



# Conference proceedings

## ICSNS XX - 2022

**TWENTIETH INTERNATIONAL CONFERENCE ON:  
“SOCIAL AND NATURAL SCIENCES – GLOBAL CHALLENGE 2022”**

**1 March**

**Stockholm**

**Organized by**

**International Institute for Private- Commercial- and Competition Law (Austria)**

**in Partnership with**

**Bielefeld University of Applied Sciences (Germany), Keiser University (USA),  
Institute of History and Political Science of the University of Białystok (Poland)  
and School of American Law (Greece)**





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# Book of proceedings

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Edited by: Dr. Lena Hoffman

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# Shareholders' agreements in perspective of Albanian law and of a comparative analysis of the legislation of EU and common law countries

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## Abstract

In terms of commercial law the establishment of a company, which represents a distinct legal personality, a newly created and formally independent subject of law different from its shareholders, requires the drafting of several documents, by its founding shareholders, that regulate its existence, operation, structure, organization and relations among its shareholders, their relations toward the company and the powers of the corporations bodies, known as articles of association, which represent the constitution of a company. Beside articles of association, shareholders enter into special contractual agreements regulating their mutual relations. In practice, they are usually known as shareholders' agreements or extra-statutory agreements and consist of an agreement of at least two shareholders establishing a contractual link in regard to their position and rights as shareholders. The aim of this paper is to address some legal aspects of the well-known legal phenomenon called shareholders' agreements, through theoretical analysis and analysis of Albanian legislation and that of some EU countries and common law countries. A separate analysis will include some case law cases dealing with this phenomenon. The research questions posed are: What is the status of the shareholders' agreements in relation to other company documents? What is the legal regulation of these agreements? What is their legal effect, in particular on the company and third parties? What are the differences between the article of association and the shareholders' agreements and who prevails in case of a collision between them? What issues might regulate a shareholders' agreement? Are there any legal restrictions?

**Keywords:** Company law, company, shareholders' agreement, contract, corporate governance.

## 1. Introduction

Shareholders' agreements have become quite common in the current corporate practice. Shareholders' agreements (also known as *extra-statutory agreements* or *side letters*, often abbreviated as "SAs") are a widely accepted tool in the commercial law. SAs purpose is to regulate the mutual relations between the shareholders outside the regulation of articles of association.

In strict legal theory, the relationships amongst the shareholders and those between the shareholders and the company are regulated by the law and by the constitutional documents of the company known as articles of association (for the purposes of this paper the terms articles of association shall cover all types of deeds of establishment, memorandum of association and all internal company documents, i.e. charter, bylaws, *Satzung*). However, it is quite common in practice for the shareholders to supplement the constitutional document through shareholders' agreements.

There are a number of reasons why the shareholders may wish to supplement (or supersede) the constitutional documents of the company by concluding shareholders' agreements. The confidentiality or absence of publicity, of shareholders' agreements is considered their main advantage. A company's constitutional documents must be



filed with the commercial register and are normally available to the public, whereas the terms of a shareholders' agreement, as a private law contract, are normally confidential between the parties and contrary to the articles of association, they need not to be filed with the commercial register and thus are not available to the public or third parties.

Shareholders' agreements are also characterized by informality since their conclusion and amendment does not require any special formal procedure as it is required for other company documents. As a private law contract, the shareholders' agreement provide a wide availability of contractual instruments of securing and enforcing rights and duties resulting from it and this constitutes another advantage of them. Finally, the conclusion of shareholder agreements may also be dictated by the need to define the relationship between some of the shareholders differently from the relationship with other shareholders. Also, shareholder agreements often include other persons who are not bound by the company's statute.

Some authors link the *raison d'être* for shareholders' agreements with the theory of separation of ownership and control of the company. According to these authors, companies basically serve as a tool to produce a benefit defined by their shareholders, i.e profit, but there is a kind of a wall standing between the company, its assets and its shareholders, known as "*asset locking*". In other words: the shareholders, on the one hand, define the purpose of the whole organization, but afterwards the organization lives its own autonomous life and the shareholders may only influence its activities indirectly. This concept of division of the company's assets from its shareholders is a more general justification of the necessity to make shareholders' agreements whereby the shareholders are trying to compensate their future limited influence on the company's management to a certain extent *ex ante*, at least, on a contractual basis. Law and economics analyses indicate that such contracts may *ex ante* decrease not only the risk of future disputes, but they may also provide the space for a later re-negotiation and application of the principles of contract law within the less flexible corporate law (Mock, Csach and Havel, 2018, p. 21). In this sense, shareholder agreements serve as tools in the hands of shareholders to govern and control the company.

On the other hand, the contractual nature of shareholders' agreements and consequently their limited effect upon third parties (especially upon assignees and share purchasers) and the company itself is one of their major disadvantages. Other disadvantages are related to the complicated mechanism for amending the shareholders' agreement compared to the majority principle for the amendments of articles of association and to the fact that it is usually impossible to derive corporate consequences from a breach of obligations imposed by the shareholders' agreement (e.g. the exclusion of shareholders).

However, although the execution of shareholders' agreements has become a commonplace corporate practice and despite the advantages it bring to shareholders, the analysis of various legislations shows that not all legal systems recognize their validity and that, even in those jurisdictions where their validity is fully accepted, these agreements are not subject to a specific regulation or legislation.

In Albania the situation is the same as in most other countries. Shareholders' agreements (SAs) are not regulated by the domestic laws, despite the legal reform made in the company law during the years 2007-2008 onwards. However, in practice the use of these agreements is increasingly encountered. This new practice, which

is borrowed from foreign jurisdictions, may be encountered with enforcement problems in the national courts, as some of the provisions of SAs may be considered void due to their incompatibility with the basic requirements of the laws and the internal documents of companies. This situation in effect, may turn SAs governed by Albanian law into nothing more than gentlemen's agreement between its parties. This legal situation in Albania and in most countries raises for discussion some legal issues related to the status of the shareholders' agreements in relation to other company documents, the legal regulation of these agreements, their binding effect, in particular on the company and third parties, the differences between the article of association and the shareholders' agreements and who prevails in case of a collision between them, the issues that might regulate a shareholders' agreement and possible legal restrictions on them.

## 2. Definition and legal nature of shareholders agreements

The legislation of most countries in Europe does not contain a legal definition of the shareholders agreement. The exception is Italy, which civil law (art. 2341-bis of the Italian Civil Code) defines such agreements in different ways, including both the term "shareholders agreements" (*patti parasociali*), and other terms that emphasize the variety of such agreements according to their nature and spheres of application (*sindacato azionario, sindacato di voto, sindacato di blocco*).

From the analysis of the legislation of different European countries it result that the legislation does not generally contain the definition of the category "shareholders' agreement" and that is because of the fact that the corresponding phenomenon has found its development and grounding within court practice and legal doctrine.

The lack of a legal definition in the legislation (with a few exceptions) raises the problem of determining the legal nature of shareholders' agreements. In legal doctrine, SAs are defined as "an agreed superstructure to supplement and prevail over the articles which form the basic infrastructure" (Stedman and Jones, 1990, p. 53). Also, SAs are conceptualized as contracts from the legal point of view and are understood as "a reassertion of contractualism" (Duffy, 2008, p. 1). A shareholder agreement is essentially a contract. The object of this contract is to define the scope and extent of the relationships among the shareholders and in some jurisdictions even between the shareholders and the company (M. Lavalle, 1991, p. 109-110).

Shareholders' agreements are agreements between subjects belonging to the same company (shareholders) in order to ally themselves and to regulate common action within the company. The legal nature of the shareholders' agreements is that of plurilateral contracts with a common purpose. The common purpose is the stabilization of the ownership structure of a company, governance or its control. An essential fact that must be emphasized is that these agreements have a purely mandatory efficacy. These agreements result in the creation of a pure mandatory relationship. This means that the agreement produces effects only *inter partes* and not towards third parties: a possible breach of the agreement can only be valid as a contractual fault between the parties, but is not enforceable against third parties. To give an example, a vote in the shareholders' meeting contrary to the agreement will produce the contractual responsibility of those who have infringed the agreement *vis-à-vis* the other parties, but will not affect the legitimacy of the shareholders' resolution.

This is the reason why often, to make these agreements more effective, a penalty clause is also included which involves the payment of a sum (often large) for the mere fact of having broken the agreement, regardless of the demonstration of actual damage suffered which would constitute the prerequisite for an action for compensation.

At this point, an issue that arises for discussion regarding the legal nature of SAs as contracts is whether they are civil contracts of a general nature (if they have a purely contractual nature) governed by civil law or corporate transactions/agreement that are regulated by company law (corporate nature). It is generally accepted that SAs have a purely contractual nature. They are general civil contracts and mostly atypical contracts rather than corporate agreements. However, there are also authors who do not support the position of a “pure” contractual nature of the SAs indicating that SAs should be considered as “*unilateral half-directed transactions with a plurality of persons on the side, which exercise them*” (Belov, 2013). Moreover, in some jurisdictions, like Germany and Switzerland the shareholders agreements, usually are not considered as an independent type of agreement. The prevailing view is that SAs should be understood as agreements of shareholders that regulate legal relationships of the shareholders or groups of shareholder between each other (Mayer, 2006) i.e as a kind of partnership agreement. Also, as mentioned above, Italian law (Art. 2341 bis of the Civil Code) uses the term “*Patti parasociali*”, which is literally interpreted as “an agreement concerning the company”.

From the above analysis, it can be concluded that SAs are private shareholder agreements with a genuine contractual nature. Although they may supplement the articles of associations and their object is to regulate the relationship among two or more shareholders and in certain cases also among shareholders and the company and their scope is the participation of shareholders in the governance and control of the company, they have binding effect only for the shareholders who are parties to them and not to third parties and the company. As such, they do not affect the company itself or the article of associations, in the sense that it does not affect the existence, operation, structure, organization and relations among all its shareholders. This means that the interests of all the shareholders and the company are not interfered with by the shareholders’ agreement. The shareholders’ agreement does not result in the change of the interest, nor does it create any common collective corporate interest that would prevail over the interests of the shareholders and that would automatically by itself define or interfere with the interests of the company for the purposes of determining the liability of members of the company’ s bodies. Even the agreement among all shareholders does not have any relevance for the articles of association (Mock, Csach and Havel, 2018, p. 23).

Moreover, shareholders’ agreements represent a significant expression of autonomy of will and contractual freedom which are the two key values of private law and are not subject to specific mandatory rules of company laws or others laws (with very few exceptions), as is the case with corporate agreements. As mentioned, shareholders’ agreements, whether made by all or some only of the shareholders, create personal obligations between themselves only. They do not become a regulation of the company (in the way that the provisions of the Articles are) and do not amend or replace the Articles of Association. Shareholders’ agreements are generally about the rights and obligations belonging to the shareholders involved. Although these rights concern the operation of the company, the SAs do constitute a company transaction

and therefore they cannot be considered corporate agreements.

### 3. Regulation of shareholders' agreements

As mentioned above, although SAs are common in corporate practice, in most jurisdictions they are not subject to a specific legislation or regulation. Analysis of the legislation of most countries shows that domestic law neither expressly regulates nor prohibits any shareholders agreements. In some jurisdictions, the existence of certain shareholders agreements is implicitly assumed by the company law (e.g German law, Czech law, Albanian law) while in most of them, in the absence of explicit regulation and prohibition, the shareholders agreements are allowed under the principle of autonomy of will and contractual freedom usually provided for in the civil codes and are subject to general limits on freedom of contracting and limitations of a corporate-law nature (e.g duty of loyalty among shareholders, prohibition of undue advantage, non-interference in the business management of the company etc.).

Although the concept of shareholders' agreements itself is basically left undefined in many jurisdictions, the frameworks or various specific consequences of such agreements are defined (e.g. the Irish Companies Act of 2014). National legislators usually regulate only the limits and possible consequences of shareholders' agreements, for example, in the area of fiduciary obligations of the company's authorized representatives, or in the area of the law of corporate groups, while the rest is subject to the general rules of the law of contract (Mock, Csach and Havel, 2018, p. 18).

However, some jurisdictions have specific regulations on shareholders' agreements. Italy and Slovakia are the only countries of EU which have specific provisions in their legislation on shareholders' agreements. Art. 2341 *bis* of the Civil Code of Italy expressly regulate the SAs. In particular, the shareholders agreements are defined as *patti parasociali* (or *contratti parasociali*) which can include different typologies. The first category includes the agreements relating to the exercise of the right to vote (*sindacati di voto*). This category first of all includes agreements with clauses concerning the appointment of company directors, including those that recognize the right to designate the members of the administrative body, to one of the shareholders. This category also includes agreements that contain other clauses relating to voting at the shareholders' meeting, with regard to specific resolutions (e.g extraordinary operations, capital operations, treasury shares, dividends, remuneration etc). The second category includes agreements relating to the transfer of shares (*sindacati azionari*). These are agreements of varying scope, generally affecting the stability of the ownership structure: stand-still (commitment not to buy or sell shares or enter into other shareholders' agreements); pre-emption; limits on the purchase or sale of shares (*sindacati di blocco*); tag-along or co-sale right; drag-along or co-sales obligation, etc. In effect, Art.2341 *bis* regulate to particular aspects of SAs: duration, no more than five years and publicity- in listed companies, shareholders' agreements regarding the exercise of voting rights shall be communicated to CONSOB (the supervisory authority), published in extract form in a newspaper, filed at the Companies Register and communicated to the listed companies. The rest, given the contractual nature of the shareholders' agreements, the basis of applicable discipline is that of the general contracts.

Slovak law, since 2017, expressly provides the possibility of a SAs, in Section 66c of Slovak Commercial Code, which states: (1) *Parties may, by a written shareholders' agreement, agree mutual rights and duties resulting from their share in the company, in particular: a) mode and conditions of the exercise of the rights related to the share in the company, b) mode of the exercise of the rights related to the company governance, c) conditions and extent of the involvement in the changes of the share/registered capital, and d) ancillary arrangements related to the transfer of the share in the company.* (2) *The conflict between a decision of the company's body and the shareholders' agreement shall not make such a decision void*".

Russia is another European country that regulates SAs in its legislation. In late 2008 and in 2009 the legislator amended the Federal Laws on Limited Liability Companies (the Law on LLCs) and on Joint Stock Companies (the Law on JSCs) and introduced the concept of SAs in Russian law (Gomstain, 2012, p. 4).

Even in common law countries, the situation is not very different from most continental European countries. SAs are not expressly regulated in domestic law but neither are they prohibited. In English law, SAs are allowed under the principle of contractual freedom developed by the common law courts (Sir D.H.Parry, 1959, p.39). The views among English company law scholars differ between a restrictive view and a liberal view accepting an unfettered contractual freedom between shareholders and between shareholders and the company as a party to agreements with and between them (Andenas, 2007, p.137). According to English company law scholars, the articles of association constitute a contract between the company and a member in respect of his rights and liabilities as a shareholder. However, while the Articles regulate the rights of the members *inter se*, the older authorities support the view that they do not constitute a contract between the members *inter se*. They are only a contract between the company and its members. The rights and liabilities of members as members under the Articles may be enforced by or against the members only through the company. However, more recent authorities support the direct enforcement by members of rights as members conferred on by the Articles. This is the contractual context within which shareholders' agreements find their place (Andenas, 2007, p.137).

In the English case law, the House of Lords judgment in *Russell v Northern Bank (Russell v Northern Bank Development Corporation Limited, 1992, 1 WLR 588)* goes far in accepting shareholders' agreements. The restriction it maintains is that a company cannot itself be party to an agreement which would restrict its powers as they are required by companies' legislation. But this does not bar shareholders' agreements with the same effect from being enforceable by the courts.

US law on the other hand, applies a general negative approach. Section 7.32 of MBCA provides that: "*An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this Act in that it: 1) eliminates the board of directors or restricts the discretion or powers of the board of directors; 2) governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to the limitations in section 6.40; 3) establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal; 4) governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies; 5) establishes the terms and conditions of any agreement for the transfer or use of*

*property or the provision of services between the corporation and any shareholder, director, officer or employee of the corporation or among any of them; 6) transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders; 7) requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency; or 8) otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors and the corporation, or among any of them, and is not contrary to public policy”.*

In EU, it is to be mentioned that, the adoption of the Thirteenth Company Law Directive on Takeovers brought inclusion of provisions regarding the restrictions on shareholders’ agreements. Article 11 of the Directive provides that voting restrictions shall not apply in the takeover situation. Articles 10(1) and 10(2) of the EU Takeovers Directive require companies admitted to trading on a regulated market to provide, in their annual reports, detailed information (as set out in those articles) on the structure of the share capital, restrictions on transfer of securities, significant shareholdings, shareholders with special controlling rights and a description of those rights, system of control of any employee share schemes and restrictions on voting rights. Special mention is made of agreements between shareholders which may restrict transfers of securities or voting rights and rules governing the appointment and replacement of board members and changes to the Articles. Mention is also made of significant agreements to which the company is a party which can take effect, alter or terminate upon a change of control of the company following a takeover bid.

Besides the above examples, which might be interpreted as determined by the local legal tradition and legislative technique and thus superfluous, other national legal systems show a lack of positive regulation expressly allowing shareholders agreements. In most of them SAs are allowed based on the principle of contractual freedom and within the limitations of company law and in some other legal systems the existence of SAs is implicitly assumed by the company law.

#### **4. Legal situation in Albania**

In the context of what was discussed above, Albania is part of those national legal systems that do not expressly regulate and neither prohibit shareholder agreements in domestic law but permit them as general private contracts based on the principle of autonomy of will and contractual freedom provided in the Civil Code and certain shareholders agreements are implicitly assumed by the Albanian company law (ACL).

The principle of autonomy of will and contractual freedom is expressly provided in Article 660 of the Albanian Civil Code which states that: *“The parties to the contract dispose freely of its contents, within the limits set out by the legislation in force”*. Actually, this provision reflects the general spirit of the Albanian Civil Code on contracts. The ACL regulates expressly the most important contracts that are common in the civil circulation such as the contract of sale, lease, supply, loan, transport, insurance, etc. However, Albanian law of contracts does not recognize the so-called *“numerous ciazus”* principle (or the principle of the permitted contracts), according to which,

the parties in the civil circulation have the right to enter only into those contracts that are provided by law. In contrary, it allows even the conclusions of contracts and agreements that are not provided by law (*atypical contracts*) as long as their content is not in contradiction with the provisions of the general part of the Civil Code and with those of the obligations and the general principles of the right (Semini, 2010, p.11).

The same principle applies to shareholders' agreements, which although not expressly provided as typical contracts in the Albanian contract law, as long as the law does not prohibit them, they are permitted according to the principle of contractual freedom but within the limits set out by the legislation in force, especially by company law.

As a matter of fact, this general spirit of the Civil Code on contracts is also reflected in the Albanian company law on shareholder agreements. The ACL on the one hand contains special provisions that implicitly allow the shareholders' agreements and on the other hand it contains provisions that impose restrictions on the conclusion of such agreements on certain issues.

Such provisions which implicitly allow the shareholders' agreements are, for example, those which exclude the personal liability of the partners of the general partnership and that of the limited partnership, provided by Articles 40, 42 and 62 of the ACL. Although the wording of these provisions has a negative connotation that gives the impression of prohibiting SAs, in fact they only provide that any agreement that excludes partners from their liability does not produce effects on third parties, but only on the parties who have entered into this agreement (which in fact relates to the very legal nature of SAs). Other provisions of the ACL that allow the shareholders' agreements are those relating to joint ownership of shares (articles 72 and 121).

On the other hand, ACL, as mentioned, contains provisions that expressly prohibit shareholders' agreements on certain matters, such as the case of agreements intended to prohibit or limit the right of the Shareholders' Meeting to dismiss the director or a member of the board of directors, at any time, by simple majority (articles 95.6 and 157.1).

Also, ACL contains special provisions (Articles 88 and 141.4) which provide for the possibility of a special type of SAs, the so-called "Unanimous Shareholder Agreements" (often abbreviated USA), i.e. those in which the shareholders have active participation in management of the company and which, as a result, the directors' power to manage is withdrawn, to the extent provided in the agreement. As will be discussed in detail below, every provision of a shareholders' agreement falls under one (or perhaps both) of two categories: ownership control, and management control. It is the second of these categories that distinguishes a simple shareholder agreement from a "Unanimous Shareholder Agreement" ("USA"). Articles 88 and 141.4 of ACL states that the shareholders (of a LLCs or JSCs), through a unanimous written agreement, may decide that any decision that they have the right to take under this law or the articles of association of the company, be taken unanimously.

