ of the questionnaire,² have been answered³ by their response they suggest that 44% of the agencies of law enforcement impact on strengthening the rule of law Albania and Kosovo in the fight against criminal activities of organized transnational, and suggest the extent 14% law, 14% education, 12% civil society, 10% and 7% Constitution. So law enforcement agencies have the main weight to strengthen the rule of law Albania-Kosovo.

Conclusions

Cooperation between Albania and Kosovo and its impact in strengthening the rule of law against transnational organized crime and international cooperation is an extremely important matter and complex. Only an intergovernmental and interagency cooperation in the fight against transnational organized crime and terrorism is a prerequisite for the prevention of conflicts and crises, domestic and foreign, regional and international, and especially the provision of freedoms and human rights.

Interstate cooperation and transnational through tabulation and graphs presented in this paper seek to build strategies, institutions, measures, operations and joint actions with preventive character, managers and common security problem solvers and the fight against transnational organized crime. Consolidation of security in Albania and in Kosovo have as common foundation the prerequisite consolidation and functioning of the rule of law, rule of law, consolidation of the institutions of justice and respect for freedoms and basic human rights, at the local level, interstate, transnational and beyond.

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¹Question 9. What do you recommend to strengthen the rule of law (Albania-Kosovo) in the fight against transnational organized criminal activities and transnational?

²Questionnaire "Democratic Institutions and Transnational Organized Crime, Albania, Kosovo, 2008-2015"

³ Responses were received from 55 dignitaries, experts in Albania, Kosovo and international experts interviewed by author

The Legal Aspects of Nagorno Karabakh Conflict During the Azerbaijan Peoples' Republic Period

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Abstract

The ongoing Nagorno Karabakh conflict between Armenia and Azerbaijan results from two principles of international law: the main sides of conflict, Armenia and Azerbaijan, defending their position claim the self-determination right of people and territorial integrity with inviolability of state borders. The main obstacle on the ongoing "no war, no peace" condition of negotiation process is that mutual agreed statement on these principles is not possible. [1, 33] Firstly, in order to look the legal aspects of Nagorno Karabakh conflict, there is a need to analyze the political and legal processes that created the problem around Nagorno Karabakh's legal status. Therefore the ADR period (May 1918- April 1920) is important because those years involve the beginning of the contemporary ethnic conflict and the formation of the current legal-political position of conflict sides. On other words, analyzing the process of legal status of NK conflict during the ADR period from the frame of sides' claims and arguments is very important on the research of the legal aspects of Nagorno Karabakh conflict.

Keywords: Azerbaijan, Nagorno Karabakh conflict, Armenia, problem, Russia, territorial integrity, self-determination

Introduction

Firstly, it is necessary to look through the legal aspects of NK problem with the historical process together. As both Armenia and Azerbaijan consider themselves right and the claims and arguments are dated to historical process or are the result of this process. The opposite historical texts form the knowledge about the root of conflict.

In this article, firstly we tried to analyze the claim and arguments of conflict side on the legal status of NK during 1918-1920 with the participation of ADR. The main aim of this is to evaluate the political and legal issues of NK problem in this stage.

The reason of choosing the stage of ADR for research is that this period is the beginning of the two South Caucasus neighbor people's state establishment and as well the beginning years of political-legal debate around the NK. There is a special need to analyze those periods in order to raise the fake and wrong knowledge on the legal aspects of conflict.

Although in this article we made the way for the claims and arguments of armenian side on the NK in 1918-1920 and tried to answer these claims and arguments by defending Azerbaijani side. The main object in this is that to raise the wrong perception and knowledge about the political-legal background of the conflict and to illuminate the historical realities of Azerbaijan position once more.

The position of Azerbaijan side to the Armenian arguments

According to the Azerbaijani side, the Armenian claims on Nagorno Karabakh never being under the jurisdiction of independent Azerbaijan are completely baseless. Either in the Tsarist Russia period or in the ADR period or in the later stage (until Armenian occupation) the Nagorno Karabakh had been managed within the borders of Azerbaijan, as an integral part of the country. The border and territorial conflict started by Armenians with intervention to historical territories of Azerbaijan and the principles of the territorial integrity and the inviolability of borders of international law can't be accepted both in ADR period and in the later stage as self-determination right. According to the position of the Azerbaijani side, the right of self-determination is not connected to unilateral secession (or force disconnect - the author) and is to be applied in the context of preservation of territorial integrity... The war restarted as a result of Armenian aggression, which aims to build the Great Armenia. [2]

The Government of Azerbaijan, as now, in the years 1918-20, made its debut in respect of international law and the territorial integrity of its territory and neighboring countries, the principles of respect for state sovereignty. In this regard, the Azerbaijani leadership, on the basis of the principle of self-determination, did not accept the unilateral declaration of independence the Nagorno-Karabakh Armenians because neither Azerbaijani government had agreed to such a disconnect, nor Armenians attempted to such an agreement. The declaration of independence by Armenians in Nagorno Karabakh was an unilateral act against the principles of international law and rebel to Azerbaijan state and went along with the aggression toward the local Muslims. Of course, such a case could not be taken by the Azerbaijani government. Besides with legal factors, historical-cultural factors also played an important role in this problem. The Nagorno Karabakh was a part of Azerbaijan not only in the social-economic aspects, but also in historic-ethnographic terms and occupied an important place as an integral part with the public and political life of the country for centuries.[3, 5]

The ADR leadership while giving particular importance to the inviolability of territorial integrity didn't forget to highlight the historical territories of Azerbaijan in the Declaration of Independence. The six-point document of Azerbaijan National Council announced East and South Caucasus, including Nagorno Karabakh, Azerbaijan territory and stated paying special attention to good neighborly relations with neighboring peoples and states, and also giving wide opportunities for free development to people who lived in the territories of ADR. [4, 267-292, 135-137] These provisions, of course, included Armenians living within the borders of Azerbaijan.

ADR, living 23 months, had paid attention particularly to the international norms, as well as respect for the principles of territorial integrity and state sovereignty, in its international relations. For example, when the League of Nations refused to accept Azerbaijan to the organization because of border disputes with its neighbors, head of Azerbaijani delegation to the Paris Peace Conference, Alimardan Topchubashov, noted in the letter, dated to December 7, to the leadership of the organization in this regard that:

"It is an undisputed fact that, until the invasion of the Russian Bolsheviks on April 28th, 1920, the legal Government of Azerbaijan exercised its authority over entire territory of the Azerbaijan Republic, without exception, within the present boundaries as indicated in the map submitted to the Secretary-General of the League of Nations".

"States which have been in existence for centuries, have had, and still have, frontier disputes; but these disputes don't cause them to be deprived of their sovereign rights over their own territory. The Republic of Azerbaijan, in defending the integrity of her territory against all aggressions is obliged to come into conflict with Georgia over the districts of Zakatal, and with Armenia over Karabagh and Zanghezour. These territories form part of Azerbaijan, and are administered by the Azerbaijan Government; the provinces of Karabagh and Zanghezour were left under Administration of Azerbaijan by the decision of a former Allied representative in the Caucasus". [6, 39-40, 40-41]

Indeed, according to Mudros Peace Agreement Azerbaijan passed to the British mandate and the Ottoman-Turk troops that came with the ADR government call to release its territories occupied by Armenian-Dashnak forces were forced to leave Azerbaijani territories. As a result, the union troops entered Azerbaijan on November 17, 1918. The representative of the Allied Powers, General Thomson initially did not trust the government, but later, on December 18, he declared the only true power in the government headed by Fatali Khan Khoyski. Also, General Thomson assured the support of the Allies to the Government of Azerbaijan.[6, 36] Then, in early 1919, General Thomson agreed to the appointment of Khosrov Bey Sultanov to Governor-General position as a representative of the government of Democratic Republic of Nagorno-Karabakh. This, as claimed by the Armenians, was not an interim measure, but in the fact the Allies de-facto agreed that Nagorno-Karabakh was Azerbaijani territory.

Although the Armenian National Council of Karabakh refused to agree the appointment of Khosrov Bey Sultanov as Governor-General of Nagorno-Karabakh by Allied representative, General Thomson, and Armenians declared that the interim agreement signed with the ADR doesn't affect the declaration of independence of Nagorno-Karabakh. However the 1919 provisional agreement concluded with the government of the ADR in September shows that the Armenian Assembly of Nagorno-Karabakh officially accepted Nagorno Karabakh as part of Azerbaijan until the final decision of the international conference on the issue. [1,30][9, 75-76]

Another point worthy to pay attention to this issue, is that the Government of Azerbaijan approached the problem on the principle of self-determination in relation to and the Nagorno-Karabakh and other places claimed by Armenians. The conversation dated to 18 November 1918 between the head of the Azerbaijani delegation to the Paris Peace Conference

Alimardan bey Topchubashov and the Foreign Minister of Turkey showed that the minister recommended to Alimardan bey going talks with Armenians, as Armenian population is in the majority in those areas, and all states, especially the Entente states, support them, and that sooner or later they will achieve their goals. Responding to the representative of Turkey Alimardan bey says: "The Karabakh issue raised by Armenians is not about 5 or 10 villages, but about the whole 4 provinces - Shusha, Javanshir, Jabrail and Zangezur. This is a territory where the number of Muslim and Armenian population is not equal but there is no reason to talk about the absolute majority of Armenians. Moreover, they are not the local people of this place. They migrated here after the war between Ottomans and Russia. It should be noted that there are more than 100 thousand Muslim population in the province of Iravan, despite the fact we don't have an eye on the land. Finally, Armenians in Karabakh do not live in compact itself, they form mixed settlements. However, we are in favor of a peaceful solution of the dispute." [8, 49]

Indeed, the statistical materials by 1918 support Alimardabn bey's remark and show that there were more Azerbaijani population than Armenians in the several provinces. Thus, the Armenian population of Kazakh-Sevan, Zangezur, Shusha and Javanshir districts of former Yelizavetpol province were with respect to 46 (Azerbaijanis - 50), 44 (55), 53 (46), 32 (68) percent. [8, 48]

The small text above clears the attitude of ADR government toward the claims of self-determination of the Armenians of Nagorno-Karabakh: *Nagorno-Karabakh is an integral part of Azerbaijan within the borders- the claims of Armenians to this territory is unacceptable; giving reason to self-organize to the majority of Armenians in the Nagorno Karabakh is out of the question; Armenians aren't the ethnic population of Nagorno Karabakh and they have been moved here as a result of historical events; settlement of the ethnic majority in any area can't be motive to self-determination; Armenian and Muslim population in the region is populated by a mix, there is no compact settlement of Armenians and the declaration of independence in any form by Armenian majority from the ethnic migration is not possible.*

As you can see in this issue, despite that all the facts in favor of Azerbaijan, the Azerbaijani government was a supporter of a peaceful resolution of the conflicts that occurred within its borders in the case of neighboring countries. The ADR kept its consistent position of peaceful resolution of the territorial conflicts until the end. So, in April of 1919 in Tbilisi in order to discuss the state of confrontation among the republics of the Caucasus and to determine the boundaries a conference was called. According to the formula adopted by the conference, the republics should discuss controversial issues about the regions with mixed population among themselves, agree over the dispute and if this is not possible, however, the dispute should be resolved through arbitration. [8, 51] Indeed, unlike the Armenians of Nagorno-Karabakh, which declared independence unilaterally the Azerbaijani side remained loyal to the formula until the end (XI Soviet Army invaded Azerbaijan and put an end to the independence of ADR on April 28 in the 1920, the Armenians used the sharp socio-political situation in the Nagorno-Karabakh Armenians and revolted in 1919, and declared Nagorno-Karabakh a part of Armenia declaring that an agreement had been canceled). The League of Nation refused to recognize the South Caucasus states basing on the invasion by bolsheviks and boundary conflicts, in his letter to the League of Nation dating later 1920, the head of representatives of ADR, Alimardan bey stated that the conflicts on borders are internal matter and the related governments would find ways to resolve conflicts on the basis of mutual concessions. If this isn't possible, each of the three Transcaucasian republic, of course, will appeal to the League of Nations for the settlement of border conflicts. These principles were reflected both in the political memorandum by the Azerbaijani delegation to the Peace Conference (1919), and in the notes sent to the Secretary General of the organization for membership to the League of Nation. [6, 41]

As we have seen since the beginning of the last century, the Armenian side approached one-sided to the Nagorno Karabakh dispute and tried to solve the problem within the framework of the right of self-determination while the Azerbaijani side concerned with the respect for the territorial integrity and sovereignty of the state within the framework of international law. Also, Azerbaijan being an unconditional right side in the case, tried to solve the conflicts on the borders, resulting from the claims and invasion by neighboring countries, with the peaceful agreement.