The purpose of the Albanian legislator with these two provisions has been to protect minority shareholders and avoid disputes between shareholders. Share ownership in a company brings about certain risks to shareholders. A USA can help to minimize and manage these risks. In addition to numerous other considerations, if there is a significant shareholder in a company, then it may be advantageous to minority shareholders to negotiate a USA. For example a minority shareholder investing significant capital may want certain protections from the significant or majority

shareholder. Also, a USA can be a useful mechanism in preventing disputes between shareholders in the future. If a dispute does arise, a USA may drastically reduce the costs of such dispute.

## **5. Relation between Shareholders' Agreements and Articles of Associations**

Both shareholders' agreements and articles of association have a contractual basis. They are established by consent of shareholders, and they are dependent on that will. However, their existence is similar to that of two parallel worlds each having their own rules that are not directly related, although they might cross each other. Between the articles of association and shareholders' agreements can be distinguished a formal distinction in that the articles of association being a formalized contract meeting some requirements as to its form and content, whose amendment and operation are subject to a separate regulation and a substantive distinction related to the content of each (corporate and non-corporate issues). Other distinctions between them include the (limited) binding effects of SAs, the different mechanism for the amendment of SAs and articles, the different mechanisms for the enforcement and the consequences of the breach of a SA and the different ways of termination and interpretation.

As is already been stated, shareholders' agreements do not automatically bind the company and third parties, unless the company and other parties agreed thereto. Also, the SAs do not bind all shareholders but only the shareholders that expressed their consent with them. On the contrary, articles of association bind all shareholders as well as the company itself. They are also binding upon members of the company's bodies since they are bound to proceed in compliance with the given company documents. The amendment of articles is not necessarily subject to unanimous vote, in common, majority vote or qualified majority vote will suffice. The shareholders' agreement may be amended only by the consent of all shareholders who are parties to it. The consequences of a breach of the shareholders' obligations resulting from the articles of association are defined by the law for each of the types of company (for example, a duty to pay late-payment interest, to refrain from competitive activities, a possibility of excluding a shareholder etc). However, the law usually does not provide for the specific consequences of a breach of shareholders' agreements. Common contractual remedies will therefore be used. The injured party should basically have at its disposal the whole range of contractual remedies (damages, withdrawal from the contract, objections of default, liability for delay, etc.). A significant difference between the articles of association and shareholders' agreement also rests in the possibility and the mechanisms of their termination. Shareholders' agreements may be terminated regardless of the duration of the company or a share in the company, by an agreement of shareholders or even unilaterally. On the contrary, the status of a shareholder is firmly bound to the articles of association. Shareholders are allowed to withdraw from the articles of association only exceptionally, and exclusively along with the transfer of their share in the company or their exit in other way. It is impossible neither to agree, nor to unilaterally effect the termination of the articles of association during the life of the company. Another difference between the articles of association and shareholders agreements might be the different approach to their interpretation, given their legal nature (Mock, Csach and Havel, 2018, p. 27-34).

The issue that has aroused the most debate in international legal doctrine and case



law regarding the relationship between SAs and the articles of associations is the case of the collision between them. Specifically, the question that arises for discussion is whose provisions will take precedence in the event of a collision between SAs and articles. The position of doctrine and case law on this question, in all legal systems is unanimous and clear on the priority of mandatory legal rules and the provisions of the articles of association over SAs. However, not all legal systems have the same position over the question if those provisions of SAs which do not comply with mandatory legal requirements and are in conflict with the provisions of the articles of association are invalid, and thus do not create any legal consequences. In those few jurisdictions (mentioned above) where the SAs are regulated by law, the answer to this question is somewhat easier, as it is the law itself that provides for the consequence of invalidity as is the case with Italian and Russian legislation.

On the other hand, in other legal systems that permit SAs based on general legal principles or provisions of contract law, this is a controversial issue. The prevailing position in these legal systems is that the contradiction itself between the articles of association and the shareholders' agreement will not automatically make any of these documents void. For example, shareholders' agreement may include to a different extent a competition clause compared to that which results from the articles of association. This competition clause, agreed on a contractual basis should only have *inter partes* effect and its breach should basically not result in the rights of the company itself. Also, it is even possible that the parties to a shareholders' agreement would intend to provide exactly for an issue that cannot be agreed in the articles of association. For example, in many jurisdiction articles of association cannot exclude the transferability of certain types of shares. Nevertheless, this will not prevent the shareholders from agreeing a limitation or exclusion of transferability with contractual effect *inter partes*. As it has been already mentioned the fact that a certain arrangement may not be included in the articles of association (or it contravenes another mandatory rule) does not necessary cause the invalidity of the colliding part of the shareholders' agreement (Mock, Csach and Havel, 2018, p. 36-37).

Although, in general a conflict between shareholders' agreements and the articles of association will not make any of these documents void, such a collision may affect their content. In English law, for example, legal scholars usually recommend to adjust the provisions of the articles of association with the provisions of an SA (Gomstain, 2012, p. 10). In some cases, SAs itself provide for the obligation of the parties to amend the articles of association in line with the provisions of the agreement. In such cases SAs in effect describe in more detail the mechanisms of the realization of the rights and liabilities provided in the company's articles. Moreover, in addition to contractual remedies they entitle to using corporate law remedies – such as the invalidation of corporate resolutions. Some agreements also establish their precedence for the shareholders over the articles of association (Mock, Csach and Havel, 2018, p. 37-42).

## **6. Parties, subject matter and content of Shareholders' Agreements**

As in any other contract, it is of study importance to clearly distinguish the subjects (parties), the subject matter and the content of the shareholders' agreements.

With regarding to the parties between whom a shareholders' agreement may be concluded, there are three approaches. The first, considers parties to a shareholders'

agreement only the shareholders. The second approach, the shareholders and the company itself and the third one, the shareholders, the company and also third parties. The most generally accepted approach from legal doctrine and case law is the first approach and it relates to the very legal nature of the SAs, as private contracts between shareholders. Shareholders' agreements which only have shareholders as parties fit neatly within the paradigms of contractual freedom and party autonomy. The purpose of SAs, although related to the management and control of the company, is essentially the regulation of the mutual relations between the shareholders outside the regulation of articles of association and consequently, as they are generally intended to bring legal consequences only to shareholders it is natural that only the latter should be parties to these agreements.

However, the authors who support the second approach argue that even though shareholders' agreements are generally about the rights and obligations belonging to the shareholders involved and have *inter partes* effects, since these rights concern the operation of the company, it can be helpful to have the company as one of the parties to the agreement. This can assist in the enforcement of SAs and it may also overcome the limitation of a contract between (a group of) existing shareholders. The company remains bound even if one of the shareholder parties to the contract sells out to a shareholder who does not become party to the agreement (Andenas, 2007, p.139-140). This approach is confirmed even by the international legal practice. In particular, provisions, by which the company becomes a party to a shareholders' agreement, are more common in England (Stedman, Jones, 1998). However, common law has developed restrictive standards for such participation. One of the landmark cases is the above mentioned *Russell v Northern Bank Development Corporation Ltd*. In this case, the SA between the all shareholders and the company itself provided that further share capital can be issued only by the written consent of each party to the agreement. Also, the SA established that its terms should have precedence between the shareholders over the articles of association of the company. The House of Lords decided that a company cannot be party to an SA which restricts its statutory powers. However, an agreement between the shareholders with the same effect is not invalid and can be enforced by courts. In other words, if the company participates in its shareholders' agreement and the agreement sets limits on the statutory powers of the company, it is considered no more than a personal voting agreement between the shareholders. In its argumentation the court, *inter alia*, relied on possible effects of such agreements on future shareholders. The agreement between the shareholders was permitted, as it was "*purely personal to the shareholders who executed it and ... does not purport to bind future shareholders*" (*Russell v Northern Bank Development Corporation Ltd*, 1992, 1 WLR, 588-590).

Finally, according to the third approach, even third parties can be parties of shareholders' agreements (e. g. creditors) but the covenants agreed with third parties are always of non-corporate nature. The major argument of the supporters of the third approach is the fact that the company creditors and other third parties may enter into an agreement with the shareholders, whereby the latter, in order to guarantee the interest of third parties, undertake to exercise their corporate rights in a certain way or to restrain their exercise, including, to vote in a certain manner at the general meeting of the company, to take other actions to manage the company, to purchase or dispose the shares in its authorized capital (shares) at a specified price and (or) under

certain conditions, to refrain from transfer of shares (interests) to the occurrence of certain circumstances etc.

However, the participation of a third party in SAs may lead to specific legal consequences or restrictions, for example, in respect of the question of a possible factual influence on the company governance. Hence, these cases of shareholders' agreements are usually joint ventures or other forms of consortial structures, basically in a regime of a civil partnership. Similar structures may also be created within arrangement proceedings (restructuring) of a company in crisis, while such models may serve to prevent the threat of bankruptcy etc. (within a more general concept or *standstill lock-up agreements*) (Mock, Csach and Havel, 2018, p. 29).

As it has been already stated, shareholders' agreements are commonly used to supplement the statutory and governance regimes that apply to companies. Generally, every provision of a shareholder agreement falls under one or perhaps both of two categories: ownership control and management control.

However, their primary purpose is to regulate the mutual relations between the shareholders. By entering into a shareholders' agreement its parties (shareholders) arrange for their mutual rights and obligations and also the mode of exercise of their rights toward the company. Hence, shareholders' agreements may become tools to influence the governance of the company, to have control over it or to have a significant influence on its management. Also, an SA can be used to regulate ownership of the shares, to protect shareholders, mainly minority shareholders but also majority shareholders or it can provide for many eventualities including the financing of the company, the dividend policy, the procedure to be followed on a transfer of shares, deadlock situations, valuation of the shares, etc. Finally, SAs may also aim to resolve disputes between shareholders.

Depending on the purpose and subject matter of a shareholders' agreement, their content is also determined. The content of a shareholders' agreement, consists of the set of rights and obligations of shareholders, which in themselves are intended to establish rules related to the exercise of the rights deriving from the ownership of the shares such as rules for voting at the general meeting of which, among the most common may be mentioned *pooling agreements*, *proxy agreement* and *voting trust*. *Pooling agreements* are contracts in which shareholders agree to vote their shares in a specific manner. Pooling agreements could include a variety of issues relating to shareholders' needs. Normally, pooling agreements include: i) agreement to vote shares for directors; ii) agreement giving voting power disproportionate to shareholdings; or iii) agreement to vote shares so as to effectuate a particular company policy. Pooling agreements regulating these issues have been considered lawful and enforceable in some jurisdictions. Nevertheless, courts have invalidated agreements when a shareholder sells his vote or compromises voting power under considerations of some personal benefit (Molano-León, 2008, p.234). Whereas, under the proxy agreement, the pooling or voting agreement goes one step further. Besides the existence of an agreement covering how the shareholders are suppose to vote certain matters, shareholders create irrevocable proxies which vest the power to vote their shares in one or more persons, who could be either shareholders or other persons. The reason for the further step is a way to secure that the shares will be voted according to the terms of the agreement without delays and uncertainties Molano-León, 2008, p.235). While, the *voting trust* is an arrangement on the separation of the right to

vote from the ownership right to a share whereas the title to a share is transferred under fiduciary rules upon a trustee under the trust who will then exercise the voting right with the effect that the right to a profit is retained by the original beneficiary/owner (Mock, Csach and Havel, 2018, p. 43). Therefore, the trustee becomes the legal owner of the shares but usually the former shareholder retains economic benefits of the shares. Generally, the trustee gives to the former shareholder "voting trust certificates" as evidence of the economic benefit of the shares.

A shareholders' agreement, can also contain rules related to company governance. An example, can be the rules of structuring and appointment of directors and members of companies bodies, the right of deployment (*Entsendungsrecht*), the right of appointment, the rules of cooperation, the rules concerning determination of a reward (*option schemes*, etc.), of course, on condition that they have been approved by the articles of association. Common rules related to company governance are also the rules for dealing with so called *deadlock*, i. e. the situation where, due to an internal conflict among shareholders or bodies, the functioning of bodies or the company itself is being blocked. To resolve "deadlock situation", there are various options in international corporate practice. One example is the so-called *Russian roulette*, which main point lies in the fact that in the case of "deadlock situation" one or both shareholders make another shareholder the proposal of repurchasing the half of already priced joint-share. The shareholder who receives such notification has the choice to sell his share for the marked price or, conversely, to buy the other shareholders' shares for same price. Another example is the well known *Texas shoot-out*, where each party of a shareholders' agreement which is in the "deadlock situation" forwards to an independent mediator sealed proposal for price to buy another parties' shares. The offers are opened simultaneously and the highest price bid wins, so the person who made it has to buy and the other side has to sell its shares for price as marked. Other examples include *multi-choices procedure*, *cooling-off (mediation)*, *deterrence approach*, *freezing of certain rules*, etc.)

In practice, are also very common for the shareholders' agreements the rules for the termination of a shareholders' share in the company (*call options*, *put options*, *tag along*, *drag along*, *price fixation*, *various forms of the right of pre-emption*, etc). In general, *options* can be defined as financial contracts that give parties the right to purchase or sell underlying shares at a specific date and at a specific price. *Call options* are provisions of SAs that give the option purchaser the right but not the obligation to purchase shares at a specified price within a specific time period. On the contrary, *put options* are provisions of SAs which gives the holder the right to sell the shares. Other provisions include: *Pre-Emptive Rights* - the company must first offer shares to existing shareholders when it issues new shares; *Right of First Offer* - a shareholder must offer its shares to the other existing shareholders before offering to third parties; *Right of First Refusal*: a shareholder must offer the shares to the other existing shareholders after receiving a *bona fide* offer from a third party, and on the same terms as that third party offer; *Tag-Along (Piggyback) Rights* - these rights are designed to protect minority shareholders. They typically provide that, if a majority shareholder sells all or a part of his shares, the other shareholders must be allowed to participate in the sale on a *pro rata* basis and on the same terms as the majority shareholder; *Drag-Along Rights* - as opposed to piggyback/tag-along rights, these rights are designed to protect the majority shareholders interest. They typically allow a majority shareholder selling

all of his shares to a third party to force the minority shareholders to sell all of their shares as well.

Finally, a shareholders' agreement can contain rules designated to protect minority shareholders, typically by increasing the rights of a minority shareholder in terms of the right to be informed or the right to deploy its own member of a statutory body, and rules for dispute settlement (out-of-court-settlement, conciliation proceedings, mediation, arbitration, etc.).

## 7. Concluding remarks

Although in practice shareholder agreements are increasingly common, they find regulation in very few jurisdictions, while most legal systems show a lack of positive regulation expressly allowing shareholders' agreements. This situation has made legal doctrine and case law controversial on many issues related to these agreements, including their definition and legal nature, their status in relation to other company documents, especially to articles of association and the legal consequences in case of a collision between them. Other controversial issues are related to their legal effect, in particular on the company and third parties and whether the latter may be parties to these agreements? Also, the above analysis showed that despite to those countries, where the shareholders agreements are recognized at the legislative level, which determines their content, in other countries there is also discussion on the issues that may include these agreements and whether there are legal restrictions on these issues. Another very important issue that was raised for discussion is related to the enforcement of shareholders' agreement. In those legal system where is a lack of regulation (including Albania), the shareholders' agreement may be encountered with enforcement problems in the national courts, as some of the provisions of SAs may be considered void due to their incompatibility with the basic requirements of the laws and the internal documents of companies. This situation in effect, may turn SAs into nothing more than gentlemen's agreement between its parties.

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US Model Business Corporation Act

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# The impact of nutrition in academic performance among adolescents of ages 12-16 years old

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## Abstract

Evidence associates scholastic performance to quality of eating habits. However, there is limited information on this topic in Albania. This study aimed to evaluate the effect of eating habits and quality of teenagers in Albania, on their academic performance. 82 students of ages 12–16 years participated in this study. A dietary habits survey was distributed over the internet in March 2021. Apart from students' grades, BMI data was used to categorize the students into underweighted, normal, and overweight. Eating Habits Score (EHS) was calculated by using a validated scoring system. The collected data have been confidential and were used only for the purpose of this research while respecting the research ethics. These data are analyzed through the Statistics Package of Social Science - (SPSS) Based on our results, we observed that there is not a significant negative correlation between EHS and academic performance. The correlation between skipping meals and academic performance was studied by Pearson coefficient where it was seen that it was a positive correlation between eating habits and academic performance. The results of this study were in accordance with the results of previous studies. Further research on this subject should be conducted in combination with intervention studies to reveal potential strategies and policies that would enhance positive behavior change as it relates to nutritional habits, aiming at improved scholastic performance and overall health throughout lifespan.

**Keywords:** adolescent students; eating habits; healthy eating; scholastic success; academic performance.

## 1. Introduction

Nutrition is one of the main factors that affect the health of an individual, especially during the school age, in order for the child to grow healthy. It is considered healthy when the quantity and variety of the food intake meets the needs of the body for

nutrients, in order for the normal functioning, growth and maintenance of the organism (Benton, D, 2010) During adolescence physiological changes happen in the main systems of the body . Mostly of the psychological changes occur in the nervous system (Erikson, J. 2006). During adolescence, the brain undergoes large complex wrinkles, the amount of white matter in the brain increases linearly, while the amount of gray matter in the brain follows an inverted -U pattern, the frontal cortex matures and develops. These changes are responsible for the development of complex cognitive processes. Normal brain development during adolescence requires energy, so even though the brain constitutes only about 2% of the body weight, it consumes between 20-30% of the energy and available oxygen to the body (Dauncey, M. J. 2009). Referring (Wolpert & Wheeler, 2008) all cells in the human body including neurons and glial cells receive energy from food in the form of macronutrients such as: carbohydrates, proteins and fats .A diet with a sufficiency or deficiency of macronutrients lead to abnormal brain function and maturation. It is noted that the lack of fatty acids Omega-3 can lead to depression, poor memory, low IQ, disability to learn and dyslexia. According to Gomez-Pinilla, children who have an increase in Omega3- fatty acids perform better in reading, spelling and have fewer behavioral issues (Wolpert & Wheeler, 2008). Regarding to higher cognitive processes it has been seen that it is not only the intake of the quantity that affects proper macronutrients but also the number of meals consumed by the adolescents. (Hoyland, A .; Dye, L .; Lawton, C.L. A 2009), Consuming breakfast improves attention, helps children to process the information faster and solving the tasks assigned to them more accurately. (Edefonti, V .; Rosato, V .; Parpinel, M .; Nebbia, G .; Fiorica, L .; Fossali, E .; Ferraroni, M .; Decarli, A .; Agostoni, C. 2014). Wolfe and Burkman's study suggests that if we want children to succeed and achieve high academic results, then the kids should receive during lunch the third of recommended nutrient quantity and during breakfast they should receive at least a quarter of recommended nutrient quantity. The findings of Wolfe and Burkman, indicate that children academic performance is directly dependent on the health and their well-being

## **II. Study methodology**

In Albania there is no scientific data regarding the role that nutrition plays in academic performance, through this study we will try to give an answer to the following questions:

1. Is there a link between nutrition and academic achievement?
2. Does the number of meals consumed affect academic results?

Guided by the literature and research questions the hypotheses raised are:

H1: There is a relation between nutrition and academic performance.

H2: There is a relation between the number of meals consumed and academic performance.

### **2.1 Research design**

The method of this study is quantitative whereas the research approach of the study is correlative. The purpose of this study is to discover the relation between nutrition and academic performance. The sample includes 82 students from the city of Tirana (the capital of Albania), from the age of 12-16 years. Students who participated in this study completed randomly a questionnaire on Google Form.



This questionnaire contains demographic questions related to the personal data of the participant such as: age and gender. Nutrition data were evaluated using the EHS (eating health scale). Regarding to EHS individuals with a above 48 points are classified as individuals with good habits of eating. Individuals with scores in the 35-48 range are considered to have average habits of eating and individuals with scores below 35 are classified as individuals with weak habits of eating.

Students were also asked to self-report the grade point average as well as the anthropometric data,(weight and height). BMI classification was performed in relation to age and gender. Individuals with a BMI value below 18.5 was considered underweight, individuals with  $18.51 < \text{BMI} < 24.9$  were considered as normal weight, while individuals with BMI values above 29.9 were considered obese. These are the classifications in accordance with the guidelines of the World Health Organization (WHO).

The data of this research were analyzed with the Statistical Package of Social Sciences (SPSS) -version 28 and are analyzed; reliability, descriptive data, and correlative analysis.

### III. Analysis and results

The results were obtained from the processing and analysis of data entered in the statistical program: Statistical Package for the Social Sciences (SPSS) - version 28.

#### 3.1 Participants

82 students participated in the study, of which 59 were female (72%) and 23 male (28%). The age of the participating students ranged from 12 to 16 years old.

Gender				
	Frequency	Percent	Valid Percent	Cumulative Percent
Female	59	72.0	72.0	72.0
Male	23	28.0	28.0	100.0
Total	82	100.0	100.0	

Table 3.1 Distribution of numbers and percentages by gender

Age					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	12.00	3	3.6	3.6	6.1
	13.00	4	4.9	4.9	8.5
	14.00	6	7.3	7.3	15.9
	15.00	29	35.4	35.4	46.3
	16.00	40	48.8	48.8	95.1
	Total	82	100.0	100.0	

Table 3.2 Distribution of numbers and percentages by age

### 3.2. Findings

The most skipped meal is breakfast, while the least skipped meal is lunch. More specifically, 40 students (48.8%) do not consume breakfast every day, 9 students (11%) do not consume lunch every day, 29 students (64.6%) do not consume dinner every day.

#### How often do you eat breakfast?

	Frequency	Percent	Valid Percent	Cumulative Percent
1-2 times a week	12	14.6	14.6	14.6
3-5 times a week	13	15.9	15.9	30.5
everyday	42	51.2	51.2	81.7
Every other week	15	18.3	18.3	100.0
Total	82	100.0	100.0	

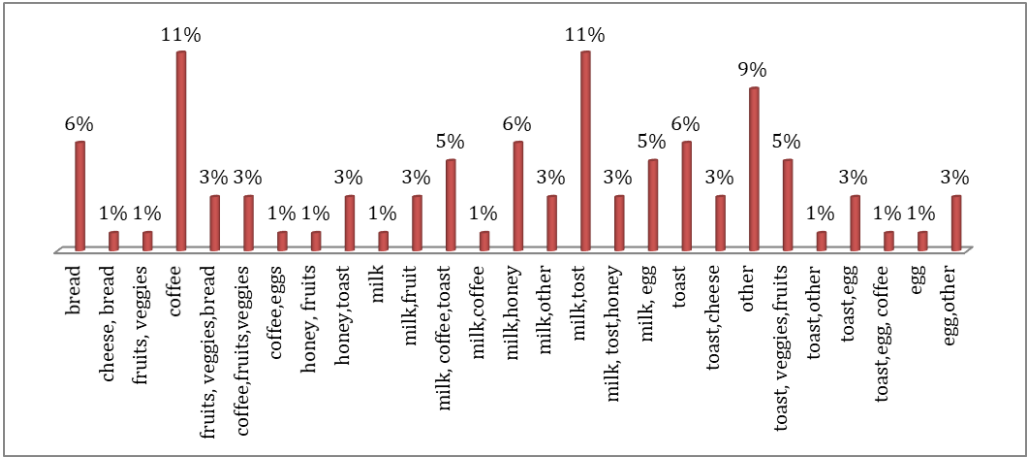
#### How often do you eat lunch?

	Frequency	Percent	Valid Percent	Cumulative Percent
1-2 times a week	2	2.4	2.4	2.4
3-5 times a week	7	8.5	8.5	11.0
Everyday	73	89.0	89.0	100.0
Total	82	100.0	100.0	

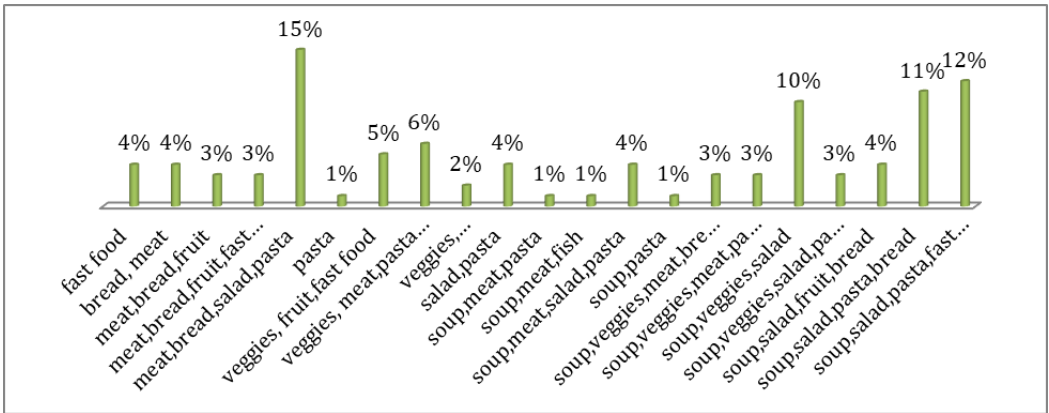
#### How often do you eat dinner?

	Frequency	Percent	Valid Percent	Cumulative Percent
1-2 times a week	6	7.3	7.3	7.3
3-5 times a week	19	23.2	23.2	30.5
everyday	53	64.6	64.6	95.1
Every other week	4	4.9	4.9	100.0
Total	82	100.0	100.0	

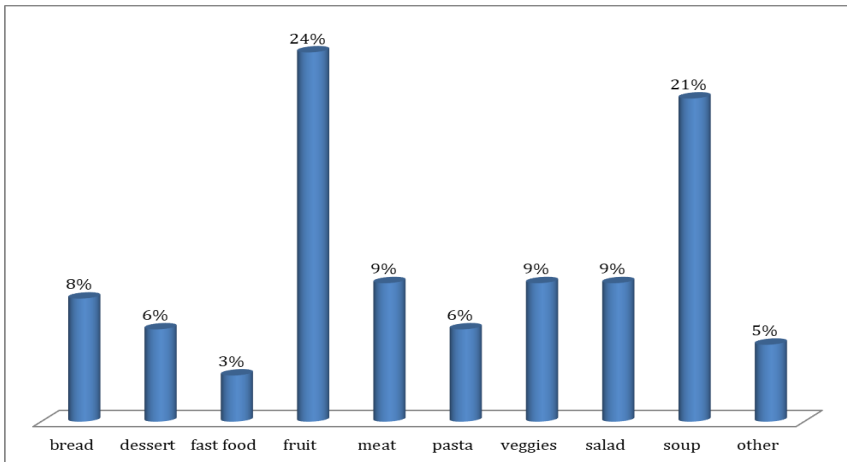
The most consumed foods by students for the three meals are presented in the graphs below. It is noticed that the most consumed foods for breakfast are: coffee, toast, milk. The most consumed foods for lunch are: soup, vegetables and meat. While the most consumed food for dinner are fruits.



Graph 3.1 Distribution of foods consumed for breakfast



Graphic 3.2 Distribution of food consumed for lunch

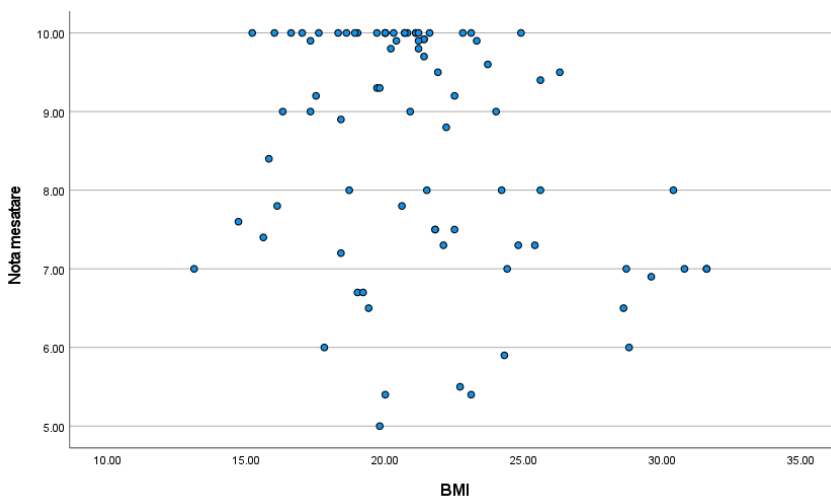


Graphic 3.3 Distribution of food consumed for dinner

The Pearson coefficient was used to describe the relationship between academic performance and the number of meals consumed. The correlation data are presented in the table below.

		Average Grade	How many meals a day do you consume?
Average Grade	Pearson Correlation	1	.065
	Sig. (2-tailed)		.560
	N	82	82
How many meals a day do you consume?	Pearson Correlation	.065	1
	Sig. (2-tailed)	.560	
	N	82	82

Table 3.3 Pearson coefficient for academic results and number of meals consumed. The relationship between academic results and BMI is shown in the graphic below.



Graphic 3.4 Distribution of BMI and grade point average.

#### IV. Discussion

*Hypothesis 1.* There is a relation between nutrition and academic performance. The first hypothesis, which discusses the main issue of this study, proves the connection between nutrition and academic performance. To assess the state of nutrition, the variable taken as a reference is BMI. This is due to the fact that individuals with BMI values within the normal range, have a healthy lifestyle and indicate that the nutritional values taken during the day are inside normal values. By means of the analysis of bivariate correlation with Spearman coefficient it is found that there is a negative correlation (-0.268) between nutrition and academic performance, statistically insignificant.

## Correlations

		Average Grade	BMI
Spearman's rho	Average Grade	Correlation Coefficient	1.000
		Sig. (2-tailed)	.268*
		N	82
	BMI	Correlation Coefficient	-.268*
		Sig. (2-tailed)	.015
		N	82

\*. Correlation is significant at the 0.05 level (2-tailed).

Table 4.1 Correlation between grade point average and BMI

This result is inconsistent with the results of the revised studies (Duman, E. 2012) (Burrows, T.; Goldman, S.; Olson, R.K.; Byrne, B.; Coventry, W.L. 2017) (Kleinman, R., Hall, S., Green, H., Korzec-Ramirez, D., Patton, K., Pagano, M., & Murphy, J. 2002). which show a significant correlation between nutrition and academic achievement.

*Hypothesis 2.* There is a relation between the number of meals consumed and academic performance. The second hypothesis proves the relationship between the number of meals consumed and academic performance. The bivariate correlation analysis with Pearson coefficient indicates that there is a positive correlation (.065) statistically significant between the number of meals consumed and academic performance. This data is in accordance with the results of studies conducted with students of different nationalities. (Cho, S.-H., Lambert, D. M., Kim, H. J. & Kim, S. G. 2009). In a similar study conducted in Australia was noticed that students who skipped breakfast were more likely to show a poor health condition which indicates low academic performance. Likewise, in the study conducted with students in Turkey it was noted that there is an significant relationship between the number of meals consumed and the performance of these students in school tests. (Duman, E.2012)

### V. Limitations

Some of the limitations of this study are:

1. Small sample. The sample of this study is small which indicates the data presented can vary in a larger sample.
2. Lack of a standard test for the Albanian population.
3. Data reliability. The grades and anthropometric data were obtained by students self-reporting.
4. Exclusion of students who do not attend school or who are in detention.

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# Monitoring water bodies by histogram threshold method in Sentinel\_1 images (Ascending and Descending)

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## Abstract

Many researchers have investigated and demonstrated remote sensing as a helpful tool for environmental studies and the state of the art in research synthesis has impressively progressed during the last decade. Water detection is done with SAR data as well as multispectral data. The main objective of this research is to monitor the environment through the identification of water bodies (our region of interest is the Vlora district in which it is located Selenica Bitumen Mine) by exploring Sentinel\_1 data. The study aims to apply the method of Histogram thresholding through the bi-modal presentation in a Sentinel\_1 scene of the region of interest to highlight water spectra. The data utilized in this paper were collected from the European Space Agency Copernicus Program. After the selection of the Vlora region, we explored the products in the Sentinel Application Platform. Water plots from the two images are complementary to each other. Correlations of selected water pixels in both images are significant at 0.001 level. According to our data, the combination of data from both Sentinel\_1A (Descending) and Sentinel\_1B (Ascending) should increase the overall efficacy in detecting water features of the image.

**Keywords:** SAR image, Water Bodies.

## 1. Introduction

The term “remote sensing” means sensing the surface of the Earth from space by utilizing the features of electromagnetic waves emitted, reflected, or diffracted by the sensed objects to explore and protect the environment. [1, 2]. Many researchers have investigated and demonstrated remote sensing as a helpful tool for environmental studies and the state of the art in research synthesis has impressively progressed during the last decade. Water detection is done with SAR data as well as multispectral data. Studies based on synthetic aperture radar (SAR) data have been performed at a global scale, continental level, and local scale with course to high-resolution data, for both annual/seasonal water monitoring and flood events mapping [3-12]. To delineate water from SAR data researchers have used different methods. These include histogram thresholding [5,13-16], fuzzy classification [17,18], region growing [6], [17] and texture analysis [19]. Thresholding techniques aim at separating low back-scatters from surface water using a threshold, which becomes especially difficult for mixed pixels or when the water back-scatter is affected by wind-induced roughness, floating vegetation, or when the swath of the image is large enough to have an important incidence angle amplitude. To be successful, the histogram of the image values shall be bi-modal [20]. Thresholding technics have been combined with texture information or region-growing segmentation algorithms used to increase the accuracy of water mapping [21].

Many studies have been done in Albania regarding remote sensing studies with

Sentinel-1 data mainly to detect land subsidence [22], [23], [24]. One important research topic is the monitoring of water in the regions around mines. In our case, we select the Vlorë region in which is located Selenica Bitumen mine.

The study aims to apply the method of Histogram thresholding through a bimodal presentation in a Sentinel\_1 scene of the region of interest to highlight water spectra. We will apply this method separately in both Sentinel\_1A(Descending) and Sentinel\_1B (Ascending) images. Our question is if we can evaluate properly the water bodies comparing the selected water pixels in both images.

## 2. Material

### 2.1. Study area

Selenica Bitum mine is located in Selenica county and Vlorë district in Albania. The Vjosa River in Albania is one of Europe's last living wild rivers. It drains into the sea just north of the Narta lagoon – one of the biggest and ecologically richest lagoons of Albanian and as such designated as Managed Nature Reserve.

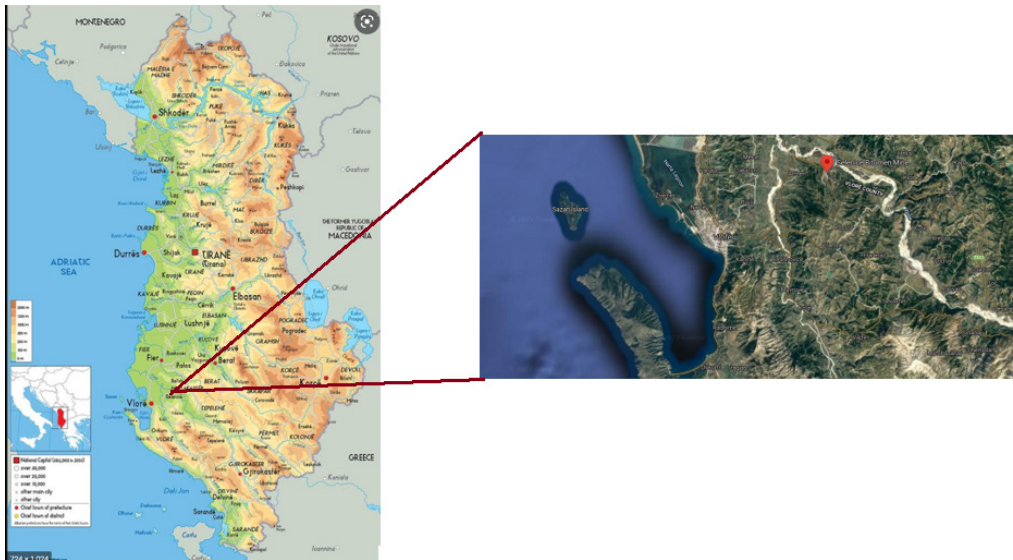


Figure 1. Location of Selenica Bitumen Mine in Vlorë Region of interest in Albania.  
Google maps: satellite image.

### 2.2. Data set

The data utilized in the scope of this research paper is collected by the European Space Agency (ESA) Copernicus program which is comprised of five satellite families each one focusing on a specific aspect of earth observations. To access Sentinel\_1 data we use Copernicus Open Access Hub by registration and after registering we gain access to the images. After selecting the region of interest (Vlorë district) we explore the Sentinel\_1 product in the SNAP program The Sentinel Application Platform which is a common architecture for all Sentinel Toolboxes[25], [26], [27].

Sentinel-1 is a radar satellite launched by the ESA operating at C-Band Synthetic



Aperture Radar (SAR) instrument operating at a center frequency of 5.405GHz comprises a constellation of two polar-orbiting satellites, operating day and night performing C-Band synthetic aperture radar imaging. A radar image is the result of the reconstruction of the echoes recovered in the antenna after the emission of microwave pulses which is called backscattering. The formation of the radar image from the recorded echoes is done in the sensor reference system composed of the azimuth and range axis. The Azimuth axis is the direction along which the satellite travels. The Range axis is the direction across the satellite travels, which is the beam projection. It measures the intensity of the returned signal which was actively sent to the earth's surface. It supports operations in single (HH or VV) or dual polarization with four acquisition modes and the products are SAR level-0, Level-1 SLC, Level-1 GRD(Ground Range Detected), and Level-2 OCN. This allows mapping physical characteristics, such as roughness, moisture, and structure of the surfaces. Furthermore, radar images can also be acquired through cloud cover and independently of daylight.

### 3. Methods

In this paper, we have searched in the Copernicus Open Hub for the sensing period 01.06.2020 to 30.06.2020, for Sentinel\_1 product type GRDSentinel\_1A which pass direction is Descending and Sentinel\_1B which pass direction is Ascending and we have found the image which covers the Vlora region.

The preprocessing consists of creating the subset, radiometric calibration, the speckle filtering for reducing noise with Refined Lee is an adaptive filter that modifies the value of each pixel based on the statistics of the surrounding environment. Finally, we perform the terrain correction because the radar images are projected in the azimuth-range reference system and appear inverted (Figure 2). In the Histogram of the VV\_ view, we noticed the bimodal view and make it visible and also apply the threshold with manipulation color tab for detecting water from other spectra.

Analysis of pixels of the two images was done with SPSS 19. Values less than 0.05 were with statistical significance.

### 4. Results

In the Histogram of the VV\_ view (Vertical polarization in both emission and reception), we have a main peak and also a small peak on the left. For making it more visible we move the sliders to cover this area. We now can see two peaks. The main peak corresponds to the gray color pixels on land while the small peak corresponds to the dark pixels of potential water bodies. We want to extract these dark pixels and for this, we are going to split the histogram at this point. For selecting a threshold at this point we are going to move the right slider to a place at the inflection point of this valley. This will be our threshold so we will transform the last slider into transparent and the other two in magenta. Now we approach the slider in the mean to the right slider. We have the threshold where pixels with greater values are transparent and pixels with lower values are magenta. These magenta pixels correspond in principle with water bodies that we can see in the image with a transparent background. We will change the name of this band "water\_2020\_Asc" for one image and "water\_2020\_Desc" for the other. If we open both in Google Earth we can see how the main water bodies are captured. In figure 3 we have presented the Sentinel\_1B image from the

preprocessing then applied the threshold in the Histogram and finally exported pixels in the Google Earth. We have performed the same procedure for the Sentinel\_1A image. From statistical analysis of the same selected part in the two images, there is a correlation with statistical significance ( $p < 0.001$ ).

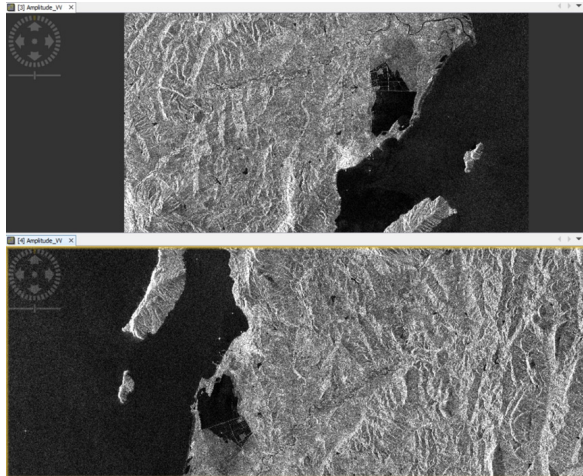


Figure 2. Presentation of the intensity \_VV bands of both images (vertical polarization in both emission and reception). Notice how the orientations of the elements differ it looks like they were taken from different angles (Sentinel\_1A above and Sentinel\_1B below)

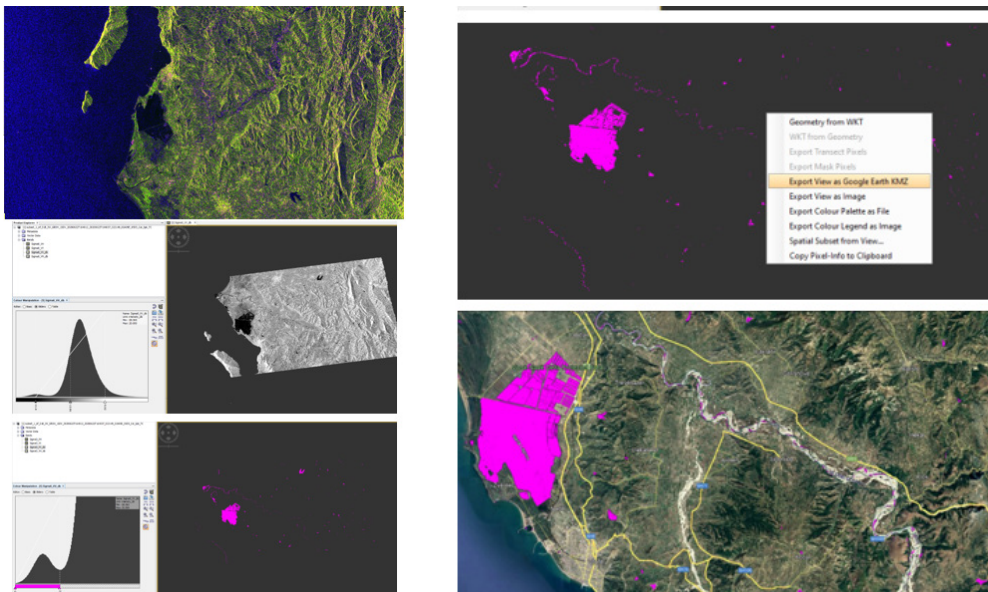


Figure 3. Presenting water bodies Sentinel\_1B image. In the first row, there is the subset, following with applying the threshold in the Histogram and in the last row there is the view in Google Earth

## 5. Discussion

Remote sensing has become a routine approach for land surface water bodies and vegetation monitoring because the acquired data can provide high-quality information, which is substantially different from conventional in situ measurements. When coupled with field surveying, remote sensing offers the ability to view large map areas of the earth's surface multiple times and to obtain information for areas that would otherwise be difficult or impossible to sample. Various methods, including unsupervised and supervised classification and spectral water indexes, are developed to extract water bodies from different remote sensing images. Sentinel-1 images although are not designed for high-resolution studies are a precious free source of data for monitoring.