The answer of Azerbaijan side to the Armenian argument on the recognition of ADR by international community

The claims by Armenians on the issue that ADR never formally recognized international community and by the League of Nations, it should be noted that: during 1918-1920, ADR had a series of diplomatic relations with several countries, signed agreements on the principles of mutual relations, and 16 states had representation in Baku. By a decision dated January 12, 1920, the Supreme Council of the Allied Powers in the Paris Peace Conference recognized de facto the independence of Azerbaijan with other Caucasian republics. [5] This was actually recognition as a subject of international law.

Indeed, in response to a letter dated November 1, 1920 by the head of the Azerbaijani delegation to the Secretary-General of the League of Nations – requesting an application for the admission of the Democratic Republic of Azerbaijan to be accepted to the Assembly of League, the Secretary General of the Organization had accepted the memorandum on November 24, 1920. Memorandum stated that the mandate of the Azerbaijani delegation to the Paris Peace Conference was given in April 1920 by the time the government had been in power. Even so, the Memorandum referred to the date of request of the delegation of Azerbaijan (1 November 1920) and paid a special attention to the situation that the Azerbaijani government de facto was not in the power on the date of the publication of the Memorandum (24 November 1920) and encroached the situation after the invasion; the division of the army, the government had left only one region in its hand and all territories, including railways were captured by the Bolsheviks, in other words, it showed that the government can not control the whole territory of the country. [5]

After noting these facts, the Secretary General of the League of Nations touches necessary conditions for the adoption of the organization in accordance with the Charter of the Organization and notes that two issues are important from a legal perspective to announce the application given by the delegation on admission to the organization. The first one that the territory of Azerbaijan having been originally part of the Empire of Russia, the question arises whether the declaration of the Republic in May 1918 and the recognition accorded by the Allied Powers in January 1920 suffice to constitute Azerbaijan de jure a “full self-governing State” within the meaning of Article 1 of the Covenant of the League of Nations. And should the Assembly consider that the international status of Azerbaijan as a “fully self-governing State” is established, the further question will arise whether the Delegation by whom the present application is made is held to have the necessary authority to represent the legitimate government of the country for the purpose of making the application, and whether that Government is in a position to undertake the obligations and give the guarantees involved by membership of the League of Nations. [6, 36, 37]

As can be seen the main questioning point of the memorandum is the issue of legitimacy of Azerbaijani government after the occupation of Azerbaijani territory by the Bolsheviks.

According to the memorandum on December 1, the 5th Committee elected by the Board came to the conclusion that within the current conditions it is impossible to accept ADR in accordance with the terms of the Charter of the Organization of LN. As mentioned above, the committee came to this conclusion based on the facts that the Azerbaijani government found it difficult to define the scale of territories under its control (1) and impossibility to define its borders because of disputes with neighboring countries (2). Apparently, the Assembly of LN didn't admit membership to ADR not due to territorial claims toward neighbors (in this case the Nagorno-Karabakh) as presented by the Armenian side, but because of the border disputes resulting from the aggression of neighbor states and the occupation of Azerbaijani territories by Bolsheviks. In a letter to the leadership of the organization Alimardan bey Topchibashov protested each of these cases individually, referring to the Russian occupation and border conflicts with its neighbors as an argument to admit a member of the League of Nations. [6, 40]

Thus, the relevant documents of the League of Nations show that the reason refusing to accept ADR was not related to, as claimed by the Armenian side, Azerbaijan's inability to control the Nagorno Karabakh or Nagorno-Karabakh's being disputed area between the two countries. There is no note about Nagorno Karabakh issue on the discussion and decision about Azerbaijan. [6, 43] Also by reviewing these documents the absurdity of the argument on Azerbaijan's claim to the areas populated by Armenians (Nagorno Karabakh) becomes clear. It is obvious actually that the state, considerable part of the territory of which was occupied by the time of consideration of its application in the League of Nations, and yet the Government that submitted this application was overthrown, could not be regarded as fully self-governing in terms of Article 1 of the Covenant of the League of Nations. Thus, these were just those conditions that prevented Azerbaijan from being admitted to the League of Nations. [5]

At the same time, the League of Nations didn't accept the membership of Armenia because of not having clear and recognized borders, the status and the constitution, a stable government (16 December 1920) [7, 27, 2-3] and this shows that the argument of “impossibility to determine exact current borders” which made LN refuse Azerbaijan's membership was not affiliated with any of the Nagorno-Karabakh conflict. The organization refused to accept Armenia's membership with the same argument of “clear borders” and “stable government”.

Result

The look at the legal and political views in the ADR period showed that the main claim of the Armenian side in the Nagorno-Karabakh problem, "the self-determination of Karabakh's Armenians isn't contrary with the principle of territorial integrity of Azerbaijan because Nagorno Karabakh was never under the jurisdiction of Azerbaijan" is not based on historical truth. Nagorno-Karabakh was an integral and inseparable part of the Azerbaijan Democratic Republic (May 1918 - April 1920) within the borders and jurisdiction. Also, the declaration of separation from Azerbaijan and independence of Armenian living in the Nagorno Karabakh can not be justified under the principle of self-determination; because of the unilateral secession and armed rebellion against the government of Azerbaijan, as well as aggression carried out against the local Muslim population. The ADR government neither recognized the independence of Nagorno-Karabakh Armenians, nor gave them any form of autonomy within the law. On the contrary, the Azerbaijani government declared that the act was against the territorial integrity and sovereignty of Azerbaijan and as well contrary to the fundamental principles of international law. Also, the Azerbaijani side, despite being the right side of the Nagorno-Karabakh problem, was a supporter of disputes through peaceful means.

On the claims of the Armenian side about the LN not recognizing the ADR it should be noted that the Supreme Council of the Allied Powers in the the Paris Peace Conference de-facto recognized Azerbaijan, along with other Caucasian republics, on January 12, 1920. This is actually means that Azerbaijan recognized as a subject of international law.

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Solve Complex Simulations to Enhance Product Performance in Naval Industry

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Abstract

Overview Engineering successful, innovative products in today's competitive environment requires simulation power. The ability to analyze the multifaceted physical performance characteristics of a design before making a prototype can substantially increase productivity. Companies need robust simulation tools to efficiently overcome time, budget, and quality demands. The aim of this paper there is to present an inovative tool for project design SolidWorks® Simulation delivers powerful simulation capabilities that can solve complex analysis problems, helping us to design better, more innovative products faster and more cost-effectively. Also through this article will be presented the results achived on structure analyse of composite materials used for small boats and yahts production.

Key words: project design, Alfasolid software, structural analyse, composite materials, simulation

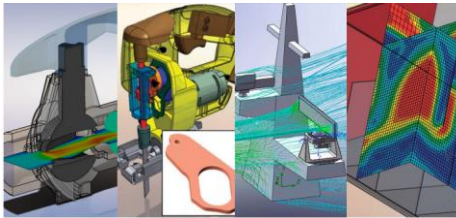


Fig. 1

Introduction

Composite materials are widely becoming the material of choice for many structural and nonstructural applications. The aircraft industry for example, has used composites for wing skins and other control surfaces that provide savings in fuel consumption and weight. The marine industry incorporates thick single skin and sandwich composites for hulls, decks, risers and other primary structure, and the automotive industry uses composites to fabricate body panels, springs and drive shafts. The civil engineering community uses glass and carbon reinforced plastics in the repair of aging bridges, piers, columns and other structures vital to the nation's infrastructure and economy.

Use of composite materials in naval industry it is developed in wider area from big companies and SME-s that produce small boats. Have been identicated during the time the really need for project design of boats and ships based on composite materials as inovative advance materials. Analysing the structural parametres using the software tools

Tools and Methodology

ALFA SOLID WORK SIMULATION tool is a very innovative one that offer great possibilities to the young engineers, constructors, engineering project designers to simulate different project creates prototype structures using different advanced materials.

Simulating complex physics drives innovation. Innovative. Reliable. Efficient. These are not only the characteristics of successful product designs but also of the design and engineering organizations that create them. To develop products with these attributes, it is needed to gain as much information as we can about how our design will perform under real world conditions, and be able to obtain these insights as quickly as possible. Manufacturers no longer have the luxury of performing lengthy physical tests to understand how a design will behave. Bringing innovative, reliable products to market quickly requires simulation technology. And not just any simulation package will do. In many cases, we will need to simulate complex physical behaviors requiring powerful nonlinear, dynamics, fluid flow, and multi-physics analysis capabilities. By simulating the complex physics impacting our designs, we will gather critical information that will help us to make important design decisions.

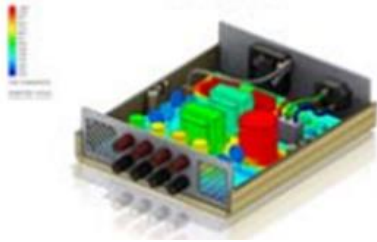


Fig. 2 Simulating complex physics drive

Using SolidWorks Simulation software to more easily conduct sophisticated analyses, we can obtain this information faster than ever. SolidWorks Simulation provides accurate, efficient solutions to resolve difficult analysis problems, accelerating time-to-market, optimizing material usage, minimizing design uncertainty, eliminating errors, preventing returns/warranty claims, and increasing profitability.

2 Multiphysics thermal simulation can ensure product performance. The possibility of a hand held device being dropped must be accounted for in the design simulations. Nonlinear structural analysis problems generally fall within three categories: nonlinear materials, nonlinear geometries, and nonlinear interactions between parts. Of course, we may face a simulation challenge that involves all three. We may be using a hyper-elastic material—such as an elastomer—in a shape that constitutes both structural nonlinearities, where the response varies disproportionately to the applied forces, and geometric nonlinearities, where displacements alter a structure's stiffness. The practical applications of nonlinear materials analysis vary widely. In a nonlinear analysis of a component, "failure" may be defined by the extent that a material yields rather than if the materials yields, as in linear analysis.

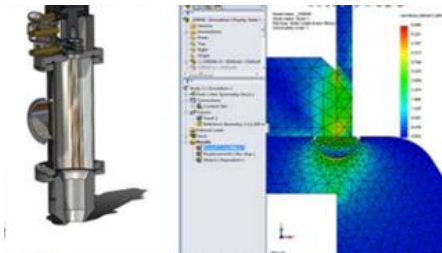


Fig 3 Multiphysics thermal analyse

We may also want to examine different failure modes, such as buckling, snap-through, "oil-canning effects," or large displacements. Many modern materials, such as plastics, synthetics, and composites, have unique properties that require nonlinear materials analysis to capture their complex load response behavior

Simulating the real world requires multiphysics analysis

While a large portion of simulation problems examine a particular type of physical phenomena—such as nonlinear structural, dynamics, fluid dynamics, and thermal analyses—there are many situations that require a combined multi-

physics approach. Examples of multi-physics simulations include thermal stress or thermo-mechanical (thermal/structural), fluid structural interaction (flow/structural), fluid flow with heat transfer (flow/thermal), and fluid structural interaction with heat transfer (flow/thermal/structural).