Our main purpose was to work with Sentinel\_1 images, to understand their use in water detection, and to observe the complementary features of both Ascendant and Descendent images. For this, we search a region of interest near a mine (Selenica region) and also near the river (Vjosa river).

Working with Sentinel\_1 images needs some preprocessing steps to correct the distortions. The distortions that a radar signal undergoes on its round trip after interacting with a target are of great relevance for image interpretation. We can divide the distortions of a radar image into 2 types: The radiometric distortions that are specific to the signal and the sensor and the geometric distortions that are specific to the peculiar geometry of radar acquisition. To extract reliable information from an image, these distortions have to be corrected to the extent possible. The geometric response will be reversed and complementary if we work with both the ascending and the descending image.

From our study, we see the water reservoir generally is well captured. If we zoom the reservoir we can observe the mismatch due to the limit resolution of the Sentinel 1 at this scale which can be in the order of 60 m after the filtering. We can see also some gaps in the middle of the water which can be from several factors. They could be residues from the filtering. They could be also pixels lost when we split the histogram since we did it in a mixture zone between the two populations water and land. We lost the brightest pixels of water which could be these false negatives but also we added the darkest pixels of land that can be false positives that we can find in other areas of the image. There are backscattering from the water whenever the surface is altered by waves or boats or any other perturbations in it causing undulations in it we have backscattering. Our findings are in concordance with other authors which have used histogram threshold for extracting water features from SAR data ascending or descending ones [5],[13].

## 6. Conclusions

Sentinel\_1 images GRD type are images based on the amplitude and have their advantages as well as their disadvantages. From analyzing the images and their projection in Google Earth and finally, from statistical analysis, both images have a relationship with one another and should serve as complementary for better water detection.

## 7. Conflict of interests

The authors would like to confirm that there is no conflict of interests associated with this publication and there is no financial fund for this work that can affect the research outcomes.

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# The Identification of the Politically Exposed Person

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## Abstract

Politically Exposed Persons (PEPs) include individuals who have had or have important functions in a government or in a foreign country. Corruption at high state levels continues to be globally disturbing despite efforts made by lawmakers. A considerable amount of wealth created by corruption will surely have the destination of money laundering in our societies. Corrupted PEPs pose a high risk for the reputation of the legal reporting entities and eventually the latter need to take important measures to exercise enhanced due diligence. PEPs include family members and persons closely related to them. Determining the comprehensive lists of family members and persons related in close personal relationships remains at the discretion of the legal entities. Failure of state institutions to provide legal entities with accurate lists increases the possibility of exposure to the legal and compliance risk. PEPs use the anonymity of offshore companies, which is a challenge that transcends national borders. Offshore centres do not use sufficient standards on Anti-Money Laundering and Countering the Financing of Terrorism (AML/CTF). The study focuses on the challenges faced by reporting financial entities in the process of identification of the PEP's list, and monitoring their offshore transactions. Addressing these issues would help the vetting process of politicians in Albania.

**Keywords:** Politically Exposed Persons PEPs, Vetting, AML/CTF, Enhanced due Diligence, Legal Entities, Offshore Financial Centres (OFC).

## Introduction

Reporting legal entities should take reasonable steps to understand the source of wealth and funds of clients and beneficiary owners, identified as politically exposed PEPs. Full identification of PEPs is crucial because corrupt PEPs may use family members and close business associates to represent them in complex corporate ownership structure or can be hidden behind the veil of "offshore" corporate anonymity. Legal entities, including financial and non-financial institutions are required to take reasonable steps to determine whether a client or a beneficiary owner is an internal or external PEP or a person who is or has been entrusted with an important function by a foreign country or international organization. Recent legal changes have strengthened control over PEP's transactions but on the other hand have made it difficult to implement the legal framework in practice. The level of corruption at the top political levels is perceived as high in general public, so an important aspect it's the initiative to carry out the vetting of politicians in Albania. SPAK, which is a special structure against organized crime and corruption might be the leading institution in this process. General Directorate of Prevention of Money Lounderint GDPML (Albanian FIU<sup>1</sup>) can play an important role as it collects and processes information received from reporting legal entities such as financial institutions. These efforts may work better if legal entities are provided with a more accurate PEP lists and the anonymity of

<sup>1</sup> Financial Intelligence Unit.

offshore corporations is eliminated. Financial entities and in particular banks face constraints in the process of full identification and exercising enhanced due diligences for family members or persons in close personal, work or business relationships with PEPs. High Inspectorate for the Assets Declaration and Auditing (HIADA) provides the list of local PEPs to the responsible authority GDPML and the latter sends it to legal entities every six months. However, this list is not sufficient since it does not include close associates. State institutions, so far, are not able to provide complete lists of PEPs, and consequently private reporting entities need to increase enhanced vigilance to mitigate the risk of corrupt PEPs in the industry in which they operate. Panama Papers and Pandora Papers have revealed that OFCs can be used by PEPs to avoid proceeds of crime by diverting their income to those countries that do not disclose beneficiary owners and have zero or negligible taxes. Consequently, the problem of PEP's identification crosses the country's borders and strong international response is required to lift the corporate veil. Developed countries with consolidated democracies must lead the way to increase the transparency with regard to identification of source of income and beneficiary owners in offshore finance. The paper is organized as follows. Section I shows the methodology used. Section II analyses the vetting of PEPs. The identification of complete PEP lists is analysed in Section III. Section IV analyses the safe haven that exists in offshore finance for corrupt PEPs. Last section summarizes the main conclusions of the paper.

## **1. The Methodology**

The primary data for this study come mainly from the review of the local and international legal framework related to the Prevention of Money Laundering and Politically Exposed Persons in particular. The review of the legislation provides a clear overview of the problems faced by reporting legal entities such as commercial banks and the measures to be taken in order to further improve the fight against corrupt PEPs .

Relevant contemporary literature on PEPs has been used to conduct this study. The study used a wide range of secondary sources in the form of academic literature, reports of important international bodies or publications. A special help were the reports of the responsible authority GDPML and the supervisory authority, the Bank of Albania as well as the reports of international institutions such as FATF, IMF, World Bank, etc. Usefull data have also been extracted from different "online" articles and publications related to PEPs.

## **2. The vetting of PEPs**

PEPs have always been perceived as a major typology of money laundering. The main reason is the misuse of public funds for personal gain and the use of money laundering methods to legitimise the proceeds of crime. Covid 19 and its economic consequences have not reduced criminal money laundering activity; on the contrary, there is evidence that it may have increased the illegal finance in the last couple of years. Changes in behaviour as a result of the pandemic - whether the behaviour of individuals, companies or governments – have in turn presented criminals with new opportunities to commit crimes and launder the proceeds. In Italy, FIU discovered

a corruption case involving fraud with Government supply contracts. A financial institution informed the Italian FIU of an outgoing bank transfer of EUR 750.000 from a bank account held abroad by the PEP through a fiduciary mandate to the awarded company. Such funds, in turn, originated from previous transfers involving foreign opaque legal entities in particular trusts and foundations, allegedly linked to the same PEP and based in tax havens (FATF, COVID-19-related ML/FT, 2020). The Corruption Perceptions Index (CPI) ranks 180 countries and territories around the world by their perceived levels of public sector corruption. The data source used to compile the CPI includes: bribery, diversion of public funds, states captured by narrow vested interests, which are closely related to PEP. Albania did worse in the year 2021. The CPI ranks Albania at 110<sup>th</sup>. It dropped one place in the Corruption Index (CPI 2021). The CPI for Albania is concerning and indicates that ongoing reforms have to continue, says OSCE Head of Presence (OSCE, 2019). Politicians, including two ministers and several mayors, have been accused of corruption and money laundering in Albania.

Recently, it has been emphasized that the “vetting of politicians” in Albania should be carried out, in order to avoid corrupt politicians. Some lawmakers are proposing that vetting should be addressed by the Special Structure Against Corruption and Organized Crime SPAK and passed through two additional filters: the Special Court Against Corruption and Organized Crime, and the Constitutional Court (Panorama.com.al). SPAK is used to refer to the Special Prosecution Office against Corruption and Organized Crime as well as the Independent Investigation Unit otherwise known as the National Bureau of Investigation. This structure, composed of the above-mentioned bodies, will pursue and investigate only issues of corruption and organized crime. Meanwhile, the Special Court against Corruption and Organized Crime is responsible for adjudicating criminal offenses against corruption and organized crime and criminal charges against a number of senior officials such as: the President, the Speaker of the Assembly, the Prime Minister, members of the Council of Ministers, judges Constitutional Court and the Supreme Court, the General Prosecutor, MPs, etc. (Recognize justice reform).

As seen above, efforts to build solid structures to fight corruption at high levels of politics haven't been lacking but this phenomenon is much more difficult when applied in practice. An important role would be played by GDPML which collects and processes information from reporting legal entities. Cooperation between responsible authority GDPML and SPAK would be very important. However, two important issues remain to be addressed; providing complete lists of internal and external PEPs to the legal reporting entities as well as avoiding the use of offshore centres by corrupt PEPs.

### **3. The identification of complete PEP lists.**

According to law No.9917, May 19, 2008 on AML/CTF: “PEPs” are the persons that are obliged to declare their properties, in accordance with law no. 9049, dated 10.04.2003 “On the declaration and audit of assets, financial obligations of the elected officials and certain public employees” including the members of the family or associated persons in close personal, working or business relationships, excluding employees of the middle or lower management level, according to the provisions of the civil service



legislation. This category also includes individuals who have had or have important functions in a government and / or in a foreign country, such as: head of state and/or government, senior politicians, senior officials of government, judiciary or the army, senior leaders of public companies, key officials of political parties, including the members of the family or associated persons in close personal, working or business relationships.

Article 8 of the law No.9917 on “categories of customers subject to enhanced due diligence” defines for the politically exposed persons as follows: the subjects shall: a) design and implement effective systems of risk management to determine whether an existing or potential customer or the beneficial owner is a PEP; b) to obtain the senior managers approval for establishing business relationships with the PEPs; c) to request and receive the approval of senior managers to continue the business relationship, in cases when the business relationship with the customer is established and the entity finds out that the customer or the beneficial owner became or subsequently becomes a PEP; d) to take reasonable measures to understand the source of wealth and funds of customers and the beneficial owners, identified as PEP.

From the above, it's clear that reporting legal entities should take reasonable steps to understand the source of wealth and funds of beneficiary clients and owners, identified as PEPs. The funds can be used by family members and close business associates that represent PEPs in the corporate ownership structure. Thus, the financial and non-financial institutions are required to take reasonable steps to determine whether a beneficiary client or owner is an internal/external PEP or a person who is or has been entrusted with an important function by a foreign country or international organization. Recent legal changes have strengthened control over PEPs but on the other hand are very difficult to be implemented practice. Financial entities and in particular banks face obstacles to identify and exercise enhanced vigilance for family members or persons in close personal, work or business relationships with PEP. Inspector of HIADA provides the list of local PEPs to the responsible authority and the latter sends it to legal entities every six months. This institution shall regularly, and not less than twice a year, present to the responsible authority GDPML the complete and updated list of the PEPs drafted based on the provisions set down in Law No. 9049. According to Law No.9049, the entities that bear the obligations for declaration 1. Carry the obligation for periodic declaration in the High Inspectorate of Declaration and Control of Assets: a) The President of the Republic, the deputies of the Assembly, the Prime Minister, the Deputy Prime Minister, the ministers and the deputy ministers; b) Judge of the Constitutional Court, Judge of the High Court, Chairman of the Supreme State Audit, General Prosecutor, People's Advocate, member of the Central Election Commission, member of the High Council of Justice and Inspector General of the Inspectorate of Senior Asset Declaration and Control; c) senior and middle management officials, according to the legislation in force for the civil servant. c) prefects, deputy prefects, chairmen of regional councils, mayors of municipalities, municipal units and communes; d) directors of directorates and commanders of the Armed Forces in the Ministry of Defence and in the State Intelligence Service; dh) prosecutors, judges and bailiffs of all levels; e) heads of independent public institutions and members of regulatory bodies. However, the law does not provide for close associate of PEPs.

Another aspect to be analysed is the relevant ANL/CTF regulatory framework

of the central bank. The Decision of Supervisory Council Bank of Albania No. 44, Dated 10.06.2009 On the Approval of the Regulation "On Prevention of Money Laundering and Terrorism Financing" defines as follows: The customers' categories, whose activities may be an indicator of the highest risk level, are listed following: a) customers that conduct their business relationship under unusual circumstances, such are: - considerable and inexplicable geographical distance between the entity and the customer's location; - frequent and unjustifiable transactions of accounts in various entities and of funds among institutions at different geographical countries; - customers, that have a complex structure, nature or business relationship that makes difficult the identification of the real owner and controlling structures; b) Non-profit organisations; c) Politically Exposed Persons (PEP); d) Transactions with non-resident customers. The regulation as well does not provide for the close associates of the PEPs.

Another important element is the lists of foreign PEPs for which specific databases (Wordcheck, Factiva, etc.) exist and need to be used. Although these platforms are reliable, they are still not exhaustive as they do not provide details on persons with a particular connection to local or foreign PEPs.

On the other hand, compliance cost is high for legal entities. This applies not only for developing countries like Albania but also for developed nations like Australia. For example, de Ruig (2008) estimated that approximately 208 to 375 eight-hour working days is required to match 500,000 to 900,000 records in a commercial PEP watch list against a client base of one million (Kim-Kwang, Australian Institute of Criminology, 2010).

From the review of the above legislation, the list of PEPs provided by state institutions cannot be considered complete as it does not identify persons who may have a close relationship with them. FATF Guidance on PEPs provides: for close associates, examples include the following types of relationships: (known) (sexual) partners outside the family unit (e.g. girlfriends, boyfriends, mistresses); prominent members of the same political party, civil organisation, labour or employee union as the PEP; business partners or associates, especially those that share (beneficial) ownership of legal entities with the PEP, or who are otherwise connected (e.g., through joint membership of a company board). In the case of personal relationships, the social, economic and cultural context may also play a role in determining how close those relationships generally are. Recommendation 12 requires the determination that a customer is a PEP. The PEP could be the customer or the beneficial owner of a legal entity that is the client. There is a risk that corrupt PEPs could circumvent AML/CFT and anti-corruption safeguards by opening accounts, establish business relationships or conducting transactions by using third parties, such as intermediaries (recommendation 12 & 13 of FATF, 2013).

Eventually the situation is much more subjective when it comes to persons related to PEP's close personal, work or business relationships including "(known) (sexual) partners outside the family unit (e.g. girlfriends, boyfriends, mistresses)". Responsible persons in financial and non-financial institutions find it difficult to define these categories of clients. They should be able to monitor all the business relationships that PEP clients conduct with other clients inside or outside their institutions. Legal entities cannot rely solely on self-declaration, but should conduct investigations into banking transactions and beneficiaries of PEP's transactions. When a PEP client is judged to have multiple business relationships with a particular individual, the latter should automatically be included in the PEP lists. Transaction analysis in this case

not only requires a lot of “energy” from reporting entities but remain very subjective in terms of decision-making. In the absence of a specific database, the search is done on open sources of information (e.g. Google) which contain a lot of unnecessary and unreliable information.

The vacuum creates the possibility for different interpretations and for certain situations, financial and non-financial entities can even be penalized by the responsible authorities. Eventually all state institutions such as responsible authority, GDPML, State Intelligence Service, Central Bank etc., should cooperate to compile an exhaustive list of PEPs that includes close associates and persons with special relations with them. A much more comprehensive list of domestic and foreign PEPs, not only would better facilitate legal entities operational work but also prevent abuse that may come to society from corrupt PEPs.

#### **4. PEPs find save haven in offshore finance.**

The above sections addressed the improvement of PEP lists, seen from a local legal perspective. It is widely known, however, that corrupt PEPs use OFCs to conceal and launder their criminally earned income. OFCs are usually referred to as: jurisdictions that have relatively large numbers of financial institutions engaged primarily in business with non-residents; financial systems with external assets and liabilities out of proportion to domestic financial intermediation designed to finance domestic economies; and more popularly, centers which provide some or all of the following services: low or zero taxation; moderate or light financial regulation; banking secrecy and anonymity (IMF Paper, 2000). High level banking secrecy and anonymity on last effective individual beneficiary owners of a corporation combined with light financial regulation provide a fertile ground for corrupt PEPs around the world.

The High-Level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda aims to contribute to Sustainable Development emphasizes that the magnitude of the resources the world stands to gain by creating financial integrity for sustainable development is enormous. As much as 10 per cent of the world’s GDP might be held in offshore financial assets. An estimated \$7 trillion of the world’s private wealth is funnelled through secrecy jurisdictions and haven countries (FACTI Panel Report, 2021). A significant amount of these offshore financial assets may be in possession of corrupt PEPs.

PEP appears to have become the “two headed monster” of the financial and trust community (World-check, 2007). Pandora papers and Panama papers are clear evidence that individuals at high levels of political power use the shelter of fiscal havens to camouflage their wrongdoings.

Doing business through offshore companies is legal, but when it comes to PEPs, they should be subjected to increased scrutiny to make sure their money hasn’t come from questionable deals or outright corruption. Revelations from the Pandora Papers show that service providers failed to comply with due diligence standards. So far, only a portion of the stories has been published, with more to come (Balkan Insight, 2021). The investigation massive leak, consisting of 12 million documents, has been led by the International Consortium of International Journalists (ICIJ), a global network of 280 investigative journalists and more than 100 media outlets in over 100 countries. The findings revealed how some high-profile political figures used their power and wealth to illicitly conceal their funds in real estate deals, offshore accounts and shell companies (Winchester, 2021).

In Albania, Law enforcement agencies, uncovered a huge scandal in which a company that won a government tender in public infrastructure forged the letter from the US Secretary of State of Delaware (Monitor.al 2019). An Albanian politician with money in tax havens appeared when 'Pandora Papers' opened box of offshore secrets (Shqiptarja.com, 2021)

Consequently, no matter what measures are taken by local legislators to tackle the identification of PEP lists, there is a possibility to bypass local law enforcement agencies by using OFCs.

The international authorities dealing with AML / CTF issues such as FATF and national governments worldwide have made great progress in the fight against the anonymity of offshore companies, however as seen in the case of Pandora Papers and Panama Papers, the corporate veil of anonymity is very present in these tax havens. International institutions, governments of developed and developing countries must be committed to eliminating once and for all the anonymity of offshore companies. This would eliminate the possibility of concealing PEP criminal proceeds and legal entities would face a lower legal and compliance risk.

### **Conclusions and implications**

In the context of the fight against money laundering at high political levels, the fight against corruption remains a very important issue. Corrupt PEPs, which manipulate public tenders for personal gain, are a major concern for the economic and social well-being of citizens. Pandora papers and Panama papers show that the criminal financial activity of politicians at high state levels is active and disturbing. No one is immune but developing countries are feeling the gravity of the issue due to the financial impact on their fragile economies. During the years of political transition after the 90s, countries like Albania are faced with numerous cases of corruption at high public levels. Covid 19 has hampered efforts to fully identify corrupt PEPs and their transactions. Recently a number of politicians at central and local level have been accused of profiteering and abusing public funds. In this context, a number of legislators but also international experts suggest that the vetting of senior politicians must be carried out. This process is similar to the justice reform, which is being carried out by SPAK, which is a special structure against organized crime and corruption. GDPML can play an important role in collecting financial information from reporting legal entities on transactions performed during their day-to-day operations.