Most products are not deployed in environments that maintain a single uniform temperature, and many products are subjected to heating and cooling cycles that can affect a structure's mechanical integrity and response. This tool helped us to analyze the impact of heat on structural performance. For example, in some cases, the distribution of heat within a structure can influence how a design will deform, and conversely, structural deformation can affect the ways that heat moves throughout a structure. Sometimes, the nature of this interaction is primarily in one direction—the structural response alters thermal behavior or thermal responses affect structural performance. At other times, the interaction is both ways, when each type of physical response impacts the other. This is an interactive process that often requires a nonlinear thermal/structural analysis to simulate correctly.

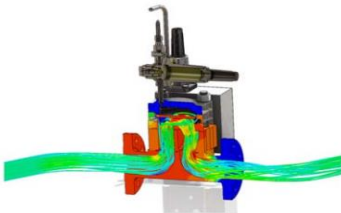


Fig 4 Analysis of hit structural performance

Multi-physics analysis with SolidWorks Simulation enables us to study the combined impact of different types of physical phenomena, such as the interaction between structural and thermal effects. In addition to situations where the interplay of two types of physical phenomena is of interest, there are circumstances where the interaction among physical phenomena is three-fold. For instance, you are designing a system in which fluid flow alters temperature, the changes in heat transfer cause structural deformation, and the deformation changes the boundary governing the flow, which changes the nature of the flow, which affects temperature.

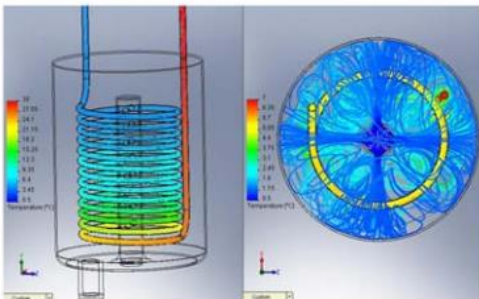


Fig. 6 Multiphysics analyse

Model the world's complexity with SolidWorks Simulation

The ability to predict how our designs will perform under real-world operating conditions is the essence of engineering and the purpose of prototyping. Yet, in today's competitive global market, manufacturers can no longer afford to take the time or incur the costs of conducting extensive physical testing. Increasingly, the key to engineering successful products is to leverage simulation technology to quickly and cost-effectively obtain valuable design performance information that can help us design better, more innovative products and deliver them to market.

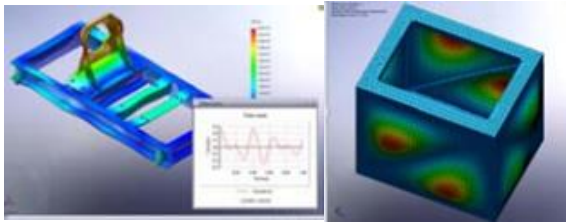


Fig 7: Model world simulation

Methodology:

Will be used step by step the methodology of project design, starting from the identification of the problem, passing to the idea and solution taking into account different ones, analysing simulated them, evaluated the behaviour of our prototype and based of that select the appropriate solution, go deeper to create the appropriate prototype, simulate, test and evaluate, build and ship (see the graph)

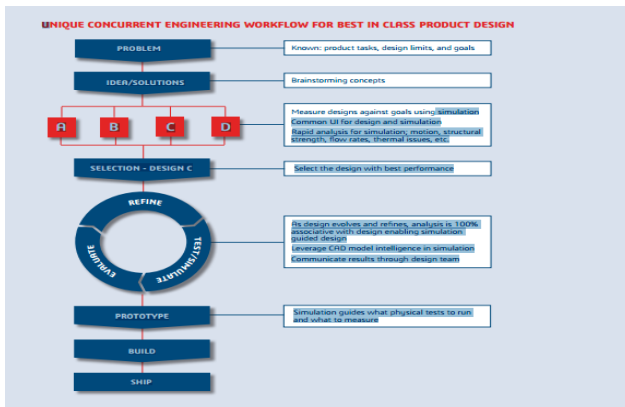


Fig 8: Engineering work flow Alfa Solid Work

Case Study: Evaluation of Structural Problems for Sandwich Composites

From the naval industry most defects can be detected in single skin laminates and in skins of sandwich structures. There are difficulties in detecting defects that are deep inside sandwich panels with thick foam cores, and in a sandwich skin if direct access cannot be gained to the skin in question. Sandwich structures with cores of end-grain balsa are extremely difficult or impossible to inspect because the large variations in density from one balsa piece to another tend to mask all other features. Ultrasound techniques are generally the most accurate (in those cases where they work at all).

From the use of this kind of techniques have been identified the following problem in the structure.

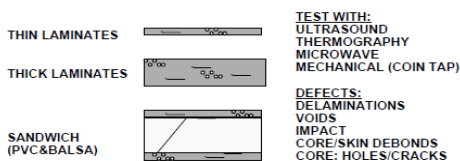


Fig 9: Structural sandwich problems.

Panel No.	Total number of layers **	Depth of defect location (in mm)	Area of defect mm ²	Thermography	Microwave	Ultrasound
Artificial debond:						
NP1	6/C30/3	0	5000 1000 200 50	0.8	1.5 2.1	17.5
Small depth, thickness						
NP2	6/C30/3	36	5000 1000 200 50	not tested	1.3	93.1
NP3	6/C60/3	0	5000 1000 200 50	0.4 1.2 5.3	1.4 2.1	no defects found
NP4	6/C60/3	36	5000 1000 200 50	not tested	0.6 1.1	no defects found
NP5	6/C60/3	66	5000 1000 200 50	not tested	1.1 2.1	no defects found
Large depth, thickness						
Core damage:						
NP6	6/C30/3	C	79 20 3 3	4.0 45.8 100.0	31.8 89.1 795.6	9.3 23.0 600.3
NP7	6/C60/3	C	79 20 3 3	16.0 56.3	45.8 9.0 143.2 1145.9	no defects found
Impact damage:						
NP8	6/C30/3		1500 1257 707 491 380 177	0.5 0.8 1.0 1.3 ?	0.6 3.5 5.4	1.3 1.2 2.4 2.7 2.3 3.2
NP9	6/C60/3		1257 804 707 707 314 177	0.9 1.1 ?	0.2 0.3 0.6 5.4	1.3 1.9 0.9 2.8 6.3 0.6
NP10	6/C30/3		1963 1257	0.5 0.6	0.5 0.1	1.3 0.9

Table 1. Structural Sandwich parameters

Repair Methods for Skins of Sandwich Structures

Repair procedures were investigated for skins of sandwich structures. The durability of resins and adhesives was tested and the best candidate materials were evaluated further by repairing large beams. There is no ideal modelling approach for repaired structures, but knowing the strengths and weaknesses of each approach allows optimisation of repair geometries. The experiments were used to evaluate modelling methods and to determine how much strength can be regained in a repair. The following detailed studies were made:

- Studies to characterise and rank alternative adhesives/resins for performing both “wet” and “dry” repairs, including properties after ageing. Typical results are shown in Fig.10
- Studies of alternative geometries including scarf and step repairs with various angles and step arrangements (Fig. 11) to optimise the repair design.
- Evaluation of associated modelling approach to predict repair strength.

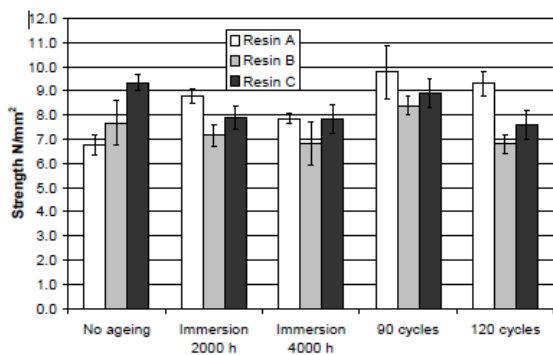


Fig 10. “Wet” and “Dry” repairs simulation results

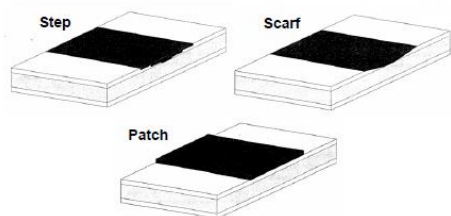


Fig 11: Sandwich Models generated from repair simulation

Conclusions:

Product Engineers can efficiently evaluate structural product performance under a wide range of physical scenarios using the powerful virtual testing environment of SOLIDWORKS Simulation Professional. Fully embedded with SOLIDWORKS 3D CAD, SOLIDWORKS Simulation Professional enables engineers to determine product mechanical resistance, product durability, natural frequencies, and test heat transfer and buckling instabilities. Pressure vessel analysis and complex loading is also supported. You can optimize products for weight, vibration, or instability based on a range of physical and geometrical parameters. With tight integration and a consistent user interface across SOLIDWORKS solutions, you can use the powerful capabilities of SOLIDWORKS Simulation Professional early in the design process to maximize product quality and reduce costs.

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Communication and Social Problems in the Context of Downtown Area Renewal. Case Study of Poznan in Poland

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Abstract

In the following article the attention is paid mainly to public space attractiveness questions. The main idea in a context of aesthetic and functional issues of urban renewal is to enable all the participants to start a dialogue. It is needed so as to identify local community's needs, preferences and aspirations. There is presented a case study of a city of Poznan in the context of a common city centre problems as well as ongoing spatial and social changes.

Keywords: urban renewal, public space, traffic calming.

Introduction - Poznan as a study example.

Poznan is a historical town whose origins dates back to the tenth century. Throughout history, the city's development was dependent on various external factors. Some of them worked on speeding up the urbanization process, others - as the establishment of the Poznan as a fortress, hampered development for centuries. Contemporary Poznan is also subjected to a number of determinants; some have local, other global dimensions. The rapid development of mass media and free flow of information are conducive to the growth of awareness and the formation of civic attitudes. It is a trend that can be observed in many societies - also among the inhabitants of Poznan. District councils, associations and informal groups consociating residents are increasingly involved in matters concerning spatial changes. Location of strategic functions, filling the space with green areas, selection of appropriate equipment or appropriately selected number of parking spaces - those are the problems issued by the municipal activists.

One of the factors that negatively affects the dynamics of spatial transformations leading to the renewal of downtown, is certainly inefficient transportation system. Tailored to the needs of the city of the second half of the twentieth century, where the car was the dominant mean of transportation, now is a generator of many spatial conflicts. The failure of the construction of planned bypasses resulted in the need to broaden the streets inside the city and thus fragmentation of urban tissue. Shopping streets connecting the Old Town with the district centers have been cut up and lost its attractiveness due to the lack of continuity of functional relationships and apparent disintegration of space. Of course, not only a bad situation of vehicular communication is responsible for the collapse of Poznan shopping streets. The low level of attractiveness of the downtown public spaces results in increased interest in areas on its periphery and the outflow of capital to these areas. Today, more Poznanians are shopping in shopping centers on suburbs than on the promenades and passages of the Old City. This results in even greater collapse of the valuable fabric of the city and its slow degradation.



Fig.1. Urban structure of Poznan city centre in a context of main traffic problems.

Public participation in the process of converting public spaces

Social and political transformations in Poland and global trends results in the increase of civic awareness also in the field of spatial order. Need to save valuable urban structure is felt by both the inhabitants and the city authorities. In order to improve the state of Poznan public spaces, corrective actions were taken.

At first, the authorities focused on soft actions, mainly involving the development of spatial awareness of residents and study their preferences as to the desirable forms of land use. Because the term "public participation" was relatively new, it was necessary to bring together different social groups, which have so far been wary to each other. To this end, a series of meetings were organized, aimed at better understanding of the motivations that guide social groups and an indication of possible fields of consensus on the creation and transformation of urban public spaces. Based on experience gained during the meeting Charter of the Public Space was formulated - a document setting out the basic principles of the creation and use of urban public spaces. In the absence of appropriate legal determinants, the Chart of Public Space has become practically the only document defining the rules of public participation in activities for the recovery of degraded urban areas including the city centers.

In parallel, municipal authorities commissioned the execution of projects for possible changes in relevant spatial development of individual streets. In order to improve the attractiveness of public spaces it was decided to perform studies taking into account such issues as:

- Traffic organization,
- Projects of pavements,
- A small architecture and urban furniture ,
- Green areas,
- Advertising and the media.

There was no radical decisions to incorporate in those studies the technical elements of infrastructure, including lighting, water supply etc. The objective of these studies was more to start the debate on the directions of possible transformations than selecting the appropriate solutions that need to be applied . We managed to collect quite a large number of opinions and voices that certainly will help narrow down the search.

However, participation is not only a tool for creation of social design concepts and public consultation of planned investments. The residents readiness for taking action in common spaces manifests itself in increased participation in various kinds of artistic projects that require creativity and an open attitude towards the activities in public space. The creation of fashionable, unique and attractive places require the use of unusual, unexpected solutions. Today's technical capabilities make it possible to design and furnish the space in such a way to provoke users and residents to specific interaction with it. The use of interactive gadgets in the form of smart infrastructural devices, the intentional design of lightning, pavement texture and sound, can make the streets more friendly – mostly for pedestrians and cyclists.



Fig.2. Workshops with public participation is a tool to define needed parking zones.

The revival of urban public spaces and the problem of vehicular transport domination.

The increase in the number of cars per capita - observed in Poland at the turn of the XXth century, apply to most Polish cities, including Poznan. According to statistical data in 2008 there were 494 cars per 1000 inhabitants in Poznan. This trend began with the political changes in Poland in the early 90s. Nuisances caused by automobile traffic are problematic in most city centers. Further expansion of the streets width does not warrant improve in the flow of traffic. The need to protect the downtown urban structures enforces to honour such a width of lanes that stem from the layout of historical quarters. In such circumstances, attempt to comply with the paradigm of dominance of road transport resulted in a drastic reduction in space for pedestrians, which is deadly to small trade and services located along the routes. The balance of the transport system and diversification in the preferred means of transport becomes a priority in this situation. The document accepted November 18, 1999 defines the Urban Transport Policy as compatible with the principles of sustainable development. The detailed resolutions include the restrictions on parking in lanes (Restricted Parking Zones (SOP)), gradual calming of traffic in central districts (TEMPO zone of 30 km/h) and the promotion of public transport and cycling. Restoration of public spaces for the pedestrian use, which was dominated before by traffic, has become one of the directions of activities of the authorities of Poznan.

The first major project was the introduction of restricted parking zones in the City Center and the gradual expansion of the SOP (Restricted Parking Zones) in downtown districts. The introduction of the zone in a given area is always associated with conducting public consultations with district councils. The author had the opportunity to make urban spatial development plan for downtown district of Wilda. Project covered area adjacent to the Old Town and running up to the Wildecki Market- the main square of the district. The objectives of the project was traffic calming within a main street connecting Market Wildecki Market with the Old Town, regulate and organize the parking spaces in such a way as to minimize their negative impact on the perception of space by pedestrians.

The project introduced solutions untapped in Poland, the so called sharing of the communication space through various forms of transport and pedestrians, such as junction with the lock for *passantes*, raising the crossings to the sidewalk levels, as well as already known in Poznan traffic calming elements such as road chicanes used for greenery or small architecture. The purpose of these operations was to adjust the speed of vehicles to 30km/h.

Another example of a city program aimed at reducing the dominance of cars in the city center, thus giving space to pedestrians and cyclists, is the TEMPO 30 ZONE, which means the designation of areas with limited maximum speed to 30km/h and traffic reorganization in such a way as to prevent transit traffic through the Old Town. Municipal Road Authority in Poznan proceeded to draw up a concept of reorganization of traffic and the creation of new spaces for the pedestrians on Św. Marcin street. In the past it used to be the main shopping street, currently it is badly organized, overgrown with functions incongruent with the rank of the place. Original project commissioned by the Municipal Road Authority did not seek specific engineering solutions, but provoked a discussion not only of experts and activists but also ordinary users.

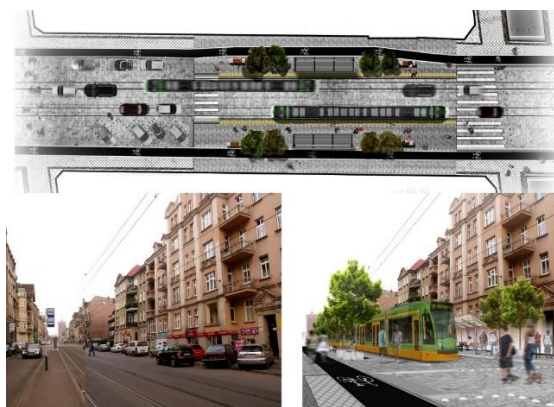


Fig.3. Concept of public space renewal with new organization of traffic and improvement of urban interior elements.

Summary

Strengthening of the local awareness and building urban strategies based on the unique characteristics of individual districts may be the beginning of a long process of renewal of the city center in both the spatial and socio-economic layer. One of the most important elements of urban structure, which role is to create a unique identity, is a system of public spaces of a downtown. This system is a space of increased interaction and social contact as it is the carrier of cultural heritage values. Composed of markets, squares, streets and parks, it reflects the level of social culture and defines the framework for social life. All design decisions and actions redefining these spaces are not only important spatial and economical terms, but also social. The public space has different social functions because of their "equipment" and purpose. Downtown must therefore be subject to continuous evolution and spatial changes made in terms of today's economic and social needs.

Public debate on the future of Poznan public spaces, as well as active participation of the municipalities and expert groups, points to greater openness of the authorities to the needs and demands. On the other hand, the positive trend is occurring for several years in revival in the creative sector, groups of local activists, creative environments, nonprofits and others for whom the matter of the balance in the city and development of culture has become a common idea. Public participation in shaping a new and better image of the degraded areas of the city coincides with the role of the architect - urban planner and includes not only involvement in creation of programs, projects or other documents but also active participation in the life of the city.

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Participation and Partnership Within Revival Process. Case Study of a City of Poznan in Poland

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Abstract

In the following paper there are presented the projects implemented by the Author, together with the Division of Revitalization of the City of Poznan. The issues were undertaken within a revitalization process – especially in its soft, social aspect. Presented effects are results of a long-term cooperation with Poznan Municipality. The main attention is focused on selected activities related to the issues of renewal and activation of public spaces and those of educational value. These are important tools to start a dialogue with city residents and can have a positive impact on social attitude to revival process.

Introduction

Process of either creation or revitalization of urban space within a city centre requires the need to ensure the increase of public participation. It is particularly important at local level. The local community should be given an opportunity to have an effect on changes in their space of living. It is essential within a renewal process to gather residents' opinions and ideas about future development so as to provide a success of taken steps. Local community must have the opportunity to present its point of view, identify its needs, preferences and aspirations. The participation process should be realized from the very beginning of revitalization program development. Thanks to the participation in the process of recovery program, the community has a chance to develop the sense of responsibility for the space, which is especially important at the stage of putting the area for use. Regeneration programs require consultation and social acceptance, though their final form is a result of decisions of the public authorities.

Participation in revival process – chosen aspects

Participation should relate primarily to those social groups that are directly involved in the planning process and will feel the consequences of certain decisions. These include residents of the district or municipality as well as various interest groups of: property or land owners, road users, elderly and disabled people, potential investors, developers, local politicians and representatives of science and culture.

The participation of these groups in the planning process should take place at the level of the creation of planning documents, which is regulated in Poland from 2015 by the revitalization law. The appropriate organization of public participation is also very important, if only because, those entities that have a high social position or capital are in a privileged position. This could have a negative effect leading to abuse and manipulation aimed at meeting the needs of only a narrow, selected group of people. It is also important to prepare the representatives of local governments to such cooperation, so as to obtain the desirable benefits. The most important is to gain general benefits for local community and not to enable political parties and particular groups of interests to realize their individual needs.

For that reason, participatory planning is the most desirable tool in a discussion about a potential of a given space and its development. The desirable instruments to start a discussion with local community are workshops, meetings, project presentations, during which local community and experts are gathered together in order to find a common vision of development or revitalization of a given area.

Partnership within revival process – chosen aspects

The validity of the issue of a city space revitalization is also strongly emphasized in educational activities, both in the departments of architecture or urban planning of Polish universities. The nature of these activities is two-dimensional: theoretical and practical, and their main aim is to develop qualified staff with different professional profiles, professionally

dealing with urban issues. Urban planning, due to the complexity of the questions is interdisciplinary. It can be understood as art and science of building, expansion and planning of the city.

An example of partnership within a revitalization process can be a collaboration of local authorities with universities, which in Poznan already has a long tradition and brings very good results. The impact of Poznan universities for spatial planning and urban development is expressed by taking the subject of scientific research related to the specifics of settlements in a region of Wielkopolska. It can be realized by organizing scientific conferences, urban and architectural competitions. These activities result in both inventory elaboration or architectural and planning concepts which are very useful to start the discussion about future of a district, city or even municipality.

As part of the educational process carried out by the Faculty of Architecture of Poznan University of Technology, there was established the cooperation with a number of cities and municipalities in Wielkopolska region, including Municipality of the city of Poznan. It was realized generally in two basic ways:

1. joint organization and implementation of student internships (e.g. summer fieldwork), which aimed not only at an inventory of the existing urban space, but also contained specific design solutions,
2. joint organization of students' competitions, which can produce various design solutions (in different scales) concerning development of chosen areas of a city. The effects of competitions are always presented to a broad public forum, with the participation of local authorities and local community. The chosen student works are rewarded in various competitions, including prestigious ones as "My Wielkopolska Region", which are organized by the professional associations in cooperation with local authorities.



Pic.1. Presentations, discussions and exhibitions of students' works as a tool of partnership within city revival process – example of cooperation with Międzychód Municipality [photo author].



Fig.2. The example of students' work under author's direction – proposal of a public space activation within a city centre of Poznan.

The undertaken actions are aimed at promoting knowledge and real public participation in planning and revitalization process. The idea is to search for innovative solutions based on the participation of multidisciplinary teams of professionals and involvement of the local community. The result of participatory planning and collaborative revitalization is social consensus about decisions taken at each level of planning: strategic, programmatic and implementation. In this perspective, the role of architect and urban planner should be understood more broadly than just in the meaning of a city space creation. There must be also taken into account the need for new challenges in the sphere of information, education and negotiating. In this context, it is important to create new theoretical solutions including the possibility of their implementation and use in order to minimize conflicts caused by different aims and interests of various social groups.