Legal entities face a number of challenges in terms of full identification of PEP lists. HIADA provides the list of local PEPs to GDPML, which in turn transmits it to legal entities. But this list does not contain persons with a particular connection to PEP. FATF Guidance on PEPs provides: for close associates, examples include the following types of relationships: (known) (sexual) partners outside the family unit (e.g. girlfriends, boyfriends, mistresses). Such information is extremely difficult to be obtained by reporting entities especially financial institutions. Open sources do not contain enough information. They must exercise enhanced due diligence on the transactions but compliance and legal risks is at stake.

It is a known fact that corrupt PEPs use OFCs to conceal and launder their criminal proceedings. Although laws at the national level may be improved and tightened, corrupt PEPs will find a window to hide their identification and source of income behind complex corporate anonymity of tax havens as recently evidenced by Pandora and Panama Papers. The issue transcends national borders and authorities at the

national level will be under constant pressure to find out who is behind the offshore companies operating in the country. Legal reporting entities will also find it difficult to apply enhanced due diligence and will face legal and compliance risk. Finally, in order for the vetting of politicians to function more effectively, legal reporting entities must have a more accurate list of PEPs available that includes their close associates. State institutions like GDPML, HIADA, State Intelligence Service, Central Bank etc., should cooperate and compile the detailed PEP list. At the international level, OFCs should be forced to remove the veil of concealment of final beneficiary ownership, which would highly reduce the possibility of corrupt PEPs laundering their illegal assets.

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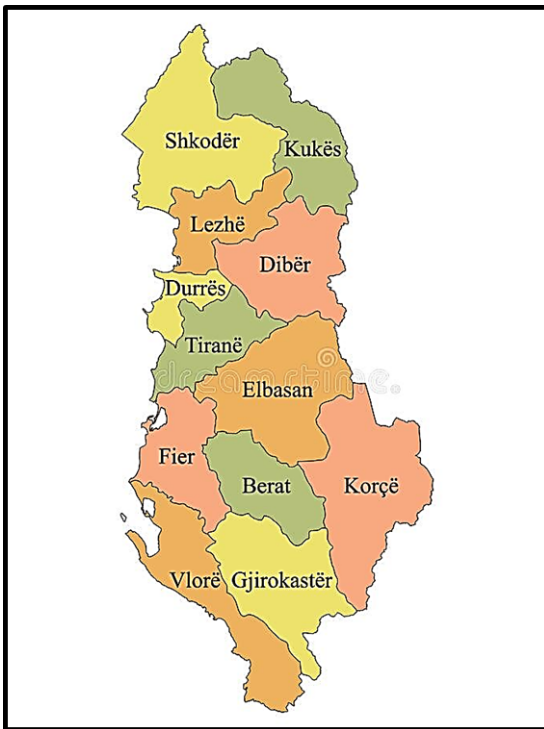


Fig. no.1 Map of Albania



# The Dialectological Atlas of the Albanian Language, a Significant Traditional Work of Linguistic Geography

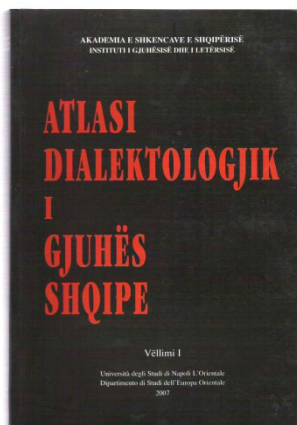
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## Introduction



The Dialectological Atlas of the Albanian Language is one of the fundamental achievements of the Albanian scholars compiled through the application of Linguistic geography. Linguistic geography studies the geographical distribution of linguistic facts (phonetic facts, morphological facts, lexical facts, and so on). Traditionally, its purpose has been to present a clear picture of language and dialects through language atlases, consisting of a number of language maps, drawn on the basis of the concrete data collected in the field. However, since their distribution in space cannot be casual, it is necessary to identify the exact causes of their positioning (though, they cannot often be found). Any search in linguistic geography immediately raises the problem of the chronological precedence of a linguistic

phase to another and tends to result in a geographical-based historical investigation (*Geografia Linguistica, Enciclopedia italiana, l'Appendicce, 1938*).

*The Dialectological Atlas of the Albanian Language* crowns linguists' long-term efforts and work firstly to collect the material both, in the field, through relevant questionnaires, and in the archives, through the investigations in the files of Albanian dialects, and then to present the phenomena of Albanian dialects on the maps through the method of linguistic geography or by means of the dialectological atlas. The Atlas has been, without doubt, one of the greatest works of the Albanian linguistics so far and ranks with the "Dictionary" and the "Grammar of the Albanian Language Today" in terms of importance.

This work is hailed as a milestone in the field because it marks the application of linguistic geography in the study of Albanian dialects for the first time and presents the dialectal phenomena of the Albanian language and their extension on both the Albanian territory and the old historical Arbëresh diaspora completely and more accurately. Obviously, on this basis, the knowledge on the Albanian dialects will be further expanded and deepened, and it will be possible to draw more up-to-date conclusions about the current state of our dialects and their history, thus becoming an all-inclusive source of support for more in-depth studies in this field. The first volume was published by the Department of Eastern Studies of the University of Naples "L'Orientale" in 2007, a long period after it was submitted to the press, whereas, the second volume, a major work of Albanian linguistics, a nomenclature title of the Academy of Science, compiled by a group of dialectology specialists, employees of

the Institute of Linguistics and Literature, was published in 2008. Hence, for the first time in the history of Albanology, Albanian dialects are presented on dialectological maps in two volumes through the method of linguistic geography. The atlas was realized by well-known personalities of the Albanian language, such as: prof. Dr. Jorgji Ginari, (leader), prof. Dr. Bahri Beci, prof. Dr. Gjovalin Shkurtaj and prof. Dr. Xheladin Gosturani.

The project to make an Albanian language atlas was started by the Italian scholar Mateo Bartoli. Along with his work for the "Italian Language Atlas", he had drafted the project of an "Albanian Language Atlas". Besides, he wrote about it in the "Bolletino dell 'Atlante linguistico italiano", Udine, 1933. (J.Gjinari, Gj.Shkurtaj, *Dialektologjia, Tiranë, 1999, fq. 108*). He assigned the task of drafting the questionnaire of the "Albanian Language Atlas" to E. Çabej who worked together with Ugo Pelis in the Laboratory of the "Italian Language Atlas" for a long time. To realize this work, Çabej also consulted Sever Popin, a prominent Romanian dialectologist. Unfortunately, this interesting initiative of the great Albanian scholar and linguist remained unrealized, mostly, due to the political changes in Albania during and after the Second World War. There was a strong sensitivity for the Albanian language and its dialects, therefore, the need to compile such a major work was greatly felt, given the fact that every European language and others beyond Europe had a corresponding Linguistic Atlas, which reflected dialectal linguistic data along with the differences and similarities between them.

At that time, the *European Linguistic Atlas* has long been compiled by an international scientific team, composed of prominent European dialectologists seated in Nijmegen (Sweden), led by A. Weinen. This European Atlas was intended to present the meeting points of the languages of the European continent, besides, it provided the possibility of comparing different languages with each other. This comparison covered all linguistic fields: phonetics, phonology, morphology, syntax and lexicology, semantics and phraseology, seeking to give a more complete picture of the differences between European languages. The Albanian language is also included in this work, mainly with materials collected through direct surveys conducted in the Republic of Albania, as well as a number of items about the speech of the Arbëresh (J.Gjinari, Gj.Shkurtaj, *Dialektologjia, Tiranë, 1999, fq. 100*).

In 2010, *World Atlas of Languages* was also compiled (Roland Breton). The first ideas were started in 1958 by Ludwig Erich Schmid, the director of the Marburg German Language Institute. The atlas clearly presents not only the geographical, historical and demographic distribution of languages, but also their development and decline. Like biodiversity, the plurality of human languages is a cultural heritage that must be absolutely protected. The book focuses on the relations between peoples and cultures as well as the delicate geopolitical balances that underlie them. It is primarily a geographical work on space and language distribution, which, through graphs and maps, visually shows the dynamic internal nature of linguistic phenomena. Therefore, the need to compile an Atlas of Albanian was inevitable. The work had started, though it lasted long and scholars faced many obstacles. The field survey and the direct questionnaire needed time and proper accuracy. It took about twenty years to compile the Atlas from the moment of conception, the drafting of theoretical principles and the relevant questionnaires, as it required many field explorations not only from Vermosh in the north to Konispol in the south in the Republic of Albania,



but also in the recognized Albanian lands in the Balkans and the historical diasporas. This was also realized due to the relevant work of the four aforementioned co-authors. The work was completed in 1989 but was delayed in the press because its publication required high typographic quality. It was made possible owing to the generous help of the Oriental University of Naples and especially, thanks to the care of prof. Italo Costante Fortino.

Initially, the theoretical principles and general criteria on which all the work for the atlas would be based were drafted. Since it was a major work of Albanian linguistics and a nomenclature title of the Academy of Sciences, the theoretical principles of *The Dialectological Atlas of the Albanian Language* were discussed and approved in the scientific council of the Institute of Linguistics and Literature and the Social Sciences Commission of the Academy. After that, the work on drafting the relevant questionnaire and field surveys as well as other relevant processes began. *The Dialectological Atlas of the Albanian Language* questionnaire was drafted by a group of three professors: J. Gjinari, Gj.Shkurtaj, Xh. Gosturani. It consisted of four hundred and five questions from different language fields. There were also several sub-questions, determined by the issues and sub-topics that were required to be surveyed in the field. In accordance with the theoretical principles and general criteria of the Atlas, the survey would be conducted by the specialists who had drafted the principles of the questionnaire. They would also analyze the survey materials and then draft of the *Dialectological Atlas of the Albanian Language*. In addition to the basic questionnaire formulated in line with the main issues, a field variant, whose questions were formulated to be addressed to the informants, was also drafted.

The network of dots includes 175 settlements, of which 85 in the Republic of Albania, 66 in the Albanian territories outside Albania: in Kosovo, Montenegro, Macedonia, on the frontier areas of Peshter, Jablanica and Presevo, and Bujanovac, 5 points in Çamëria (Greece), and 19 points in the Arbëresh diaspora of Italy, Greece and Zadar (Dalmatia). As far as the points for *The Dialectological Atlas of the Albanian Language* in Kosovo, Montenegro and Macedonia were concerned, a plan of cooperation with some of the well-known dialectologists of the Albanology Institute and the University of Prishtina was made, and, by the end of 1980, several common surveys were conducted on a number of dialects of Kosovo and Montenegro. However, due to the tragic events of the spring of 1981 and the increasingly difficult situation in Kosovo, the relations between the scientific institutions of the Republic of Albania and those of Kosovo and Macedonia were completely severed, the signed agreements remained on paper only, therefore, the surveys for *Dialectological Atlas of the Albanian Language* in many of the designated points in Kosovo, Montenegro and Macedonia were not possible to conduct. However, in order not to leave the work unfinished, the working group for *Dialectological Atlas of the Albanian Language*, unable to go to the designated points for the survey, was forced to look for informants who came to Albania from those areas foreseen in the network of points. Thus, a good part of the expected points were supplemented with surveys made in the Kosovar settlements in the Albanian coastal areas, Mamurras, Fier and Vlora mainly, but also in other areas such as Elbasan and elsewhere. Obviously, this awkward way of data collection is not desirable at all, what it more, it does not meet the general theoretical criteria of the *Dialectological Atlas of the Albanian Language*, but that was the only reasonable way out. Due to political and other conjunctures, especially economic ones, the surveys in

the Arbëresh diaspora were not conducted as foreseen in the point network of the *Dialectological Atlas of the Albanian Language*. The entire Albanian territory included in the Atlas is presented on a maps on scale of 1: 1,600,000. On this map, the consecutive realm of the dialects of the Republic of Albania and those of the Albanian territories in the Republic of Kosovo, Montenegro, Macedonia and Southern Serbia (Peshteri, Presevo), as well as the dialects of Çamëria, Greece, separated by signs of state borders are located. On the map sides, the spaces of the Arbëresh diaspora of Greece and Italy as well as Dalmatia, definitely on another larger scale, are placed.

In the beginning, the Atlas includes some non-linguistic maps: physical maps, administrative maps, historical maps, ethnographic maps, about 700 language maps and maps with the names of the villages or cities where the surveys were conducted. Atlas maps are of two types: explanatory maps and non-explanatory maps i.e. the map where the word is written next to the number of the surveyed point and the map where not words or forms, but symbols of different types are placed.

Following analytical maps, there come generalized maps. In many lexical maps and some morphological maps, grammatical and phonetic differences that are not their object of reflection are presented by means of an indicator on the back of the preceding map. In a scalable order, the indicators reflect different grammatical variants, word-forming and phonetic variants for the lexical map whereas the phonetic variants for the morphological map. Naturally, these indicators are used only when deemed necessary. Besides, when needed, the commentary is given within the respective map. Is updating needed? Obviously, it is. The work for the compilation of the Atlas began about 35 years ago, as such, nowadays, it presents people with a reality and linguistic phenomena documented in Albania in those years. Today, the great movement of the population, the immigration from the village to the city, and also outside Albanian territories have brought about linguistic changes and developments which have not been reflected. For this reason, it would be a good idea to undertake a new study which would reflect the changes that have occurred.

Atlases have specific characters which depend on with the answers to the questionnaires: 1) point network, 2) informants, 3) questionnaires, 4) investigation methodology, 5) data collection techniques, 6) materials representation (transcribed strictly or through integrated spelling, related to the purposes), 7) native or foreign and /or specialist or non-specialist collector 8) the code used (*Antonia G. Mocchiari, Conservazione e innovazione negli Atlanti dialettali in Italia. Aspetti metodologici e descrittivi. Rivista Italiana di Dialettologia* 33, 2009, fq.30).

The informant plays an important role. Long-settled elderly locals, especially the illiterate, who have not often moved from the settlement should be included. In addition, the birthplace of the informants should be taken into account, i.e. informants that are preferred are those that were born in that settlement, have grown up and married in their birthplace. Only in that case, would they represent the dialect of that area and not that of the country they came from. This should be borne in mind, especially, because until recently, in some provinces in Albania, there has been a custom that states that a man should marry a woman that does not come from the same village, district, tribe, but one that is from distant villages, provinces, districts, or other tribes. The questions in the questionnaire are formulated to address the collector in order to guide him, and not to the informant.

In the realm of phonetics, questions are formulated to ask about the most important

phenomena in the field, for instance, whether the quantity of vowels is limited only to length. In morphology the questions include the main issues related to the forms of nouns, adjectives, pronouns and verbs. The illustrative examples are taken from the general lexicon of Albanian and the sphere of general use. For syntax, the work to collect dialect material is quite difficult. Questions relate to those dialect variants that any collector can pick up.

The dialectological atlas may help the students of the branch of linguistics. Through isoglosses, they manage to get an accurate picture of the dialectal and regional forms of different words, phonetic, morphological and lexical variants, as well as linguistic boundaries. The atlas is of special importance for scholars who prefer to know the dialectal basis of their language.

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# The Albanian legislation on protection of personal data

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## Abstract

The protection of universal human rights was accomplished with international and domestic laws improvement. Guaranteeing the dignity, the honor and privacy of the persons became values of the civilization and democracy. Laws provide protection and search to reduce conflicts and suppress injustices. The article offers an excursus on the international background and the protection of personal data and privacy as a sensitive issue on international relation. On this regard the Albania is moving forward on improving their legal framework to adapt their quality on the perspective of crucial changes.

The comparative methodology will lead the argument through similarities, differences and developments of the Albanian society as part of the European one and part of the technological evolution.

**Keywords:** Personal data, Privacy, International law, Human rights, Albanian legislation, Institutional Protection.

## I. General context on the protection of fundamental rights

The protection of universal human rights, the guarantee of dignity, respect for the honor and privacy of the individual are values of civilization and democracy. Human rights and their birth with national and then international constitutional documents aimed at regulating the relations between the State and the individuals under its jurisdiction. As part of the human dimension, the rights are essential guarantees of global peace and prosperity. Sanctioning them in legal norms makes them mandatory and essential to suppress injustices and conflicts.

To achieve this standards, it was not easy for the rights. The first to be consecrated in the Olympus of inviolable rights were those known as "*classical rights*" which included the right to life, equality before the law, the right to vote, freedom of expression, freedom of religion, etc. These rights are guaranteed and protected directly by the national legal system. A high appreciation was offered by international law with the adoption of the Universal Declaration of Human Rights of 10 December 1948 by the United Nations. This international pact has been a clear expression of all human history full of failures and successes where human rights have been suffering the most (Nikolla, 2011). Year 1966 marks the birth of the International Covenant on Civil and Political Rights, meanwhile in Europe human rights have become an essential part of the European Convention on Human Rights of 1953.

The development of these rights has not stopped. After the Second World War, the Universal Declaration of Human Rights of 1948 introduced economic, social and cultural rights (including the right to education, the right to a safe and healthy working environment, the right to housing, the right to social security, health, the right to participate in social and cultural life, etc.) also known as *the second generation*

of human rights<sup>1</sup>.

The rights of the *third generation* came from international legal documents and guarantee: the right for peace, the right to protect the environment, the right of the person and his/her family to have necessary standards for development, the right for a common humanity heritage. Part of them, for many scholars, constitutes the rights which protect categories of vulnerable people, such as the rights of children and the rights of women, because of their condition are exposed to the violation.

On the rights of this generation, Norberto Bobbio<sup>2</sup> states that *“this is a heterogeneous and ambiguous category, in which different authors make different claims, such as the rights of solidarity, the right to peace, the right to an economic development and quality of life, the right to a protected environment, consumer rights”*.

The natural human belief that every human being deserves to enjoy the freedoms and rights that come from birth in a honest, quiet and uninterrupted way is a philosophical-legal, natural and legitimate concept that reflects security.

Pericles (Pericles)<sup>3</sup>, (431-404 b. C), defined the Athenian democracy: *“Laws give equal justice to everyone, but we cannot ignore the concessions that can happen for big cases... We have been taught to respect judges and the law and never forget that we must protect the vulnerable... We are free to live as we please, but we are always ready to take any risk”* (Greay, 2005: 17).

According to the American scholar David A. Shiman, (1999; 45), *“every day, human beings around the world are facing injustices and inhuman acts. Just as a drop of water falls on a rock and pierces it with force, so humanity is getting closer and closer to the attainment of principles expressed in the Universal Declaration of Human Rights”*, which implies the evolvement of human rights in the context of democratic-political developments.

The two world wars and the great human disasters that accompanied them highlight the need to strengthen peace in the world and in the region, offering greater guarantees in practice and support for international instruments for freedoms and human rights, to pursue economic progress and strengthen democracies. It was the EC and the EU that, in support of the fundamental principles of the Universal Declaration of Human Rights, established the European Court of Human Rights and established (the EC, in its Statute) that *“each member state the Organization must accept the principles of the rule of law and recognize human rights and fundamental freedoms for all persons within its jurisdiction”* (Puto, 2010: 217).

This aims at cooperation between member states, in keeping their common ideals and principles timeless, guided by the well-being and values of democracy.

Convention 108 of the Council of Europe (1981) *“For the protection of individuals with regard to Automatic Processing of Personal Data”*, as well as the guarantee of privacy and privacy, states in its preamble:

*“Given that the recognition of equal and inalienable dignity and rights, which belong to the entire human family. . . . . whereas the peoples of the United Nations in the Charter have reconfirmed their faith in fundamental human rights, in the dignity and worth of the human being”*. (New York, Geneva, United Nations 1994: 5)

The International Covenant on Economic, Social and Cultural Rights, (United Nations Resolution 2200 A (XXI) of 16 December 1966, entered into force on 3 January

<sup>1</sup> The rights of the first generation enshrined in the UDHR and incorporated in articles 22 - 28 of the Universal Declaration and in the International Covenant on Economic, Social and Cultural Rights.

<sup>2</sup> <https://www.juragentium.org/topics/rights/it/bobbio.htm> (Accessed 27.08.2020)

<sup>3</sup> <https://en.wikipedia.org/wiki/Pericles> (Accessed 27.08.2020)

1976), in accordance with article 27 of the Preamble, on freedoms and human rights declares: *“These rights derive from the inalienable dignity of every human being”* (New York, Geneva, United Nations, 1994: 4).

Meanwhile, according to the UDHR (Tehran, May 13, 1968), among other things, it has been noted that rapid technical-technological development could entail risks and human rights violations, noting this development in point 18 of the Declaration to determine the obligation of member states and governments, on the principles enshrined in the Universal Declaration of Human Rights (UDHR).

*“Although recent scientific breakthroughs and technological advances have opened up vast opportunities for socio-economic progress, such developments could jeopardize the rights and freedoms of individuals and, therefore, require uninterrupted attention,”* was stated by OECD-ODHIR in a declaration. (New York, Geneva, United Nations, 1994: 68, 69)

It is this rapid development of communication and information technologies that has forced international / national bodies to adequately assess the full range of effects they produce not only on socio-economic progress but also in their guarantees. This has opened the door to a *fourth generation of rights*, which are still evolving. Faced with the development of the new economy, new techniques for receiving, processing and disseminating information and their transfer, the so-called *rights of the technological society*, have been configured.

New rights have appeared on the horizon as a result of public power relations with citizens, but above all, due to the advancement of information and communication technologies (ICT) and bioethics.

The emergence of these new rights responds directly to the use and impact of these new technologies in the context of fundamental rights. It is now universally accepted that scientific and technological innovations will influence the future. For this reason, this category of rights is recognized and sanctioned in international documents, constitutions and laws, being identified as categories that allow us to outline the evolution of human rights over time.

These are the new digital rights known as human rights in the *Internet age*. Internet privacy rights and freedom of expression, for example, are in effect extensions of the equal and inalienable rights set out in the United Nations Universal Declaration of Human Rights. According to the UN, *disconnecting people from the Internet violates these rights and goes against international law*<sup>4</sup>.

This technological progress has been recognized by the Charter of Fundamental Rights of the European Union which in Article 3 (right to the integrity of the person) and in Article 8 (protection of personal data) have confirmed as fundamental rights the situations created in bioethics and in information technology.

The adoption of the specific EC Directive 95/46, (1995) in accordance with the Council of Europe Convention 108, *“On the protection of the individuals with regard to automatic processing of personal data”*, protects the segment of human rights and fundamental freedoms, *protects data personal and privacy*. This symbolizes the first globally step in the institutional protection of personal data and the privacy of the person, from abuses and violations by operators and data processors, whoever they are.

Personal data are recognized as *personal property* only of the person and therefore belong to him and only him. In its essence, this constitutes personal privacy grouped

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<sup>4</sup> <https://www.weforum.org/agenda/2015/11/what-are-your-digital-rights-explainer/> (Accessed 27.08.2020).

with one's personal actions. Defining privacy with a slightly broader term than personal data, including the space and environment in which the data subject has the right to keep it [personal data] only for himself. These data are in principle the foundation of basic human freedoms.

The violation, abuse and criminalization of personal data, through the misuse, mismanagement, abuse and cybercrime by search engines (Internet social networks) and the automation of television technology - information and digitization represent a serious threat to the privacy and security of the individual and of society as a whole, thus undermining national and international security.

## **II. The relationship of technological development with human rights on privacy and personal data**

Technological developments have created excellent structures to promote sustainable economic and social development, promote the circulation of knowledge and profoundly influence the dynamics of democratization and the promotion of human rights.

The Internet is creating new opportunities in the production and exchange of knowledge becoming an invaluable resource for education, information, research and development of peoples. It is also the engine of the global economy, promoter not only of innovation, but also of the main infrastructure for the participation of local businesses in the global economy<sup>5</sup>.

As an interpersonal communication platform, the Internet, through the proliferation of mobile devices, has become the main means of communication, without geographical barriers and with a new interaction between public institutions and citizens.

This makes the Internet an increasingly necessary tool for social organization and citizen participation in public works.

With the Internet, virtual or digital rights defined as human rights were born and developed that allow people to access, use, create and publish digital media or access and use computers, other electronic devices and communication networks.

In addition to meeting the needs, these inventions pose a challenge for the legal system to guarantee the fundamental rights of the individual. The primary function of the legal order is to minimize the arbitrary exercise of power through well-defined and pre-approved laws. Recently an important legal debate has involved the most illustrious professors of media law on the "*impartiality of the network*", among them Professor Tim Wu of Columbia University who defined the Internet service as *a public information service*. According to him, the Internet service is similar to water, gas, telephony, transport service. This ruling prompted the American regulator (FCC) to adopt mandatory rules for the impartiality of the network (2015), with *the obligation to Internet service providers and / or the general public not to limit and offer equal treatment to all information, videos, games, comments or any content that was uploaded and / or transmitted online*.

Late 2017, the *impartiality of the network* was challenged due to comments from false identities on the Internet favoring free competition and innovation. Considering and regulating the Internet like any other public service (water or public transport), this

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<sup>5</sup> The Italian position on the fundamental principals of Internet. <http://download.repubblica.it/>. Accessed 27.08.2020

led to the slowdown in innovative development and the loss of interest in progress from *leading* companies in the field.

This raises questions as to whether new rights in relation to the development of technology, as subjective rights, are constitutional rights and whether a formal update of the human rights catalog is necessary? Several scholars believe that the Internet has included new subjective situations such as *the right to access the Internet* (Frosini, 2011) in legal systems. This doctrinal orientation considers *the right to access the Internet* (Caruso, 2013:9) as a social right (Rodotà, 2010: 337-351), which obliges public authorities to “provide the individual with the material means to have access to broadband and fast connectivity (Tozaj, 2017, PhD Thesis)”.

On the one hand, innovative inventions help freedom of expression and strengthen competitiveness in the information society (media) sector, on the other hand the rapid development of technology poses a potential risk for the respect of privacy and personal data violations. It has been accepted by the doctrine that *freedom of expression is not an absolute right*. The jurisprudence of the ECtHR has also always interpreted this right in relation to other rights. Among the rights that limit the exercise of freedom of expression, in addition to the right to respect the private and family life, are: *the right to a fair trial; property rights; market regulation, media services infrastructure; content adjustments based on different media; adaptations to the journalistic profession; discrimination; the right to life; or the right to organize* (Kasmi, Avokatia 28).

Article 8 of the ECHR provides that: “1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

In this respect, in the case of *Lingens vs. Austria*, the ECtHR has held that in cases where the applicant is a public person, freedom of expression will take precedence over respect for the right to privacy protected by Article 8 of the European Convention on Human Rights.

The debate on the relationship between the right to information and private life has been raised in recent years to another standard, that of disclosing the personality and identifying the characteristics, profiles and preferences of the individual.

In this regard, technological inventions such as “*Hi Google*” or “*Hello Alexa*” collaborated, thus intruding into the privacy of each user. The various advertising platforms are often under attack for serving as manipulators of users’ wishes. From *a like or a click to an advertisement on the net* you end up being flooded with advertisements on the same theme on your mobile, PC or personalized pages. Artificial intelligence algorithms are often “scary”, as in the case of *Google* (web browser) where through what we were looking for, it offers us options on what we might like and what we want to see.

But at the same time, the use of technology facilitates the direct participation of citizens in the cultural and political life of their country and, more generally, to serve as a tool for the emancipation and promotion of fundamental freedoms and the stimulation of the processes of democratization, in the creation of a fair society<sup>6</sup>.

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<sup>6</sup> La posizione italiana sui principi fondamentali di Internet. (The Italian position on fundamental



The use of the Internet aims to disseminate information on the user's cultural, social, economic and social interactions, which is made possible by media giants such as *Facebook*, *Twitter*, *Instagram* or other networks. *Personal data management practices are the bridges of the fragile communication between the profitable goal of the media business<sup>7</sup> and the public interest in freedom of expression and the dissemination of information based on the guarantee of respect for privacy.*

The investigation against *Facebook* in February 2018 showed the breach of privacy through the use (as claimed) of the personal data of 50 million *Facebook* users by the British company *Cambridge Analytica*. This shock has led to a large loss of business on the stock exchange and market volatility<sup>8</sup>, as well as awakening the attention of lawmakers around the world to regulate the use of data by *Internet* distributors in order to maintain a balance between profits and public interest. Technological profit must not be at the expense of respect for private life (Kasmi, Avokatia 28).

*Another result of the use of social media pages on the Internet involves the unauthorized use of the personal data of the users of these pages for the purpose of marketing, electoral or political campaigns. The Facebook scandal opened up a big debate on it.*

*In logic, the creation of profiles and mandatory orientation without the conscious consent of the Internet user for commercial purposes requires legislative intervention. According to the European Convention on the Protection of Personal Data, a company can call a user on the telephone only if that consumer has requested and / or has given his consent to receive the call or advertisement via the Internet or telephone service. The law must be able to establish the restrictions and conditions that a natural or legal person must meet in order to use messages, e-mails or disclose information without the consent of another. There is no consistent case-law by the courts that at times are in favor of privacy and rights as freedom of information.*

*Another very important aspect is the safety and guarantee of online profiles. Creating fake profiles and using them to drive surveys for the benefit of a business is a big expense for the media giants. The legal debate on false profiles has produced uncertainty in polls, policy making and various sectors, as well as protecting and respecting privacy (Kasmi, Avokatia 28).*

The creation of a profile and the use of private life, putting *likes* in the posts of the same *Internet* user, taking advantage of social networks to be able to control the lives and opinions of others. The tracking of messages on social networks by people employed in large companies or public administrations, in violation of the respect for personal data, has turned into a limitation and self-limitation of the freedom and privacy of consumer users.

New technologies have potentially jeopardized the guarantee of the right to work, immobility at work and non-interference in private life. In contrast, *Internet* distributors (as evidenced by numerous legal practices) process personal data by creating detailed profiles and designing user personality traits (Kasmi, Avokatia 28). principles of Internet) <http://download.repubblica.it/>. Accessed August 2020.

<sup>7</sup> The mass media service (protects the public interest; profitable private sphere; independent; includes information, entertainment, investigation, education, culture, science; independent power) ensures the balance of the profitable goal of the media business and the public interest, freedom of expression transferred from television to social media.

<sup>8</sup> Only on March 16, 2018, interest in *Facebook*'s stock fell by 6%, resulting in a loss of up to \$ 70 billion in one week. <https://www.cnb.com/2018/11/20/facebooks-scandals-in-2018-effect-on-stock.html>; <https://www.cbsnews.com/news/facebook-stock-price-recovers-all-134-billion-lost-in-after-cambridge-analytica-datascandal/>;

### III. The protection of personal data and privacy

The personal data of the person are an expression of his spiritual, material, intellectual and cultural being, the only completely individual and eternal personal property. As part of human rights and fundamental freedoms, they form his sensitivity, his honor, his character, having recognized themselves in legal terminology as privacy for the individual. For this reason, the violation of these elements is treated not only as a violation of privacy, but also as a violation of the “honor”, “dignity” or “personality” of each individual, increasing the degree of sensitivity to the violation suffered. Legally, these rights are defined and regulated by civil law as “*personal and non-patrimonial rights*”, which include: the right to a name, a pseudonym, a residence, copyright, honor, etc. The meaning of the word *personal* shows the connection that this right has with a certain person (Kondili, 2008: 99).

In constitutional frameworks, as the highest legal acts of the various state political systems, the right to privacy occupies a central place. Meanwhile, in secondary legislation, this right is legally regulated through many rights, such as: civil law, family law, criminal law, inheritance law, etc. (Jashari, PhD Thesis, UET 2016).

The Universal Declaration of Human Rights has enshrined in Article 12 that: “*No one shall be subject to arbitrary interference with his privacy, family, home or correspondence, nor to attacks on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks*”<sup>9</sup>. The text of the Declaration does not refer directly to the protection of personal data, but directs its interpreter to the essence contained in the right to privacy.

The International Covenant on Civil and Political Rights, in its article 17, establishes the right to privacy. Resolution 68/167, “*The right to privacy in the digital age*” reaffirmed the rights proclaimed in the UDHR, the Convention on Civil and Political Rights, as well as other documents of international importance in the field of human rights, and in particular in the right to privacy<sup>10</sup>.

Article 8 of the ECHR goes beyond Article 12 of the UDHR, not only as a negative obligation, but also as a positive obligation behalf the state. Thus, the state not only does not intervene, but also assumes a positive obligation to protect these rights as realistically as possible through its institutions. Furthermore, the terminological approach in the text of the convention is not the same as the UDHR, the words “*honor*” and “*reputation*” are no longer used, they are replaced by the phrase “*respect for privacy*”. Article 8 of the ECHR provides for the right of every person to seek compensation for a violated right, both these personal data and the principles of protection of personal data, before the European Court of Human Rights. The Court has established a practice in this regard through the interpretation of Article 8 of the ECHR in the light of the protection of personal data, as an evolved right in compliance with the protection and guarantee of privacy<sup>11</sup>.

An important step in the protection of personal data in Europe has been taken with the adoption of national legal acts aimed at controlling and securing personal data.

<sup>9</sup> This right is presented as a negative obligation on the part of the state not to interfere in people’s privacy.

<sup>10</sup> States were required to: • Respect and protect the right to privacy also in electronic communications; • Take measures to prevent the violation of these rights and create conditions for their prevention, including ensuring that national legislation complies with human rights obligations under international acts.

<sup>11</sup> The cases: Z vs. Finlandia, Peck vs. Regno Unito, Ll vs. Francia ecc.

Such is the adoption of Convention 108 by the Council of Europe or the adoption of Directive 95/46 by the EU aimed at promoting the free flow of data. The EU has adopted two other legal instruments in the field of data protection; Directive 2002/58 (e-privacy) and Regulation 45/2001. The first for *data processing in the electronic communications sector* and the second for *data processing and free movement between the EU institutions*. The EU took an even more important step in the 2000s, affirming the right to data protection as a separate constitutional right (Article 8 of the Charter). European citizens should no longer have recourse to the right to privacy to protect personal data. Article 8 provides not only the right to the protection of personal data but also the principles of their processing (Cakrani, PhD Thesis, 2017)<sup>12</sup>.

In the field of human rights, the protection of personal data is part of the catalog of fundamental rights in the Constitution of the Republic of Albania, article 35<sup>13</sup>. Although Albania has given a constitutional force to the protection of personal data, the need to approximate existing data protection legislation with that of the EU has paved the way for the adoption of the Law "*On the protection of personal data*" in line with Directive no. 95/46.

*What is meant by personal data?*

Various scholars have tried to give a broader definition of the terms "*data*" and "*information*". According to the Albanian dictionary (ASHSH, 2002; 286)<sup>14</sup>: "*data*" are announcements given about someone or something; facts or documents that serve to prove something, to draw conclusions, while "*information*" is the activity that aims to receive and give communications and data about someone or something.

The OECD Guide and Convention 108 define personal data as "*any information relating to an identified or identifiable person*"<sup>15</sup>. The EU Directive 95/46<sup>16</sup> defines personal data as *all information possible to identify a person*. Even if a single data cannot be related to a particular person, but there are all the premises and reasons for using it in combination with other data or information to identify this person, then this is personal data (Schwartz & Solove, 2014: 879). In some of their decisions<sup>17</sup>, the European Court of Human Rights and the Court of Justice have based themselves on the same definition (Cakrani, PhD Thesis, 2017)<sup>18</sup>.

The term on the definition of personal data means<sup>19</sup>:

- *any information* that provides data on the private and family life of the person but not only, created as a result of his continuous activity (school, work, health) or as a result of his personal experiences;

<sup>12</sup> <http://www.doktoratura.unitir.edu.al/wp-content/uploads/2017/11/Doktoratura-Eriola-Cakrani.pdf>

<sup>13</sup> Article 35, Constitution of the Republic of Albania, Chapter II Personal rights and freedoms 1. Nobody can be obliged,..., to make public information about their person. 2. The collection, use and publication of data on the person takes place with his or her consent,... .. 3. Everyone has the right to learn about the data collected concerning him,... .. 4. Everyone has the right to request rectification or....

<sup>14</sup> See: Fjalor i Shqipërisë së Sotme (The Vocabulary of Albanian language), Akademia e Shkencave e Shqipërisë (ASHSH), ShB Toena, Tirana 2002, Fq 286, 507.

<sup>15</sup> Art. 2 (a), Convention 108, "Personal data" are all information relating to an identified or identifiable natural person.

<sup>16</sup> Directive 95/46/EC of European Parliament and European Council, October 24, 1995, "On the protection of individuals with regard to the processing of personal data and on the free movement of such data"

<sup>17</sup> Decision: Case Rotaru vs. Rumania, Application No. 28341/954, Decision date 04 May 2000, par. 43; Aman vs. Switzerland, Application No. 27798/95, Decision date 16 February 2000, par. 65; Lindqvist C-101/01, Decision date 06 November 2003, par. 24, Court of Justice.

<sup>18</sup> <http://www.doktoratura.unitir.edu.al/wp-content/uploads/2017/11/Doktoratura-Eriola-Cakrani.pdf>

<sup>19</sup> Based on Albanian Law "On the protection of personal data"

- *relating to a person* when it comes to that specific person as it relates to his identity, characteristics, behavior or whether this information has been used to determine or may influence the way that person is treated or evaluated (in terms of content, purpose and result of the collection of information);

- *identified* when the natural person is clearly distinguishable within a group of people, and, *identifiable* when, even if the person has not been identified, there are still all the conditions to achieve it;

- *natural person* subject to the law (all citizens of a country, adults, physically and mentally healthy and aware of their obligations towards the State)<sup>20</sup>;

- *sensitive data* means those information that refer to the closest sphere of the person, such as; their racial or ethnic origin, political views, union membership, religious or philosophical beliefs, criminal convictions, and health and sex life data. The Albanian Constitutional Court in its decision explains the importance of sensitive data compared to other data, *due to their nature and character*, and considers them *the essence of private and family life*<sup>21</sup>. This category of data due to its specific nature is subject to a special control, processing or consent procedure. Sensitive data are processed only when: 1) consent is granted by the subject, valid for the entire duration of the consent; 2) the processing of data is in the vital interest of the data subject or of another person even if there is no consent for mental or physical disability; 3) is authorized in writing by the authority responsible for the processing of sensitive data, in cases of significant public interest; 4) refers to data that are openly public or necessary for the exercise or protection of a legal right; 5) are processed for historical, scientific or statistical purposes, with adequate guarantees; 6) there are reasons related to preventive medicine, medical diagnosis, health care, treatment, management of health services and their use is carried out by medical personnel or other persons who are required to maintain confidentiality; 7) are processed by political, philosophical, religious or non-profit organizations, trade unionists, for the purposes of their legitimate activity, only to members, sponsors or other persons, related to their activity, subject to the consent of the interested party, unless otherwise provision of law; 8) processing is necessary for the fulfillment of legal obligations and the specific rights of the data subject responsible for processing in the field of employment, pursuant to the Labor Code (Article 7)

- *other personal data* which includes any type of information belonging to a person, such as court documents. Albanian legislation defines criminal records as “*all data relating to sentences in the field of criminal, civil, administrative trials or the documentation in the registers of criminal, civil and administrative convictions*” and provides the necessary guarantees for their protection. But what happens when the decisions of the courts

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<sup>20</sup> The European Court of justice declared that: there is nothing to prevent Member States from extending the scope of national legislation implementing the provisions of the Directive to areas outside its scope, provided that they do not conflict with other provisions of EU law. European Court of Justice Decision, C-101/2001 del 06.11.2003 (Lindqvist), paragraph 98. ECHR, on its decision on *Societe Colas Est* case, extended the protection of the private space guaranteed by article 8 of the ECHR also to legal persons. *CASE OF SOCIÉTÉ COLAS EST AND OTHERS v. FRANCE* (Application no. 37971/97) <https://www.legal-tools.org/doc/5aefe0/pdf>

<sup>21</sup> The Albanian Constitutional Court Decision No. 16, 11.11.2004, paragrapho 4, “Personal data with a patrimonial nature, as a rule, became part of the private life sphere, therefore in this case are applied the Article 35 of the Constitution and Article 8 of the European Convention on Human Rights. However, they do not have the nature and character of sensitive data, which constitute the essence of private and family life.”

are accessible on *Internet web pages*, and in them we can find published the personal data of the people involved in the process?

If so, does this enjoy the public's right to information or violate privacy and the protection of personal data? In cases of criminal proceedings against a person of high social risk, the public interest in being informed prevails, as in the case of a person exercising public functions. The situation is more delicate if it is a matter of intimate family or personal disputes where the publication of personal data will damage the present and the future of the individual and the whole family even more.

#### **IV. The protection of personal data and privacy according to Albanian law**

Law no. 9887 of 10.3.2008 "On the protection of personal data", recognizes the general principle that *the legal processing of personal data takes place in compliance with and guaranteeing human rights and fundamental freedoms and, in particular, the right for the protection of privacy.*

The main rules on which personal data are based are divided into:

- Principles for the protection of personal data, which are based on:

- a) in the treatment in an honest, correct and lawful way;
- b) in the collection for specific, clearly defined, legitimate purposes and in the processing in compliance with these purposes;
- c) the data must be sufficient, relevant to the purpose of the processing and not exceed that purpose;
- ç) accurately and, where necessary, update and take any action to ensure that inaccurate and irregular data is deleted or altered;
- d) kept in a form that allows the identification of the data subjects for a period of time, but not exceeding that necessary time for the purpose for which they were collected or subsequently processed.