Case study – chosen activities concerning revitalization process

An interesting example of a long-term cooperation between Poznan Municipality with universities is an initiative "Change your backyard". So far there were held seven editions until 2016 which were organized in the framework of the Municipal Revitalisation Programme. The first pilot project was completed in 2010 in the form of "Green Workshop". The idea was taken from the methodology of the game "City of the Future", which is part of the "Creative Cities" project developed by the British Council and conducted in several cities throughout the world including Oslo, Glasgow, Canberra. The game proves that a creative approach, innovation, commitment and entrepreneurship of city residents can improve the attractiveness and functional offer of individual backyards, neighborhoods and entire cities.

The aim of the "Change your backyard" was to find ideas for the development and revival of the courtyards in the downtown area of Poznan within Jeżyce district. The game was attended by representatives of different backgrounds: residents who have applied to participate in workshops, architects, urban planners, specialists in greenery, designers, representatives of various associations, NGO's and Poznan authorities.

The project was done in a form of two-day workshops and its last stage was to evaluate all developed concepts and to choose the best ones. Criteria to be considered included attractiveness, innovation, durability and performance. In addition to the greening of backyards, the result of the workshop was the creation of several murals that were attractive and in visual way revitalized selected areas. The project, funded by Poznan Municipality, was carried out by the Association No Women No Art, which invited chosen artists from the collective PartTimeHeroesCollective. All the murals were created in collaboration with residents, managers and owners of individual houses of the yard.

In 2015, the action of "Change your backyard" covered six areas in Poznan city center, aiming at the improvement of a space in cooperation with local communities. Design workshops which are always constituted as a first phase of the project, are needed to define problems, set goals and find the best solutions. During the meetings there were presented characteristic features of given locations so to identify the key needs and set priorities, create concepts in project groups and to discuss the action plan and next steps to be taken so as to implement the best ideas. This year's seventh edition of the "Change your backyard" project concerned courtyards in the center of Poznan. The motto of the campaign was "Design, perform, use". As a result of workshops conducted with experts and local residents there had been developed new concepts of land use within the chosen backyards. The prize for the winning group was the opportunity to initiate the implementation of a Project with a slight financial support from Poznan Municipality.

Conclusions

The cooperation of Poznan authorities with the scientific community is an interesting tool for participatory planning. The participation process realized with the support of didactic and scientific process (e.g. projects, workshops and meetings involving both experts, students and local community) contributes to an increase of the awareness of direct consumers and city space users like residents, investors, managers and designers in the field of urban development, especially concerning public space within a city centre. It is also a very important element of the renewal process integrating different methods of planning. This kind of partnership seems to be a desirable method to integrate the theoretical assumptions of urban planning with revitalization and city development practice.

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Attachment Style and the Predisposition to Eating Disorders in Adolescence

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Abstract

This study arises from my personal interest to understand more about the attachment styles processes of the teenage girls and the predisposition to develop an eating disorder. Eating disorders in adolescence are being widely noted in the albanian society. Individuals affected more often by eating disorders are women, mostly girls in late adolescence and early adulthood age. The purpose of this study was to focus on exploring the relationship between the tendency to develop an eating disorder and attachment style of teenage girls 15-18 years old. In this study participated 287 teenage girls. They completed two measure instruments: Multidimensional eating disorder Inventory-Garner, Olmstead & Polivy (1983) which measured respectively eating disorders symptoms and Batholomew's Attachment Style Inventory (1991) which measured the attachment styles of the teenage girls. The hypothesis of the current study was that there was a significant link between unhealthy attachment styles (insecure, avoidant, disorganized) and the tendency to develop an eating disorder at teenage girls 15-18 years old. The result in the end of the study was that there is a statistically important relationship between the tendency to develop an eating disorder and unhealthy attachment styles (insecure, avoidant, disorganized). The study showed that the correlation between unhealthy attachment styles and tendency to develop an eating disorder was significant. Teenage girls with unhealthy attachment styles showed more symptoms of eating disorders, they were in border to develop an eating disorders or they already had one.

Keywords: adolescence, eating disorders, predisposition, attachment style.

1. Introduction

There is a basic approach in clinical psychology, by which the quality of close and emotional relationships we create with other people, have a significant impact on mental health problems. The theory of attachment, originating from the work of John Bowlby (1988), has been in the attention of many researches of the clinical psychology field and researchers who want to understand more about eating disorders and their relation to attachment styles.

There are several reasons why is increased the interest to researchers who want to understand more about the pathologies of mental health. First, the attachment theory today integrate empirical testable constructs and scientific reliable measurement and accurate. Second, based on several studies, it is proved from available empirical data available that exist a connection between the quality of attachment and mental health problems. Many researcher believe even that attachment style is a primary and dominant factor in the emergence of mental health problems (Dozier, Stovall-McClough, & Albus, 2008). Third, attachment theory integrates ideas from different therapeutic approaches such as psychoanalysis (Fónagy et al., 1996), cognitive therapy (Lioti & Pasquini, 2000) and family therapy (Kozloëska & Hanney, 2002).

Finally, this multidisciplinary theoretical background provides a means to understand the interaction of individual and family characteristics (Hill, Fónagy, Safer, & Sargent, 2003) and these are particularly important in the clinical work of psychologists with girls with anorexia and bulimia. In the past two decades there is a considerable number of published studies exploring the relationship of attachment styles and eating disorders.

2. Attachment and eating disorders

Attachment is a strong and stable emotional connection between mother (or primary care) and child in the first years of life. Attachment is at the roots of the controlling models of motivational system (Bowlby, 1988). It was John Bowlby (1988), who considered this relationship mother – child of a special importance, monitoring in his clinical practice problems of this

relationship. Generated by his theory, attachment theory, is rooted in Freud's psychoanalytical treatises and object relations theory. Attachment theory focused on the crucial importance that this relationship has on the subsequent development of the individual mental health.

Although Bowlby (1988) had focused his work as a psychologist primarily in parent-child relationship, he believed that attachment is a process that begins when we are born and continues until we die. Only in the mid-80s the researchers began to see seriously the fact of how early attachment figures, were a determinant factor of how an individual creates adult relationships through internal models of operation. Hazan and Shaver (1987) were the first two researchers who explored the ideas of Bowlby in the narrow context of romantic relationships or between peers created in adolescence and adulthood. Hazan and Shaver (1987) felt that romantic relationships in adulthood as caretaker-child relationship is an attachment relationship, and that romantic love is part of behavioral attachment system that has bases in our childhood.

The relationships that we have established with our parents or primary caregivers, expectations, feelings and beliefs that we have had in this relationship will be generalized in all attachment relationships that we will create in adulthood, including close emotional relationships, with romantic partners, peers, etc. According to the authors, on the basis of mental schemes created by the early relationship we create all of our relationships in life as adults, and those mental schemes are completely unaware (Hazan & Shaver, 1987). If the relationship with the primary caregiver was safe, then the individual is likely to create secure relationships with others and relationships based on trust.

In recent years, many studies had been based on Bowlby's theory of attachment (1988). Initially, the theory aimed to explain the psychopathologies of children and adults in the context of early problematic relationship between the child and the primary caregiver. According to the theory of attachment, the long-term effects of early experiences with "attachment figure" are effects saved in our memory through the creation of the "internal working models" – cognitive / emotional schemes, or representations of ourselves in relation to partners or individuals which we create close emotional relationships (Bartholomew, 1990).

Theoretically, these representations affect our expectations to others, emotions, defenses, and relational behavior in all close relationships. Although the theory does not require to assume that this internal working models are totally unchangeable, anyway this internal working models continue to be fairly constant during the whole life. As the theory as well as empirical evidence from longitudinal study led researchers into believing that the effects of attachment relations during childhood extend into adulthood, and these effects can be seen in the relationship with parents and close relations between colleagues, including romantic relationships (Bartholomew, 1990).

Extensive researches associate early attachment with eating disorders based on parent-child relationship. The findings are generally complicated, but are stable. First, girls who have anorexia described their parents in a negative way (Vidovic, Jurassic, Begovac, Mahnik, & Tocijk, 2005). Second, fathers are mainly described as emotionally distant and dismissive (Cole-detka & Kobak, 1996). Third, mothers are described as dominant, overprotective and perfectionist (Minuchin, Rosman, & Baker, 1980; Woodside et al., 2002). Finally, parents seem to behave in a manner detrimental to the development of independence and autonomy (Ratti et al., 1996).

Various studies have seen the connection between AAI (Adult Attachment Interview) and eating disorders. Cole-Detka and Kobak (1996) self-reporting scale was also used for the evaluation of the attachment style and eating disorder. From this study came out that teenage girls with eating disorder were categorized more with avoidant attachment. Girls who had symptoms of eating disorders and also showed depression were classified with disorganized attachment style. In contrast to this study, Fonagy and his colleagues (1996) found that 64% of girls with eating disorders were classified with disorganized attachment, but girls who also had comorbid depression were classified with avoidant attachment style.

3. Aim of the study and hypothesis

This study arose from my personal interest to understand more about the attachment styles processes of the teenage girls and the predisposition to develop an eating disorder. Also this study originated as a result of lack of studies regarding this topic in Albania. This is the first study which aims to understand more about the connection between the predisposition to develop an eating disorder and attachment styles of 15-18 years old teenage girls in Albania.

The aim of this research was to explore the relationship between the attachment styles of 15-18 years old teenage girls and their predisposition to develop an eating disorder. The hypothesis of this study was : Teenage girls 15-18 years old which show an unhealthy attachment style (unsecured, avoidant, disorganized), will also show the predisposition to develop an eating disorder. Objectives of the study are : 1. To identify attachment styles of 15-18 years old teenage girls. 2. To identify the teenage girls which show symptoms and predisposition to develop an eating disorder. 3. To find the correlational link between the tendency of developing eating disorders and attachment styles of the teenage girls. 4. To offer recommendations for professionals during their labor with adolescent girls regarding an understanding of attachment style processes and tendency to develop eating disorders.

4. Methodology

The study sample consists of 300 adolescent girls aged 15 to 18 years living in Tirana. Were chosen only girls according to the aim of the study and also because approximately 90% -95% of patients with eating disorders are girls between 15-18 years old (Steiner & Lock, 1998). In the current study 7% of the sample were 15 years old girls; 32.3% of participants were 16 years old; The majority of girls were 17 years old or 45.7% of the sample, and 18 years old girls constitute 15% of the sample. Answers of 13 girls resulted not valid, and the results of the study were extracted from the final sample of 287 teenage girls. Individuals who participated in this study may exhibit symptoms of eating disorders or not.

Table 1. Descriptive analysis

Age of the participants					
		Frequency	Percent	Valid Percent	Cumulative Percent
	15 years old	20	7.0	7.0	7.0
	16 years old	93	32.3	32.3	39.3
	17 years old	131	45.7	45.7	85.0
	18 years old	43	15.0	15.0	100.0
	Total	287	100.0	100.0	

The sample selection of this study was based on a randomized selection as the appropriate tool for the study realized. School names were written in white letters and from all schools were randomly selected 5 high schools. The high schools selected to realize this study were : Sami Frashëri, Partizani, Sinan Tafaj, Andon Zako Çajupi and Ismail Qemali.

Measure instruments

To carry out my study I have used three instruments measuring : Attachment Style Inventory (Bartholomew, 1991); Multidimensional eating disorder inventory -Garner, Olmstead & Polivy (1983) and The questionnaire of Demographic Data.

Attachment Styles Inventory (Bartholomew 1991) : This instrument has been used widely in different studies of the categorization of attachment styles, respectively secure, insecure, avoidant and disorganized attachment style. The instrument contains 30 claims related to the attachment styles. It was designed by Bartholomew (1991) to measure attachment styles in adolescence and early adulthood. It is constructed according to the Likert-Scale from 1 (totally not agree)-5 (totally agree). Alfa Cronbach of this instrument in the current study resulted 0.85. Time management of the instrument was 10-15 minutes. Allegations 3, 9, 10, 15, 28 belong to the secure attachment style, where 9 and 28 are reverse scored. Allegations 1, 5, 12, 24 belong to the insecure attachment style. Allegations 6, 8, 16, 25, where 6 is reverse scored, belong to the disorganized attachment style. Allegations 2, 19, 22, 26 belong to the avoidant attachment style.

Multidimensional eating disorder inventory-Garner, Olmstead & Polivy (1983) : It is an instrument used on various studies to measure the symptomatology of eating disorders. Alfa Cronbach of this instrument in the current study resulted 0.9. This instrument measures the presence or not of an eating disorder. The instrument contains 40 claims related to the symptoms of eating disorders. The total of the point in this instrument are 120 points are. The instrument has been divided in three levels of points. Individuals who take from 0-29 points are categorized as normal and individuals who do not have symptoms of eating disorders and are not at risk to develop one. Individuals who take from 30-50 points are categorized as individuals who are in the border with eating disorders, they show symptoms and predisposition to develop an eating disorder. But individuals who take more than 50 points are categorized as individuals who already have an eating disorders

and that should be diagnosed for determining the specific type of disorder that may be anorexia, bulimia, etc. It is constructed according to the Likert-Scale from 1(never)-5(always). Time management is 20 minutes.

Questionnaire of Demographic Data : The instrument contains questions about the age, the class that attends, hometown, social and economic status, parents educational level and religious faith of individuals participants in the study. In this study will not be used all the data derived from this questionnaire, but will be used only data available in function of the current study. Other data provided are in function of future studies I can do in this area.

5.Results

The data were analyzed with the Statistical Program for Social Sciences (SPSS) version 20. Statistics included in this basic program were correlations and descriptive statistics, such as : frequencies, averages, percentages, corss tabulations, rates etc. Out of the sample of 300 adolescents, 13 of fulfilled instruments resulted not valid, consequently results have been extracted from the final sample of 287 teenage girls. The results obtained from the Multidimensional eating disorder inventory-Garner, Olmstead & Polivy (1983) are presented in the following table :

		Frequency	Percent	Valid Percent	Cumulative Percent
	Normal	195	67.9	67.9	67.9
	In border with eating disorders	85	29.6	29.6	97.5
	Eating disorders	7	2.4	2.4	100.0
	Total	287	95.7	100.0	

Table 2. The results expressed in percentages about the symptoms of eating disorders of teenage girls in the study.

In the Table 2. we see that the greatest proportion of teenage girls vjeç 15-18, 67.9% are categorized as "normal" by the Multidimensional eating disorder inventory-Garner, Olmstead & Polivy (1983). So, for the most part of girls participating in the study show no symptoms or risk of developing an eating disorder; 29.6% of them are located on the border and potentially endangered to develop an eating disorder; 2.4% of them already already had an eating disorder and they should be diagnosed to specify the eating disorder and take the right treatment.

Below are presented the categorization of teenage girls attachment styles, according to their responses, given in Attachment Styles Inventory (Bartholomew, 1991).

		Frequency	Percent	Valid Percent	cumulative Percent
287 Valid	Secure attachment	63	22.0	22.0	22.0
	Insecure attachment	90	31.3	31.3	53.3
	Disorganized attachment	86	29.9	29.9	83.2
	Avoidant attachment	48	16.7	16.7	100.0
	Total	287	100.0	100.0	

From the Table 3, results that form 287 teenage girls 22% of them had secure attachment style, 31.3% of them had insecure attachment style, 29.9% had disorganized attachment style and only 16.7% of them exhibit avoidant attachment style in relations with others.

In Table 4 are given the responses of the participants in the study according to the eating disorders and attachment styles.

Eating Disorders		Attachment Styles			
		Secure	Insecure	Disorganized	Avoidant
Normal level	195	63	59	50	23
	100.0%	32.3%	30.3%	25.6%	11.8%
	In border with eating disorders	85	0	29	33
	100.0%	0%	34%	39%	27%
With an eating disorder	7	0	2	3	2
	100.0%	0%	28.6%	42.8%	28.6%
Total	287	63	90	86	48
	100.0%	100.0%	100.0%	100.0%	100.0%

From this table we noticed that the girls which did not exhibit eating disorders or predisposition to develop an eating disorders, have these attachment styles in their relationships with others : 32.3% have secure attachment style, 30.3% have insecure attachment, 25.6% the teenage girls which did not exhibit eating disorders or predisposition to develop an eating disorders have disorganized attachment style;11.8% of their have avoidant attachment style in establishing relations with others.

From teenage girls to 15-18 years old, which are on the border with eating disorders and have a predisposition to develop an eating disorder, none of them have secure attachment style in establishing relations with others. 34% of them have insecure attachment, 39% have disorganized attachment style and 27% of girls who are on the border with the emergence of eating disorders have avoidant attachment style.

Correlation

Below are presented tables with the correlations values between variables expressed of study. In the table below is shown the correlational relationship between risk or predisposition to develop an eating disorder (on the border with eating disorders) and secure attachment style.

Table 5. Correlation

		On the border with eating disorders	Secure attachment style
On the border with eating disorders	Pearson Correlation	1	-.626**
	Sig. (2-tailed)		.000
	N	287	287
Secure attachment style	Pearson Correlation	-.626**	1
	Sig. (2-tailed)	.000	
	N	63	63

The table 5 also shows that there is a strong negative correlation ($r = -0.62$ ") between secure attachment style and the risk to develop an eating disorder. This means that girls who have secure attachment style aren't risked to develop an eating disorder.

Table 6. Correlation

		On the border with eating disorders	Insecure attachment Style
On the border with eating disorders	Pearson Correlation	1	.289**
	Sig. (2-tailed)		.000
	N	287	287

Insecure attachment style	Pearson Correlation	.289 **	1
	Sig. (2-tailed)	.000	
	N	90	90

In the table 6 we see also that there is a significant positive correlation between insecure attachment and the predisposition to develop an eating disorder ($r = 0.28$ **). This presupposes that girls which shoq an insecure attachment style are more likely to develop an eating disorder. So, in the emergence of insecure attachment, increases also the possibility / the risk of developing an eating disorder.

Table 7. Correlation

		On the border with eating disorders	Disorganized attachment style
On the border with eating disorders	Pearson Correlation	1	.376 **
	Sig. (2-tailed)		.000
	N	287	287
Disorganized attachment style	Pearson Correlation	.376 **	1
	Sig. (2-tailed)	.000	
	N	86	86

On the table 7 is shown the correlation between the disorganized attachment style and the risk of developing an eating disorder. The table shows that there is a strong positive correlation between the predisposition to have an eating disorder and disorganized attachment style ($r = 0.37$ **). This means that the increased likelihood of having a disorganized attachment style in establishing relations with others, increase also the possibility of developing an eating disorder of the teenage girls participants of the study.

Table 8

		On the border with eating disorders	Avoidant attachment style
On the border with eating disorders	Pearson Correlation	1	.253 **
	Sig. (2-tailed)		.004
	N	287	287
Avoidant attachment Style	Pearson Correlation	.253 **	1
	Sig. (2-tailed)	.004	
	N	48	48

From the table 8 it is observed that there is a significant positive correlation between avoidant attachment style and predisposition to develop an eating disorder ($r = 0.25$ **). This correlation means that with the increased likelihood of having avoidant attachment style in establishing relations with others, increases also the risk to have an eating disorder. On the other hand it presupposes that teenage girls, which display a predisposition to have an eating disorder, are more likely also to have avoidant attachment style.

6. Discussion

The study sample consists of 300 adolescent girls aged 15 to 18 years living in Tirana. Were chosen only girl according to the aim of the study and also because approximately 90% -95% of patients with eating disorders are girls between 15-18 years old (Steiner & Lock, 1998). In the current study 7% of the sample were 15 years old girls; 32.3% of participants were 16 years old; The majority of girls were 17 years old or 45.7% of the sample, and 18 years old girls constitute 15% of the sample. Answers of 13 girls resulted not valid, and the results of the study were extracted from the final sample of 287 teenage girls. Individuals who participated in this study may exhibit symptoms of eating disorders or not.

The aim of the study was to explore the relationship between the attachment styles of 15-18 years old teenage girls and their predisposition to develop an eating disorder. The hypothesis of this study was : Teenage girls 15-18 years old which show an unhealthy attachment style (insecure, avoidant, disorganized), will also show the predisposition to develop an eating disorder. So in this study was hypothesised that there was a significant correlation between unhealthy attachment style and the risk to develop an eating disorder. The hypothesis of this research was confirmed.

The study revealed that the greatest proportion of teenage girls vjeç 15-18, 67.9% are categorized as "normal" by the Multidimensional eating disorder inventory-Garner, Olmstead & Polivy (1983). So, for the most part of girls participating in the study show no symptoms or risk of developing an eating disorder; 29.6% of them are located on the border and potentially endangered to develop an eating disorder; 2.4% of them already had an eating disorder and they should be diagnosed to specify the eating disorder and take the right treatment. Even by the Association American Psychiatric (2000), only 3-5% of the adolescents develop an eating disorder. Without having a strong sense of identity, teenage girls starts to feel bad about their appearance and they go towards keeping diets and raising expectations unrealistically about their appearance, going on this way towards developing an eating disorder (Rosen, 1993). Adolescence is an important period which need to be studied, because it can be a critical period for the development of eating disorders (Silverstone, 1992). Problems such as diet, food e weight control, disturbances about weight and body shape, and problematic relations with parents can be risk factors on developing an eating disorder in adolescence (Schupak-Neuberg et al.1993).

Resulted that that form 287 teenage girls 22% of them had secure attachment style, 31.3% of them had insecure attachment style, 29.9% had disorganized attachment style and only 16.7% of them exhibit avoidant attachment style in relations with others. Resulted that the girls which did not exhibit eating disorders or predisposition to develop an eating disorders, have these attachment styles in their relationships with others : 32.3% have secure attachment style, 30.3% have insecure attachment, 25.6% the teenage girls which did not exhibit eating disorders or predisposition to develop an eating disorders have disorganized attachment style; 11.8% of their have avoidant attachment style in establishing relations with others. Studies reported by Schupak-Neuberg et al.(1993), indicate that when teenage girls have an unhealthy attachment style, they become much more self-conscious. Self-awareness leads to increased high self-criticism, leaving adolescent girls extremely vulnerable to eating disorders (Schupak-Neuberg et al.1993).

From teenage girls to 15-18 years old, which are on the border with eating disorders and have a predisposition to develop an eating disorder, none of them have secure attachment style in establishing relations with others. 34% of them have insecure attachment, 39% have disorganized attachment style and 27% of girls who are on the border with the emergence of eating disorders have avoidant attachment style. Various studies have seen the connection between AAI (Adult Attachment Interview) and eating disorders Cole-Deitka and Kobak (1996) self-reporting scale was also used for the evaluation of the attachment style and eating disorder. From this study came out that teenage girls with eating disorder were categorized more with avoidant attachment. Girls who had symptoms of eating disorders and also showed depression were classified with disorganized attachment style. In contrast to this study, Fonagy and his colleagues (1996) found that 64% of girls with eating disorders were classified with disorganized attachment, but girls who also had comorbid depression were classified with avoidant attachment style. Button (1996) have followed this line of research in different cultures and have found out the close connection between attachment and self-evaluation. Patients with eating disorders exhibit associated low self-esteem, such as problems with self-image and overall their exaggerated fears about weight and body shape, and globally negative attitudes about self-control and discipline.

7. Study Ethics

The entire information gathered from the study was totally anonymous. All the participants in the study were informed about the aim of the study, procedures and confidentiality and all the girls participated voluntarily in the current study. It's avoided any physical or psychological damage of the participants. After getting all the necessary information all the participants signed the "Consent Form".