- *Principles on the processing of personal data*

According to the law, the controller is the person responsible for the implementation of these requirements on all automated or other means of data processing (Article 5). Only in the case of the processing of personal data, in the context of prevention activities and criminal investigation, in the case of a crime against public order, their processing is carried out by the official authorities. (art. 6/2).

- *Principles in the transfer of personal data.*

The international transfer of personal data is carried out by the recipient from countries with a *sufficient level* of protection of personal data. The level of protection of personal data for a country is determined by evaluating all the circumstances relating to its processing, nature, purpose and duration, country of origin and final destination, legal acts and security standards in force in the receiving country. In case that the level of data protection is lacking, the international transfer is carried out if: a) it is authorized by international acts ..., b) the interested party has given consent to the international transfer; c) constitutes an obligation for the execution of a contract concluded between the data controller and the data subject or a third party, in the interest of the data subject; ç) it is a legal obligation of data controller; d) it is necessary for the protection of the vital interests of the data subject; dh) it is necessary or constitutes a legal requirement for an important public interest or for the exercise and protection of a legal right; e) consists of a register, which is open for consultation and provides information to the general public (Article 8).

The data protection commissioner, after carrying out the assessment, can authorize the transfer of personal data to the host state, establishing conditions and obligations.

The commissioner may allow certain categories of international transfers of personal data to a State that does not have a sufficient level of protection of personal data. The controller, before providing the data, requests authorization from the commissioner. In the request, the data controller must guarantee the respect of the interests for the protection of the privacy of the data subject outside the Republic of Albania (Article 9).

The Law "*On the protection of personal data*" is sensitive in guaranteeing the rights of the interested party, owner of such data, offering the right to access the use or processing of his data (Article 12); the right to request the rectification or cancellation of data when they are inaccurate, false or incomplete (Article 13); automatic decision-making to avoid legal effects that can cause automatic data processing (Article 14); the right of the interested party to opposes to their treatment (Article 15); the right to complain in case of violation of the rights, freedoms and legitimate interests regarding personal data (Article 16); compensation for damage deriving from the unlawful processing of personal data (Article 17).

The law "*On the protection of personal data*" guarantees measures for the security of personal data (Article 27). It is the duty of data controller to adopt adequate organizational and technical measures to protect personal data from unlawful destruction, accidental destruction, accidental loss or impediment of access or dissemination by unauthorized persons, especially in their network.

It: defines the functions of the organizational units and operators in the use of data; gives orders to the organizational units for data processing; instructs operators on their obligations; prohibits the entry of unauthorized persons into the premises of the controller; authorizes the operation of data processing equipment; records and documents changes, corrections, cancellations, or transmissions, etc.

Only in cases where the data are used to prevent or prosecute a crime can they be processed for a purpose other than that for which the data were collected. The data documentation is kept for the time necessary for the purpose for which it was collected. The level of security should be commensurate with the nature of the processing of personal data. Persons, aware of the processed data (owners, data processors, controller, etc.) are obliged to maintain confidentiality and reliability even after the termination of their function (Article 28).

Law n. 9887, dated 10.03.2008, modified by law n. 48/2012, amended by law 120/2014 "*On the protection of personal data*" for the first time provides for the definition of "*Electronic tools*" which include computers, computer programs and any other means, electronic or automatic, with which the data are processed. This law defines for the first time, in contrast to the previous law, "*direct trade*" as communication with any mean and in any way of advertising material, using personal data of natural or legal persons, agencies or other units, with or without mediation.

## **V. The effects of technology in the field of personal data and privacy**

As demonstrated above, the law "*On the protection of personal data*" provides for the full range of tools used in the collection, processing and transfer of personal data, whether electronic, mechanical or otherwise, with the sole purpose of protecting and storing it as fairly as possible. The development of technology has brought with it an increase in the threat and risks to the privacy of all, arousing institutional vigilance in assessing the level of potential harm and undertaking research on imaginable harm. (Pradel & Corstens 2010: 403).

- The invention of *the telephone* led to the breaking of barriers in the world. From the fixed telephone to the most advanced telephony models that allow generations to send and receive images of photographs, written texts, video recordings, films, messages at any distance, through very high-speed voice recording, with the aid of satellite equipment. These devices provide the opportunity for communicators to know and precisely identify their location (addresses) during communication. The ability to know the position during communication, through the Internet system (Google and other sites where the digitized world map is inserted in the GPS system) has allowed the satellite to identify the position and address of the interlocutor (built in possibility in the classes "I-Phone", "Galaxy", "Nokia" etc.). In addition to facilitating human life, technology has created great opportunities for privacy intrusion, because the recipient and the sender on both sides of the receiver obviously record the individual's personal data, and such devices possess the ability to store these records on servers. The difficult situation of the COVID-19 pandemic has once again highlighted the sensitivity of data protection and the risk that one can move from protecting the right to life to violating privacy in a single moment.

This is how mobile subscribers in Albania (*Vodafone Company*, and later *AlbTelecom*) felt when they heard an audio message from Prime Minister Edi Rama, with "advice" to protect themselves from the Corona-virus, before calling or receiving a call (March 2020). Every *Vodafone* subscriber who calls any other number to any operator, *Vodafone company*, from time to time, forced them to listen to an audio message from the prime minister, before connecting it to the dialed number. Also, people, from any operator, who call a *Vodafone* number, *Vodafone* occasionally forces them to listen to Rama's message before connecting them to his subscriber. Messages are displayed randomly, once every few calls.

This action was in flagrant violation of ethics, professional standards and the privacy law itself by telephone companies. The "Privacy" law allows the use of numbers for preventive medical purposes, but requires that such use be made by authorized persons in the health system and public institutions certified for data protection.

In this case, the assumptions that would demonstrate that the use of the personal data of the subscribers complied with the requirements required by law did not exist, but the deduction was simple, the use was made by *Vodafone* itself, which did not provide the numbers to the Prime Minister's staff, but technically introduced his audio message to subscribers.

- The use of *the camera* as a powerful tool in the process of recording, surveillance and transmission of static and dynamic images has greatly facilitated the increase of surveillance in favor of security and the reduction of the workforce, which would be obliged by their physical presence to monitor certain spaces, maintaining and taking care of the safety of property, people and capital in various sectors of life. Illegal use of the camera's eye in cases, such as: maternity wards, psychiatric wards, neurology wards, healthcare structures (different sectors), changing rooms (where uniforms are prepared and put on), dress-rooms (in commerce), bedrooms (private areas), etc., would be considered a scandal, and this type of camera surveillance would undoubtedly constitute a serious violation of the rules on personal data protection and privacy.

Individuals have the legal right to be informed about the processing of personal data by means of surveillance cameras.

In practice, the information is provided through notices pasted in visible and easily accessible points of the space monitored by surveillance cameras. The warning sign contains the clear signal of the camera, the inscription on the observation of the official languages applicable centrally and locally, the space reserved for the data

of the controller (such as address, e-mail, telephone, etc.), as well as the logo of the Personal Data Protection Authority (ASHMDHP-*in Albanian*).

The data controller (person in charge) is not authorized to use the camera footage for other purposes than those announced by the Agency, namely the law "*On the protection of personal data*". For example, if an organization has announced its intention to install cameras for security reasons, the controller does not have the right to use such images to check the presence or concentration of employees in the workplace.

Although the law "*On the protection of personal data*" provides for the application of surveillance with cameras in apartments, the installation of such a system must be subject to compliance criteria with 70% of the residents and in the event that camera surveillance is needed to the safety of residents and property, the transmission and the observed space must not exceed the entrance on the structure and the *common* spaces. An action is legitimized upon notification to the *State Personal Data Protection Agency* (SPDPA- *in English*; ASHMDHP *in Albanian*), as it informs all employees in advance of such action.

*Camouflaged cameras* are also subject to privacy assessments. No one can use disguised cameras and take over the powers of law enforcement authorities in an attempt to detect illegal activity, such as theft, without notifying the police. Competent authorities are charged with executive powers to investigate and prosecute these violations. Under normal circumstances, a period of six months is considered sufficient and reasonable to retain camera surveillance footage. After this preset time has elapsed, the images should be automatically deleted.

In cases where an insurance company holds the images on behalf of the data controller, the controller is obliged to enter into a legal agreement with the insurance company which will only act according to the instructions of the controller and in compliance with appropriate technical measures of security against unlawful processing<sup>22</sup>.

- The discovery of the *radio transmitter* (late VIII<sup>th</sup> century and early IX<sup>th</sup> century) paved the way for *audio-recording technology* which recognizes the processing and transmission over the air (*ether*) of numerous personal data of public interest and for the general development of society. This involved processing to be carried out in various forms through Dictaphones, such as voice recordings and various conversations of subjects that can be used for transmission or can be kept for proof, whether they are historical, archival, judicial, cultural, security, etc. In this regard, the processing of data of subjects (citizens) in the field of audio recording must be carried out with the consent declared in writing, or registered by them (subjects of personal data), guaranteeing the retention of data (where the *voice* is part of their "being individual" and therefore deserves respect and protection) and the protection of privacy, as a minimum requirement expressed by the Law "*On the protection of personal data*".

- The totality of personal data expressed in *personal documents*<sup>23</sup>, are used for identification, for free circulation, for the legal realization of citizens rights during their life, in accordance with the purpose of their registration or collection.

State institutions such as: police, civil registry, ministry of the interior, consulates, customs offices, are the guarantors of the production, use and security of documents

<sup>22</sup> <https://2lonline.com/vezhgimi-me-kamera-dhe-privatesia-e-qytetarit/> (Accessed 29.08.2020)

<sup>23</sup> Identity cards, passports, certificates (of birth, death, marriage, residence, citizenship, etc.), identity cards, driving booklets (driving license), booklets (car certificates), student booklets and student indexes, diplomas, certificates, certificates of alumni, students and citizens, health booklets, patient history (amnesia) in public and private hospitals and nursing homes, credit contracts, proof of payment, invoices payment cards and similar documents with personal data, tax invoices, register books and public books, Internet and intranet, information supports, images (photo galleries), bank cards, ATMs, star cards, telephone cards, computer cards, software programs, etc.



(which must predispose the highest quality on the production and the security of the document's elements) with their biometric data, due to their sensitivity in the individual's life, document's holder.

The technology for the production of titles and documents, that of telecommunications and the digitization of *e-government*, has influenced the facilitation of financial, free circulation, commercial, administrative, tourist operations, etc. via Internet networks from "smart" phones. The holder of the document (or of the title of value) as the legitimate owner has the right to the data and the means (titles) in which such data are found. The only person who has the legal right is the subject (natural person / individual), respectively the legal guardian or the authorized person or legal heir (for children, persons with health disabilities and deceased persons) (Jashari, PhD Thesis, UET 2016).

- *Public registers* contain a large number of reports / comments / records of data accumulated, derived and created by all public administration institutions, educational institutions, health institutions, land registry and geodesy, security institutions, civil registry institutions, various economic development agencies, various service agencies, judicial institutions, tax institutions, etc., private sector entities, such as: financial institutions, enterprises, advocacy services, etc. Much of this data today is computerized, digitized and subject to information technology operations.

The Public Administration, in order to provide an efficient, quality and fast service, under the banner of "*e-government*", has concentrated a strong information power in its hands.

*The Intersectoral Strategy for Public Administration Reform 2015-2020* provided alternatives for the functioning of local units as administrative units, including the use of the concept of *one-stop shops*, which use ICT to provide administrative services at the local level. This is because the administrative units of 61 municipalities operate according to the "*one-stop shop*" model. 80 administrative services are provided in these branches through the use of ICT. The *support structures (back office)* of the institutions will guarantee the service delivery process under the administration of ADISA-in Albanian (*Albanian Agency for the Supply of Integrated Services, 2015*). Public administration services based on fully or partially digitized systems are: the registration of real estate, the issuance of passports and identity cards, registration and licensing for businesses, etc.

AKSHI-in Albanian (National Agency for the Information Society) through the *e-Albania* online platform, offers some *online services* and provides information on many others. The *e-Albania portal* serves as the single point of contact for government services, 24 hours per day, 7 days per week, helping to improve access to information for the general public. The portal is connected to the *Government Interaction Platform*, which is the basic architecture on which interaction with the electronic systems of public institutions is enabled and to which 42 institutions that exchange data in real time, are connected. So far, information has been published on 170 services provided by the public administration. *e-Albania* contains many public electronic services, such as access to personal data, company data and the online declaration of personal income.

- This service could not be achieved without the technological development of the Internet. A variety of services can be performed through Internet, as well as *e-mail, banking operations, financial transactions*, etc. Since 1991 such services have been made available through a site called the "*world wide web*" (www), which was first

presented at a conference on nuclear research in Geneva in 1989, according to which *the summaries of the documents could be translated via a web server into HTML*, which is an information *networking* method. (Publication of the Faik Konica University College, on "Media and communication", Prishtina, (2006-2007: 60)).

The news on Internet communications has highlighted the fragility of the system on the security of personal data and the damage that can be caused in case of data theft from illegal interference on the network (*see Chapter II of the article*).

- *Electronic media*<sup>24</sup>, as a fast communication and marketing tool, have brought to attention the difficulty of maintaining a balance between privacy and privacy communication, falling prey to scandals in the field of privacy protection, (Gutwirth 2012: 240). By hurrying to publish the news it often happens that the rules are violated and, in terms of confidentiality of the person and security of his personal data, the dignity of the interested party (citizen) is seriously violated, such as; tempting to emphasize as a social phenomenon, are taken photos of begging children, without covering their faces, are displayed photos / videos of arrested persons, photos of handcuffed persons by the police, photos of people in various forms or circumstances without their warning or consent, names and surnames of the defendants ( before the judicial process is over), names and surnames of people with contagious diseases, serious illnesses, etc. All these phenomena and violations of the person's privacy and of his / her personal data are punishable by the relevant law, punishable by the European Directive on the Protection of Personal Data and Privacy, the European Convention for the Protection of Human Rights and Fundamental Freedoms (Jashari, PhD Thesis UET 2016).

The commissioners and the personal data protection authorities have published on their official websites (*web pages*) forms of advice and recommendations for the protection of children and Internet users from the possibility of abuse by various wrongdoers or abusers during communication, or identity theft, change of identity, and publication of abusive images of individuals. Opportunities have been provided for the orientation of vulnerable persons towards these mechanisms authorized and mandated by the constitutions and laws on the protection of personal data in the signatory states of Convention 108/1981, adaptation of Directive 95/46, of 1995 and of all aspirants states for EU membership.

## Conclusions

From the above, our lives will be increasingly influenced by technological developments, which in order to be kept under control need a well-defined legal framework and independent institutions, alert and ready to take action against the misuse of the technology. Despite continued efforts, Albania is last in Europe in the Information Technology Development Index for 2016 and 91st out of 175 economies in the world and last in Europe, according to a ranking published by *International Telecommunication Union* (ITU) in the report "*Measuring the Information Society*". Of the three sub-indices, Albania ranks best on the one of skills, where it is in 61st place and worst in that of access, where it is in 105th place in the world, while it is at 81st in the

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<sup>24</sup> The written press, radio media, audiovisual media, electronic communication "multimedia and online media".

index of use (for 2015)<sup>25</sup>.

Albanian audiovisual media legislation provides detailed rules for advertising or election campaigns and for marketing purposes, but while television has been significantly replaced by social media, new rules are needed on the dissemination of information on Internet, which emerges from the fact that Albania does not have the means to report harmful information on Internet, but delegates this task to the General Directorate of the State Police.

Law 9918 on electronic communications contains various rules relating to the obligations of operators in the field of human rights protection, including personal data. On the other hand, the law 9157 *“On the interception of electronic communications”* provides some rules that oblige operators to distribute information on Internet to cooperate with state bodies. Law 10128 *“On electronic commerce”* provides for the rules for conducting commercial transactions electronically, through the services provided by the information society, on the protection of participants; the legal protection of the privacy of users or their data, as well as guaranteeing the free circulation of information services, fully aligned with Directive 2000/31 / EC, *“On certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)”*. The lack of legal acts has led to poor coordination between the institutions guaranteeing personal data for Albanian users. The audiovisual media authority transmits continuous information on the compliance with personal data by the audiovisual media, but there is still no supervisory authority for online media or online services. Registered business entities are subject to monitoring of compliance with personal data by the Commissioner for the Protection of Personal Data. For 2017, the Commissioner, in accordance with Law no. 9887/2008 *“On the protection of personal data”*, amended, is expressed in 22 administrative decisions. Of these 22 decisions, out of 11 of them, the subjects voluntarily carried out administrative sanctions. In 9 decisions, the Commissioner’s Office requested judicial enforcement. In the other 3 cases, the data controllers filed a lawsuit in administrative judicial proceedings. In 2017, 205 complaints were filed with the Office of the Commissioner for the protection of personal data right, of which 38 were out of jurisdiction, while 167 were handled under the law *“On the protection of personal data”*. From the administrative inspections conducted at various data processors, it was ascertained that the subject of the complaints is linked to:

- Lack of personal data security (online data processing and online security);
- Unauthorized legal processing of data (dissemination on media and online portals);
- Direct marketing of unsolicited communications, by telephone or e-mail (Kasmi, Avokatia 28).

The violation of personal data according to Albanian criminal and civil legislation is charged to the interested party, so in 2016, for crimes against morality, dignity and the family, provided for by the criminal code, 914 cases were concluded, 130 more criminal cases than in 2015 (784 criminal cases in 2015, 914 criminal cases in 2016). 1755 claims for damages (articles 608-654) in 2016. 2968 claims for damages were registered (year 2017) and 1850 cases concluded.

The Albanian legal framework has no references to personal data belonging to *deceased persons or legal entities*. Although the categories are not natural persons under

<sup>25</sup> <https://www.monitor.al/teknologjia-e-informacionit-shqiperia-e-para-nga-fundi/>. (Accessed 29.08.2020)

the law restrictions, it happens that, their data are treated in violation of the privacy and personal data of the natural persons connected to them. The law also lacks on the definition of *genetic and biometric data*.

A review of the list of personal data is required, providing genetic data within the sensitive data category, assuring that the information obtained from them can identify data of a sensitive nature (information on health, origin, etc.). The prohibition of the processing of sensitive data, in principle, has irreversible long-term consequences and is likely to be a precondition for *discrimination*. This suggests that people's most intimate space will be violated.

Although ECHR case-law has established cutting-edge standards in defining the principles of data collection, storage, purpose or deletion, as well as the measures taken and their adequacy, the challenge of adapting to technological developments is still present (De Hert & Gutwirth, 2009: 4).

An internationally global binding act is needed, which would loosen administrative barriers, speeding up and facilitating the process of exchanging information. It is necessary to strengthen the universal character of this right in order to obtain universal recognition of the principles governing the processing of personal data with respect to legal, political, economic and cultural diversity. The right to respect for private and family life reflects an individualistic component: this power consists in preventing the intrusion of others into private and family life (Rodotà, 2009: 80). Their protection is not left to the interested parties, but to a responsible and permanent public body. Resolve the tension between fundamental rights; freedom of expression, the right to information and the protection of personal data should be sought in the restrictions of these rights. Blocking access to data is not a solution, but policies that allow the use of personal data for specific purposes. The dissemination of strictly personal information is not a public interest, but those relating to public entities and public functions have a legitimate interest.

The right to be forgotten (the right to delete all or part of personal information from Internet) should teach Internet to forget, serving to create a selective memory in respect of fundamental human rights but always subject to the freedom of the press to report events, constitutes important public objectives. Finding adequate measures to protect public security and the fight against crime and terrorism is an institutional task (Cakrani, PhD Thesis, 2017)<sup>26</sup>.

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<sup>26</sup> <http://www.doktoratura.unitir.edu.al/wp-content/uploads/2017/11/Doktoratura-Eriola-Cakrani.pdf>

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# Teaching online Albanian language as a second language - The effectiveness of quizzes

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## Abstract

Albanian language teaching as a second language has recently been widespread through the several online platforms. This study comes from a two years teaching online 60 students from 20 countries, with different educational levels and interests of learning Albanian language as a second language. It refers to the easiness and the difficulties to suit to learner's language needs and interests through teaching it online, by choosing the effective teaching techniques, using the right listening text for the audio and connecting it with the reading part, creating the grammar quizz to use it correctly. The study revealed that most of the beginner learners find it difficult to acquire the phonological system and struggle to pronounce properly some double consonants, such as: *dh / gj / ll / nj/ rr/ sh / th / zh / xh* or groups of consonants such as: *ng, ngj, mb, nd* ect. According to grammar the easiness is with the students that know some other languages, especially russian, italian or french. In this context the difficulties are faced to the students who know only English, because of the absence in english grammar of the noun cases, adjective cases and possessive pronouns cases, by adding also short dative and accusative forms of personal pronouns. It is assumed that the quizzes are effective for memorizing sentence structures (interrogative / affirmative/ negative) and grammar usage. The aim is to enable learners to use the Albanian language effectively in both written and oral communication and the quiz have been a great help. The paper concludes with a discussion of the open questions for future research.