8. The contributions of this study

This is the first study in Albania, which shows that there is a relationship between the tendency to develop an eating disorder and attachment styles of 15-18 years old teenage girls. Eating disorders are dedicated usually as a consequence of social ideals and standards about the beauty, consequence of the impact of the media as well. Meanwhile, this study attempted to concept them closely related to unhealthy attachment styles.

9. Researches in the future

I would suggest future researches exploring the relationship of eating disorders and attachment styles in a sample of diagnosed patient with anorexia or bulimia. In Albania are absent such studies and also standardized measurement instruments. Other researches are necessary about intervention programs for teenage girls suffering from an eating disorder. All clinical psychologist working with teenagers, should gain a deep understanding of psychological processes of teenage girls with an eating disorder or with the predisposition to develop an eating disorder. This can lead us to prevention or the right treatment program.

10. Conclusions

The aim of the study was to explore the relationship between the attachment styles of 15-18 years old teenage girls and their predisposition to develop an eating disorder. From the study resulted that there is a strong positive correlation between unhealthy attachment styles and eating disorders. On the other hand girls with secure attachment style did not show the presence of an eating disorder or a predisposition. Also resulted that there is a strong positive correlation between unhealthy attachment styles and being in border with an eating disorder. This means that teenage girls with unsecure, avoidant or disorganized attachment style show also higher predisposition to develop an eating disorder and teenage girls with secure attachment style will show lower risk to develop an eating disorder. The finding of this study makes us understand the importance of attachment processes in adolescents psychological well-being, in their mental health and how the presence of an unhealthy attachment style can be a risk factor of developing an eating disorder.

11. Recommendations

Therapists must be aware of the nature and manifestations of the symptoms of eating disorders and with the understanding of attachment style processes during their work with teenage girls. This will help therapists to a better understanding of the history of the concerns of the client as well to understand the real origin of the problem. Therapists who will work with this category of adolescents should take present that symptomatology of eating disorders derive also from unhealthy attachment styles (unsecured, avoidant, disorganized) and they work should focus on improving teenagers styles of relating to others.

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The Socio-Psychological Impact of Divorce on School Children through Analysis of Interviews Implemented to Students and School Psychologists in Tirana\Albania

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Abstract

Recent studies indicate that there is great influence of divorce on children's lives. The effect of a divorced couple with children may cause a lifespan impact on them; especially young aged children may experience dramatic and traumatic adjustments that could lead to mental, physical and emotional disorders. The effect is not only with visible traces but also their mindsets, hearts, spiritual well-beings may get effected from low to high scales; visible to non-visible; long-term to short term periods. The present study was mainly focused on divorced children from secondary and high school students in Albania as to observe, investigate and analyze the impact of divorce on children and their school lives. One of the main problems observed with divorced families was the uncertain role of the parent that would beheld child's educational needs. Also how divorce impact on those children when their parents get the divorced, do they feel secure or not, or do they miss the parents who do not live with children or do they hate them. Do those children have low academic achievement in school, or not were main concerns of the present study. Together with this particular study as well as the interview with some psychologists, the obtained data and analysis of them indicated that support from school does not provide sufficient emotional support for children of divorced families. Present study also shows that there isn't significant correlation between psychologists, children and parents in regard with expected sufficient emotional support and betterment of children's current situations.

Keywords: Divorced children, emotional support, role of the parents, school life, school psychologists.

1. INTRODUCTION

It's one of the commonly accepted facts that family norms, concepts of relationships, different ways of experiencing life, values of individuals together with society, policies for family plans and structures have gone through big changes within last decades. Although the change seems to be continues, including some laws in relation with divorce, the changes were unfortunately indicate negative side effects for children of divorced families as divorce together with new laws became easier for couples which increased the number of divorced parents. Other many studies conducted on divorce in eastern countries also show that the rate has been higher since a couple of decades (Hetherington & Stanley-Hagan, 1999). The present study in regard with literature written on the issue aims at investigating the roles of divorced parents on education of children, their impact on their socializations etc.

At this point, it is worth to mention that one of the primary concern of the study was also to observe those children's lives at school, at home, and within society by interviewing them and/or their immediate related people around them. Questions like; how were they being transformed from family life to divorced couples life, how did they behave differently in those situations, what happened to their identities as in their perception of themselves or others' perception of them. The social life has significant role on divorced children; being part of the society, creating social belonging and identity, developing their own ideas, preparing their future to share experiences with friends at the same time.

The overall aim of this research was to find the influence of education that parents have and how it influences on children's academic achievement. Do they comprehend the feelings of the children while taking the decision of divorce? I also chose to study and know more about these children if they had financial issues and if they received any social support from governmental entities. Some phrases were also taken from some students as to conceptualize their thought about divorce and how did they perceive the divorce of the parents. The structure of the survey implemented was created as to have a

more clear idea of divorce as a phenomenon and the effect of divorce on those children. Were children supposed to choose the alternative or the best choice for them? Were they able to make rational choices at that point?

According to majority of studies children with divorced parents indicate a higher level of anti-social behavior and difficulties in pair-work and school tasks in comparison with children of whose parents were not divorced, (Najmanet et. al, 1997). *Studies of the implications of parental separation for children's well-being have consistently shown that children of divorced parents fare worse on different measures of well-being than children living in intact families* (Amato, 2001; Amato and Keith 1991). On the other hand, it's worth to mention that there is solid evidence that divorce has negative impact on children in short term, however, there is not sufficient study investigating the impact on long-term periods and its relation with socio-economic outcomes.

Another fact is that children of divorced parents are those that have problems at school as well. They don't study well, they have low school performance, they get aggressive with other children, and, also they may go through depression because of their parents' mistakes on not caring enough for them. These children prefer to be alone, they are mostly anti-social because of their low self-esteem, and also their behaviors are very disrespectful. Since they live in Albania, those children are more adapted with Albanian way of thinking, values, norms, ways of behavior and they feel forced to act according to the expectations of the society they live in. Socialization in this regard is one of the most important elements of the Albanian society for those children.

2. METHODOLOGY

The methodology used on this scientific paper was qualitative. Qualitative method is the method that did not get results with statistics but interpreted questions which puts this study into a qualitative form. Students from divorced families, aged from 11 to 18, and also psychologists of some schools, in Tirana, were interviewed about the psychological impact of divorce and the status of social support in their lives. The interview for school psychologists was implemented by the usage of the same interview for divorced parents and they were asked of their thoughts on those children. Psychologist mostly mentioned that children were the fruit of their parents and that they were influenced by them as well as in applying some changes on themselves; as they felt like acting according to the behavior of their parents during divorce and after it.

Advantages of using a qualitative method to a school psychologist were to collect data for divorced parents and their children and by observation in their lives. It was aimed to see the everyday problems of children which they had every day in their family and in school, in society also they were prejudiced by some friends and others as well. How do they perceive this and how do they pass this within themselves?

3. THE SOCIO-PSYCHOLOGICAL IMPACT OF DIVORCE ON CHILDREN

The literature written on divorced children in secondary and high schools in Tirana shows the positive and negative; advantages and disadvantages for those children during school. The common issues which contains with the important role of parents on children education. Also how the divorce indicate in those children when their parents get divorced, do they feel secure or not? Are they missing the parents who do not live with children or do they hate them? "Furthermore, considering the fact that the law on divorce has changed, divorce can be carried out easier and quicker. Due to this big change the number of divorces has increased". (Hetherington & Stanley-Hagan, 1999) The process of divorce is widespread in Tirana. Many studies show that the divorce rate is quite high in many Eastern countries. But the mentality of the divorce in Albania hasn't become as it is in Europe, because the family lost the respect of the society and they prejudice them. So, those families keep inside just not to prejudice others. While other studies compare the behavior of children with divorced parents and children whose parents are not divorced, this study was focused on behavior problems and emotional disorders in children with divorced parents reported by children themselves who are compared to the data reported by their teachers, psychologists and their parents. "Patterns of family interaction and behaviors pertaining to roles in the family remain consistent and stable over time" (Whitbeck, Hoyt, & Huck, 1994) This means that many of the problems that a child experiences due to poor physical or emotional relations with their parents will remain a part of their lives into adulthood.

Paternal relations and attachment is an area of research that has been neglected and needs to be investigated further since attachment to the father can be viewed as a protective factor for many externalizing behaviors. *Adults who perceived a greater deal of fatherly affirmations in the past have an increase in their self-esteem and can decrease their fear of intimacy. This can be seen in both men and women* (Naus & Theis, 1994; Scheffler & Naus, 1999). When an individual

experiences a conflicted relationship with their father they are at risk for experiencing problems in adolescence through adulthood.

The relationship with the father can have a very significant impact on both sons and daughters; however, this impact may vary between girls and boys. *At one point most research supported a greater link of the mother child relationship to attachment of children however more recent research has shown that the link between father child relations and attachment is much stronger* (Lamb, 2004). As observed throughout the reviewed literature there hasn't been a significant research on divorced children in secondary and high school which is one of the main objectives of this study as to provide data and results in understanding the level of those divorced children at schools in Albania.

4. PSYCHOLOGISTS' RESPONSES TO INTERVIEW QUESTIONS

As one of the purposes of this study was to investigate the relationship between social support from the state and its psychological impact on children; the influence of positive and negative effects on divorced children that come from social impact in school and family was taken into consideration as well. This chapter included data analysis that are taken on interview realised by psychologists and students in schools Tirana. In this research had been applying an interview with 13 questions in different school psychologists in Tirana. There was 10 psychologists and 10 students who want to share their feeling about their family divorce. Questions are made to prove the hypothesis that the state does not protect the social life of divorced children in nursing homes.

5.1 Do you agree that divorce has effect on children?

- *Obviously that affects, for two of the most important figures for the child's life would suddenly put the child in a difficult position of selection, and whether the parents will have real conflicts, one that will pay more the child will be.*

In first question the all Psychologists said that the divorce effect on children life, behavior, and they have the difficulty in beginning new life without one parent. Here they agree with question.

5.2 Does divorce have an effect on children's behaviour?

- *In most cases parents during divorce have less time, attention and commitment to the child. Also parents change their attitude towards this without discussion to bother children. Exactly when the child requires more attention than ever, they do not have and not only feel hurt by this story, but their condition aggravated different emotional consequences without compromising here and the emergence of depressive signs.*

In second question, Psychologists accepted that the divorce reflect in children behavior, their parents change their attitude towards this without discussion to bother children. This time is when the children needs more attention than ever, and they parents get the divorce and this make children feels loss from them or they feel faulty in front of parents because they thing that because of them they get divorce.

5.3 Have you encountered any of such cases?

- *No, I have not known.*
- *Emotional reactions are different children and basic adult or family where they belong. There are cases when the custodial parent after divorce does not allow the child to meet with the other parent or the child has been tried to reconcile the parents organizing something in secret (ex. Meeting), not only has failed to reconcile, but He received as a "reward" insults and showed aggressiveness parent to child.*
- *Extreme cases are those cases where children in a small age, not only as they create the possibility of meeting with parents who live apart, but was denied his existence, saying that Mom or Dad is dead even although the child is aware that there are living parent.*
- *In these instances, the child appeared unable panic, confusion, becomes hostile, keeps itself guilt, mental and physical fatigue also appeared rejection in most cases. But without bypass and when the child prefers to remain silent suffering itself.*

In third question, Psychologists discuss for children reaction that they pass after a divorce. Some of those children show panic condition, confusion, become hostile, keeps itself guilt, mental and physical fatigue also appeared rejection in most cases thought psychologists in the interview.

5.4 Is there a relation between divorce and healthy psychological growth of a child?

- *Due to all the changes involved in divorce, parents may become impatient, irritable, and less emotionally and physically accessible to their Children. Both a result, children may be angry and stressed by the divorce and the changes associated with it. Furthermore, may children act out by showing their anger and pain. While he is away either by images of parenting, of course it growth will exceed new challenges.*

In the fourth question, psychologists analyzed the effect of divorced children, and they analyses the causes of children psychologically health. Here psychologists mention the problems that a child could have from the divorce.

5.5 What are the difficulties of divorce and how can children overcome with consequences?

- *Parents' Divorce leaves traces in the life of every child. (This does not exclude the geniuses). Goethe said: "No one should believe that can save the impressions of his youth." The consequences are different depending on family dynamics, emotional balance of the parents, professional support offered by schools and society. The consequences are behaviors with peers, performance in lessons, increase aggressiveness or the opposite conclusion in itself as it increases feelings of guilt in relation to divorce. Child suspects or believes that he was the cause of separation of the parents, and the child did this action will close by itself, will become antisocial because guilt that he has in himself will accompany lifetime.*

In fifth question, Psychologists mention the causes of consequences of a child during parental divorce. Parents should look for the future of their children not just for the moment and this thing just few parents do because their consequences are different depending on family system, emotional balance of parents, professional support offered by schools and society.

5.6 Which gender groups are more affected? Boys or Girls?

- *No genuine study in Albania first to determine.*

In sixth questions, two of psychologists does not give an answer because they don't have any genuine study in this aspect, they don't have real statistic in this question.

- *It is found boys that were more affected after the divorce, whereas girls were found to experience more disturbances before the divorce. Parents children whose-ended in divorce displayed ultimately poorer and more emotional adjustment problems prior to the divorce than whose children parents did not divorce.*

In sixth question, five psychologists said that boys were more affected after the divorce than girls. They said that boy feels this aspect more difficulty because they will see themselves in father position and they don't want to do the same as their father did.

- *In my opinion, the girls has more difficult because their nature of instinctively is more closed with parents.*

Here three of ten psychologists think differently, they thought that girls are more affected in the parent divorce because the girls are more sensitive than boys, also they are more related with parent and they have difficulty to perceive the divorce between two parents.

5.7 Do children show the effects of divorce on their faces?

- *The very difficult because the structure of personality and temperament more introvert and isolate the child. This isolation makes it the silent within you and suffers the separation of parents thinking that they are behind the separation of his parents.*

In seventh question, psychologists had the same opinion and they argued that those children has more difficulty than other children because those children don't share anything but they keep everything inside of themselves, and his thing destroy them slowly.

5.8 How much of children's pain do parents comprehend?

- *It depends on the educational and cultural level of each parent.*

In eight questions, psychologists give this answer, and actually are true because here in Albania most of the parents don't have any education and this makes the children feel bad because they don't understand their children, they leave children there and just go ahead for her new future, but they forget that her new future is her child.

5.9 Is there anything positive about divorce?

- *Yes. In cases where the report in pairs is tense and more violent it is healthy for the couple to split, so that the child is not to create scenes with themes such as cognitive.*

In nine questions, one psychologist argues in this way, because in the family the rapport of the parents is tense and violent, for children is healthy that their parents get the divorce.

- *Yes. Even though divorce can bring temporary stress to the family, we may also provide a second chance for happiness for parents. Children tend to benefit from the divorce in cases where there is a high-conflict marriage. It is argued that the positive outcomes.*

The most psychologists that I conclude from the interview said that the divorce can bring stress to the family, so if those parents won't stop the stress in the family, they provide for a new chance for happiness for their family.

- *No, because some children have a good memory and they remember the scene of their parents during the divorce. Some of those children will repeat the behavior that their parents have done, and they get divorce too.*

Here two psychologists do not accept the new chance for a good family because they think that some children have such a good memory and they remember the scenes of the violence in the family and if those scenes will repeat again they will do the same thing in their future, because children do what they see and what they learn, says psychologists.

5.10 How much time does it take for a child to adapt the divorce?

- *It depends on the way the parents are divided and how the child has experienced divorce. There are children who spend quickly sharing parents who do not want to know what they do, there are children who feel guilty about the separation of parents, also have children who feel lonely after the departure of one of the parents.*

In the ten questions, psychologists argued in this way, because there is no fixed time for each child to adapt in divorce. All children are differing from each other and their personality changes too, some of them adapt with divorce easily and some of them can't accept the divorce as a phenomenon.

5.11 What are some elements that impact the adaptation process?

- *Positive social network, relatives, schools and obviously is supported psychologically. If the child is a teenager, he did not blend between separations of the parents. But it depends on you from every child resurges and social impact of resurges.*

In question eleven, psychologists mention some factors for the children's adaptation, the most answer of the psychologists were positive because the factors are shown in our life such as family support, social networks, psychological support, etc.

5.12 Do children learn to adapt or does it happen itself?

- *It depends on internal resurges having each child and social resurges. It depends on each child how he sees it and how tends a child to adapt to a new life. Not every child fits easily with divorcing parents.*

In question twelve, psychologists say that the divorce depends on internal resurges, and how a child can adapt with the divorce. There is not a fixed if a child can adapt easily or not with divorce.

5.13 What do children need to know about divorce?

- *The child talk about the causes why parents are separated (as understood as a child should know) explained both by parents and by a psychologist.*
- *Initially, the child should be noted that the issue of divorce, why it happens and what are its causes. The child talk about the causes why parents are separated (as understood as a child should know) explained both by parents and by family or school psychologist.*

And in the last questions, psychologists mention some facts that a child should know about the divorce, they mention also that they should learn as much as they can perceive not to learn new things that they don't or can't perceive.

5. STUDENTS` RESPONSES TO INTERVIEW QUESTIONS

Divorce has a negative impact, not only to parents (the couple), but also to their children. Teenagers who have experienced parental separation in this period are more susceptible. They are at an age to understand the consequences of separation. They are adults and feel offended before their peers. They talked about their parents superlatives, and now do not know what to say. They are at the age that need more advice, suggestions and support of both parents, and now the man was missing. In this category of students prevailing sadness, melancholy, sadness, uncertainty about life, pessimism.

- *"Why my poem was so sad, but why my heart sings pain, why my life is so fragile, why my eye often often kilotons." (L., third year student).*
- *"Fly in fever, stuck here in my silence. I have within me the s'dal out of it. I remained so, oh of how long ". (S., student of first year).*

Councils of both parents, their constant support, their unceasing care of more teenagers Grill, makes them more resistant and better able to overcome the difficulties of the age of life. When it is partial, their mood deteriorates.

- *"Well, death, come get me, I am waiting for you! Hearing or disobey?! ... I'm better with you that damn wicked life. Often I would rather die than to live." (J., Third year student).*

Someone, son even calls the death, they are dissatisfied, not just with themselves, with their fate, but also the people around them, the reality in which they live. In the end their revolt directed against opinion bystander (also seek his help).

- *"Oh, people get! Do not understand that are killing themselves, they are the living die! "*

Their accusation is heavy, ruthless. Solution: another world, a true black, a new faith to give another meaning to their life.

- *"I want to drink, to carouse, to be a stopper, to forget reality, you lose the sense of pain, to invent another world". (I., third year student).*

Adolescent whose parents are divorced is always tense. There is confidence in ourselves and always worried that doing wrong. Even when everything goes well he worries about the future and therefore is difficult to soothe themselves. A significant source of stress among adolescents is concern secondary post-traumatic loss or separation from a parent. They express themselves and their spiritual state, in short, very touching and meaningful.

- *"Words: One, sorrow, sadness suit my state of mind ... Often able unscrupulous!!! ... I continue to roam held to silence. I remain to be a sick feeling, broken thoughts ". (J., student of fourth year).*
- *"I curse ... I am nobody."*

As seen this age, especially 17-18-year-olds read Freud, Nietzsche and affected. (Impact on the negative side is greater, according to this category of teenagers, whose parents are divorced). Being seen in their works find themselves. It is therefore necessary to plan and organize conversations discussions of Freud's theories of Nietzsche, the invited scientists and psychologists old to understand the essence of them. Disappointed by their parents who seemed angels, but was not really went well, their hatred for yeast to multiply without limit.

- *"The most beloved faces become hostile, even sweeter smile becomes sickening and disgusting grimace." (L., third year student).*
- *"The best ...!!! Who can determine the extent of human kindness?!" (A., student of fourth year).*

This affects the objective assessment of itself and makes indifferent, inferior in communications and relations with others, especially with their friends. People marry because "they like", because "in love" and stay together while continuing to delight, while still called lovers. Their separation, divorce of a couple does not mean that they are bad. They were divided than not loved each other, or have projects completely different from each other, but did not know before marriage or after marriage were born. A relationship cannot be established on weakness ... human relations require determination, commitment, responsibility. A couple even though there may be problems refuses to stay together for the sake of children, for economic reasons, the public fear, stick together to have no where to hold, they do not trust one another about the best, they have fear adventures. But when love is absent to the couple, it is better to split.

- *"That morning I was in a great anxiety. In the courtroom watching the faces of my mother and father. They were concerned that with any sister and I go. When the court decided that we would be with my mother, my heart broke because I thought I would not stay with his father and will not pass those beautiful moments I spent with my parents, I would have no more warmth my father, I would not be on his defense, nor his caresses. - Every Saturday out with my father and when I get bored I am." (S., student of first year).*

Separation of parents, especially adult children leave an indelible impression. They describe the deep pain the moment. To experience the breaking of your parents' marriage may be one of the most painful things that can be imagined.

6. CONCLUSION

As the conclusion a short summary about all this research for divorced parents and for the effect of the children would be necessary. The interview that was done with psychologists was from the high schools in Albania, Tirana. Most of the children who had the family divorced had low school performance at school; they did not have a social protection from the state to have a good life and a protective life as other students. Many of those children had behavioral problems such as aggressiveness, antisocial behavior, emotional and cognitive problems. If we analyze those children in psychologist's aspect, they show low academic achievement, they don't want to go to school, they could easily be addicted with substances, and they didn't have parental control, which was the most needed for their age. If we take to analyze the phrases of some students who accepted to write about the divorce, they show high depression and low self-esteem for themselves, they said that they wanted to die and not to see the situation of their parents' divorce. They wrote down also for the violence in the family between the parents, how their fathers treated them because he was alcoholic, and another child wrote down for the way of communication with the family which concluded with divorce. Most of the children called for death to take them, here the depression was very high and the pessimism was shown everywhere. Those children unfortunately needed support from their psychologists or their teacher at least, because their parents wouldn't provide. To take the aspect of the parents they didn't care for their children because of their own problems, firstly they wanted to solve their problems than later to take care of their children but they were forgetting that the real victim of the divorce were their children. Most of the parents didn't have high level of education and this thing made them not to understand their situation, emotion, and their progress at school. Most of the time they left their children free and didn't care for them. In the interview it was observed that from the answers of psychologists that those children had a lot of problems but there was no governmental entity to protect them and to help them financially and to find a new place safe to live in. Those children also had mental problems because of their neighbors, peers and their friends as they felt to be prejudiced by them.

7.1 Recommendations for Enhancement of the Current Situation

It could be suggested that for those children, the state should provide a family psychologist for each family, because a family psychologist would help them to solve the problem and not to bring the divorce in their family.

Each school should have its own psychologist who can help those children to pass the depression and feel same as other children at school; a school psychologist also could help them to have high school performance at school.

Also, the state should have some centers where those families could find treatment there after divorce and there also should be a psychologist to give them trainings for divorce and how to pass it, what to do after divorce; and how to start a new life.

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