**Keywords:** education, online teaching, teaching methodology, quizzes.

## 1. Introduction

Teaching Albanian language as a second language is as beautiful as difficult. Albanian language is a special branch of Indo European family. The grammatical categories of Albanian are much like those of other European languages.



The objective of language education is 'communicative competence'<sup>1</sup>, expression for

<sup>1</sup> Communicative competence, knowledge of not only if something is formally possible in a language, but also the knowledge of whether it is feasible, appropriate, or done in a particular SPEECH COMMUNITY. Communicative competence include: grammatical competence, sociolinguistic competence, discourse competence and strategic competence.

(James Richards, Richard Schmidt, Longman Dictionary of Language Teaching and Applied Linguistics,

a “mental reality” that is expressed in the produce of speech act in the context of real communicative situation. Education is not simply transmission of knowledge, but, “in its broadest sense, is the means of this social continuity of life”. The complexity of learning environment could be provided via tools and content to be learnt (Dewey, 1966). Teaching style is ‘a teacher’s individual instructional methods and approach and the characteristic manner in which the teacher carries out instruction. Teachers differ in the way they see their role in the classroom, the type of teacher–student interaction they encourage, their preferred teaching strategies and these differences lead to differences in the teacher’s teaching style’ (Richard, Schmidt, 2002: 544). Teaching online seeks more technical issues than teaching in a classroom. (Guichon, 2009), mentions three competencies which language tutors need to develop in order to manage synchronous online teaching:

1. Competency of socio-affective regulation
2. Competency of pedagogical regulation
3. Competency of multimedia regulation.

Compton believes that language teachers should have the:

1. Creativity in using and adopting materials to create new online language materials and tasks to facilitate communicative competence and online interaction
2. Creativity in facilitating online socialization and community building
3. Intuitive and integrated assessment of language learning (Compton, 2009).

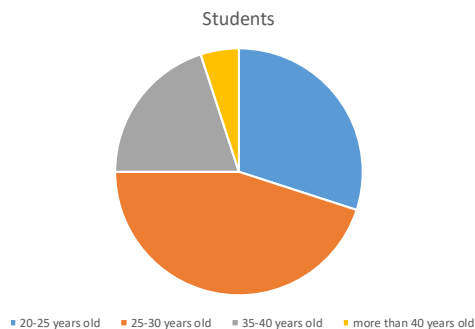
## 2. Methodology

Participants are 60 students from 20 countries, with different educational levels and interests of learning Albanian language as a second language on italki app. They mostly come from America and England. On the table 1. is shown the student’s nationality.

America	Arabia	Australia	Belgium	Canada	Greece	England	France	Holland	Ireland
20	1	2	1	5	2	10	2	1	2
Italy	Israel	Lithuania	Maroc	Mexico	Polonia	Romania	Scotland	Slovenia	Switzerland
2	1	1	1	1	1	1	1	1	4

Tab.1 *Students’ nationalities*

The age of the students vary from 20 up to +40.



Graf. 1 *The age of the students*

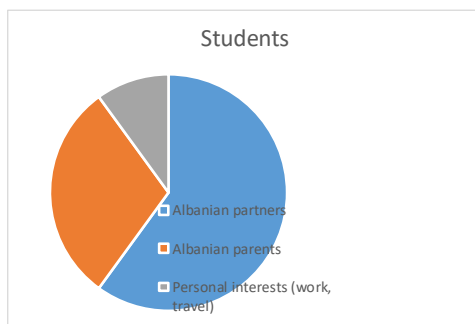


They learn Albanian for several reasons:

60 % of students have partners Albanian (50% girls, 10% are boys).

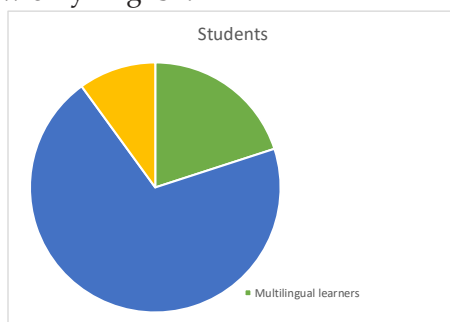
30 % of the students have Albanian parents

10 % of students for personal interests (work, travel)



Graf. 2 Reasons of learning Albanian language

In our study 20% of students are multilingual learners, 10% know English and another language and 70 % know only English.



### 3. Results and Discussion

Guichon defines competence of pedagogical regulation as: "first, the capacity to design learning scenarios adapted to distance that truly engage learners emotionally and cognitively and, second, to manage learning experiences by providing feedback tailored to learners "individual needs" (Guichon, 2009: 170). Teaching students online faces the difficulties to suit to learner's language needs and interests, by choosing the effective teaching techniques, using the right listening text for the audio and connecting it with the reading part, creating the grammar quizz to use it correctly and so on.

Let's list some difficulties in Phonology, Morphology and Syntax.

#### ➤ Phonology

Most of the beginner learners find it difficult to acquire the phonological system and struggle to pronounce properly some double consonants, such as: *dh / gj / ll / nj/ rr/ sh / th / zh / xh* , which are not in the English alphabet. On the table 2. are given some Albanian words with these consonants

Double consonants	
dh	<i>dhjetë</i> - ten
gj	<i>gjashtë</i> - six
ll	<i>llambë</i> - lamp
nj	<i>një</i> - one
rr	<i>rri</i> - stay
sh	<i>shkoj</i> - go
th	<i>them</i> - say
xh	<i>xhaxha</i> - uncle
zh	<i>zhurmë</i> - noise

Tab.2 Words with double consonants

The groups of consonants *ng, ngj, mb, nd* face also difficulty in pronouncing from the beginners. On the table 3. are given some Albanian words with these groups of consonants

Groups of consonants	
mb	<i>mbaj</i> - take
nd	<i>mund</i> - can
ng	<i>nga</i> - from
ngj	<i>ngjyrë</i> - color

Tab.3 Words with groups of consonants

According to grammar the easiness is with the multilingual learners.

The students who know only English, face difficulties because of the absence in English grammar of the noun cases, adjective cases, possessive pronouns cases, the short dative and accusative forms of personal pronouns and their function in the sentence.

#### ➤ Morphology

Words in Albanian language are followed by several articles, which make it complicated for foreigners to use them properly. Several usage of the articles: 'e', 'i', 'të'.

The article 'e' is used as:

- an article of adjective following a feminine noun, (vajza e bukur- the beautiful girl)
- an article of possessive following a feminine noun, (vajza e saj- her daughter)
- an article of a noun in genitive case following a feminine noun, (vajza e mësueses- the teacher's daughter)
- short accusative form of personal pronoun, (e mori vajzën – took her)
- a connector (vajza e djali – the girl and the boy)

The article 'i' is used as:

- an article of adjective following a masculine noun, (djali i pashëm- the handsome boy)
- an article of possessive following a masculine noun, (djali i saj- her son)
- an article of a noun in genitive case following a feminine noun, (djali i mësueses- the

teacher's son)

- short dative form of personal pronoun, (i tha djalit – said to the boy)

The 'e' and 'i' article change in 'të' in these cases:

- when the adjective is in adjective, (vajza të bukura- the beautiful girls)

- an article of possessive pronoun is in genitive case, (e djalit të saj– of her son)

- an article of a noun is in genitive case and follows a feminine noun, (djalit të mësueses- the teacher's son)

- short dative form of personal pronoun, (të tha– said to you)

➤ Syntax

▪ Using the same noun in the function of a Subject / or Direct Object. In English does not make any difference, no changes to the noun, but in Albanian it changes.

Shkodra është qyteti im. - Shkodra is my city.

E dua Shkodrën. - I love Shkodra.

The same difficulty is faced when the noun is used together with another noun, adjective or possessive pronoun, for example:

Vajza e mësueses është e talentuar. - The teacher's daughter is talented.

Takoj vajzën e mësueses. - I meet the teacher's daughter.

Libri i ri është mbi tavolinë. - The new book is on the table.

Blej librin e ri. - I buy the new book.

Djali i saj është e talentuar. - Her son is talented.

Takoj djalin e saj. - I meet her son.

It is assumed that the quizzes are effective for memorizing sentence structures (interrogative / affirmative/ negative) and grammar usage. Through google classroom, 40 grammar quizzes are practised at the end of the lesson with these 60 students.

Here are some of the quiz topics practised with students (<https://classroom.google.com/w/MTQ2MDI0NDU4Nzk2/t/all>):

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| - Verb be and have                | (Folja kam – jam)                     |
| - Definite/ indefinite nouns      | (Trajta e shquar/ e pashquar)         |
| - The plural of the noun          | (Shumësi i emrit)                     |
| - Cases of the noun               | (Lakimi i emrit)                      |
| - Adjective with /without article | (Mbiemrat e nyjshëm dhe të panjyshëm) |
| - Cases of the adjective          | (Lakimi i mbiemrit)                   |
| - The degrees of the adjective    | (Shkallët e mbiemrit)                 |
| - Adjective and the adverb        | (Mbiemri dhe ndajfolja)               |
| - Reflexive verbs                 | (Foljet vetvetore)                    |
| - Future tense                    | (Koha e ardhme)                       |
| - Modal verbs                     | (Foljet modale)                       |
| - Demonstrative pronouns          | (Përemrat dëftorë)                    |

- Personal pronouns and short dative/ accusative forms (Përemrat vetorë dhe trajtat e shkurtra)
- Conditional Sentences (Mënyra kushtore)
- Plural of nouns (Shumësi i emrit)

The aim is to enable learners to use the Albanian language effectively in both written and oral communication and the quiz have been a great help. Making mistakes is an unavoidable element of learning and teaching a foreign language. So mostly mistakes are made by students who are learning Albanian online as a second language.

### A model online lesson (Level A1)

### Topic: **WHERE DO YOU LIVE? - Ku jeton ti?**

#### Introduction of the new vocabulary

#### Tools

- Audio
- Powerpoint
- Quiz

Përshëndetje!	- Hello
Kalofsh bukur!	- Have a nice time!
Mirupafshim!	- Good bye!
Faleminderit!	- Thank you!
kënaqem - enjoy	
po kënaqem	- I am enjoying
kënaqësi - pleasure	
është kënaqësi	- it is a pleasure
Kënaqësi që të takoj!	- Nice to meet you!
Kënaqësi edhe për mua!	- A pleasure to me too!
Ku?	- Where?
Kush?	- Who?
Nga?	- Where from?
Nga je ti? - Where are you from?	
Ku jeton? - Where do you live?	
Po ti?	- And you? / What about you?

### Reading

Ku jeton ti?	Where do you live?
<b>Sara:</b> Përshëndetje. Unë jam Sara.	<b>Sara:</b> Hello! I am Sara.
<b>Jear:</b> Përshëndetje. Unë jam Jeari. Kënaqësi që të takoj!	<b>Jear:</b> Hello! I am Jear. Nice to meet you!
<b>Sara:</b> Kënaqësi edhe për mua. Nga je ti? Ku jeton?	<b>Sara:</b> A pleasure for me too. Where are you from? Where do you live?
<b>Jear:</b> Unë jam nga Shqipëria. Unë jetoj në Shkodër. Po ti, ku jeton?	<b>Jear:</b> I am from Albania and live in Shkoder. And you, where do you live?
<b>Sara:</b> Unë jetoj në Amerikë. Çdo verë vij në Ulqin, sepse prindërit e mi janë nga Ulqini.	<b>Sara:</b> I live in America. Every summer I come in Ulqin, because my parents are from Ulqin.
<b>Jear:</b> Edhe unë me familjen time vijmë shpesh në Ulqin.	<b>Jear:</b> And my family and I often come to Ulqin too.
<b>Sara:</b> Po, në verë është bukur në Ulqin.	<b>Sara:</b> Yes, in summer is beautiful in Ulqin.
<b>Jear:</b> Edhe ti kalofsh bukur në Shqipëri!	<b>Jear:</b> Have a nice time in Albania, you too!
<b>Sara:</b> Faleminderit. Mirupafshim!	<b>Sara:</b> Thank you. Bye!
<b>Jear:</b> Mirupafshim!	<b>Sara:</b> Good bye!

## Speaking

1. Jear jeton në Shkodër. Jear lives in Shkoder.	Ku _____? Where does Jear live?
2. Sara jeton në Amerikë. Sara lives in America.	Ku _____? Where does Sara live?
3. Sara takon Jearin. Sara meets Jear.	Kë _____? Whom does Sara meet?
4. Prindërit e Sarës janë nga Ulqini. Sara's parents are from Ulqin.	Nga _____? Where are Sara's parents from?

Bëj pyetje  
Make questions

Kë? – Who?  
Ku? – Where?  
Nga? – Where from?

## Grammar usage

**Plotëso fjalitë me foljet që mungojnë.**

Complete the sentences with verbs missing.

është - is

1. Unë \_\_\_\_\_ në Amerikë.  
I live in America.

janë - are

2. Çdo verë \_\_\_\_\_ në Ulqin.  
Every summer I come in Ulqin.

jetoj - live

3. Edhe unë me familjen time \_\_\_\_\_ shpesh në Ulqin.  
My family and I often come to Ulqin too.

vij / vijmë - come

4. Prindërit e mi \_\_\_\_\_ nga Ulqini.  
My parents are from Ulqin.

5. Në verë \_\_\_\_\_ bukur në Ulqin.  
In summer it is beautiful in Ulqin.

## Quiz:

<https://docs.google.com/forms/d/e/1FAIpQLSevBoxCPee86R-U7GfDG2Mk1FfuqJWWN0-VQLIUvH5wqluG2w/viewform>

## Writing

**Përshkruaj ku jeton ti.**

Describe where you live.

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## Conclusion

The Albanian language is considered to be one of the most difficult languages to learn. This study referred to 60 students of 20 countries with diverse interests on learning Albanian language showed some of the difficulties faced on phonetic, morphology and syntax. While online language learning has become possible in Albania with the increase in communication tools and several platforms, the teacher's objective is to facilitate as possible as he can by using several techniques, audio and quizzes to make it more effective.

To conclude, can Albanian language be taught through online platforms? Should this online teaching experience go ahead?

As a professional teacher experiencing this teaching for two years, I have evaluated it successful, but for sure more research should be done on making evident the benefits of online teaching through several online platforms and to get the best of them even in future teaching. This is a discussion of the open questions for future research.

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# Local Government and Fiscal Decentralization in Albania

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## Abstract

Decentralization is one of the main constitutional principles, which enables the provision of the best possible performance of the organization and functioning of local government. Interest on fiscal decentralization has increased recently. This is due to the potential benefits that come from its implementation. In most economic literatures these benefits of fiscal decentralization include improved governance and efficiency in the public sector.

In Albania, the decentralization reform has progressed steadily during 1999 and 2000, according to the Constitution (1998), the European Charter for Local Self-Government (ratified in November 1999) and the National Decentralization Strategy, adopted in January 2000.

Before the enactment of the Law on "The new administrative-territorial division", Albania was divided into 308 municipalities and 65 communes at the first level and 12 districts in the second level. On 31 July 2014 the Albanian Parliament approved the Law on "administrative-territorial division". Albania has a new territorial map, reducing 6 times the number of local units at the first level of government, from 373 local units in only 61 municipalities.

The aim of this study is to provide an overview of the progress of fiscal decentralization in Albania. Also, in order to better understand the performance of fiscal decentralization indicators in Albania, this paper presents a comparison with the countries of South-Eastern Europe.

**Keywords:** local government, fiscal decentralization, territorial reform, Albania.

## 1. Introduction

In many countries (mainly centralized ones), Central Governments, regardless of the number of reforms and expenditures made, have failed to provide quality and sustainable services to improve the living standards of their citizens due to the fact that they (Central Governments) are far from the needs and problems that citizens face every day (Kalin, 2002).

Local Governments, meanwhile, are precisely those that are closest and recognize the needs and problems that families and citizens of their jurisdiction face in their daily lives. In order to realize this, Local Governments need support, involvement, participation of the people in governance, they need authority, competencies, autonomy, resources, flexibility (Kalin, 2002).

Most studies and analyzes on local government in Albania after 2000, identify the large fragmentation of the territory and the very large number of LGUs, which have a very small population and very low resources and capacities. Territorial fragmentation as well as small local government units are among the main reasons for the high inefficiency in the performance of public services at the local level and the failure to achieve the objectives of decentralization reform by most local government units in Albania. Based on the evidence of reports and studies as above, the entire political factor in the country has recognized the need for an administrative and territorial reorganization of our country. Albania's main international partners have

also recommended carrying out administrative-territorial reform<sup>1</sup>.

Before the enactment of the Law on “the new administrative-territorial division”, Albania was divided into 308 municipalities and 65 communes at the first level and 12 districts in the second level. On 31 July 2014 the Albanian Parliament approved the Law on “administrative-territorial division”. Albania has a new territorial map, reducing 6 times the number of local units at the first level of government, from 373 local units in only 61 municipalities.

Reducing the number of LGUs should increase the efficiency of local government by reducing administrative costs. Concentrating human and financial resources on a small number of larger LGUs should increase the effectiveness of public services while also improving the ability of local governments to respond to the preferences of their electorate. Meanwhile, the transfer of responsibilities for the everyday delivery of general services to LGUs, allows the central government to focus more on its strategic, legal and national policy-making functions, including the objective of balanced territorial development<sup>2</sup>.

The main criteria that guided the administrative-territorial reform is the concept of “functional areas”. This concept focuses on the interaction of the citizen with the territory for economic and social purposes; its relations with institutions, as well as access to public services, interactions that go beyond the administrative borders of current local government units. Exactly, the analysis of these interactions led to the identification of 61 functional units. All new local government units are organized around an urban center that has the highest population size compared to other centers within the area and has the opportunity to provide the full range of public services that a local unit should provide<sup>3</sup>.

The administrative-territorial reform promises to improve not only the effectiveness and efficiency of local government but also the Albanian state as a whole. To fulfill this promise, however, territorial reform must be accompanied by major changes in the intergovernmental finance system<sup>4</sup>.

## 2. Fiscal decentralization

Fiscal decentralization is the transfer of functions or powers from the central government to local institutions regarding to local decision making on the allocation of financial resources (e.g. financial powers) and the power to put local taxes.

According Feruglio (2007) the basic idea guiding fiscal decentralization is “the creation of an adequate and sustainable local income logical, but without creating additional costs for national finances and it is in compliance with fiscal and macroeconomic policies”.

The political literature is full with fragments that appreciate decentralization. This not only increases efficiency in providing equal services by making better use of local knowledge, but also, leads to increased participation and democracy and as a result increases people’s support for the government and consequently promotes political

<sup>1</sup> Report on the Draft Law “On the Administrative-Territorial Division of Local Government Units in the Republic of Albania”.

<sup>2</sup> Local Planning and Governance Project (PLgp) In Albania,(USAID, 2015).

<sup>3</sup> Report on the Draft Law “On the Administrative-Territorial Division of Local Government Units in the Republic of Albania”.

<sup>4</sup> Local Planning and Governance Project (PLgp) In Albania,(USAID, 2015).



stability (Bird & Vaillancourt, 1998).

According to Feruglio and Anderson (2008) in a World Bank document on fiscal decentralization, there are four pillars of fiscal decentralization.

✓ Assigning its own local revenue sources: this means, what will be the revenues that will be collected by the municipalities and communes themselves and what part of them will be a transfer from the central government and what taxes will be passed entirely as government revenues.

✓ Defining responsibilities for expenditures, which means what are the exclusive expenditures of municipalities and communes, what are the functions delegated by the central government and what are those expenditures which will be performed by both parties

✓ Intergovernmental fiscal transfer is also related to the above point because it refers to the funding given to local units by the central government and given conditionally (conditional transfer) or for any local government needs (unconditional)

✓ Local borrowing as a financing opportunity: The local government can also rely on this type of financing, although it seems that the burden of borrowing would fall on the central government again.

Fiscal  
decentralization

$$\begin{aligned} & \text{Assigning its own local} \\ & \text{revenue sources} \\ & + \\ & \text{Defining responsibilities for} \\ & \text{expenditures} \\ & + \\ & \text{Intergovernmental fiscal} \\ & \text{transfer} \\ & + \\ & \text{Local borrowing} \end{aligned}$$

*Source: Feruglio & Anderson (2008), World Bank*

### 3. Fiscal decentralization in Albania

Decentralization of governance in Albania began in the early 1990s, when local governments were first democratically elected. Although we cannot yet talk about administrative or fiscal autonomy, the reforms of '92 laid the foundation for the establishment of democratic local authorities, which slowly prepared to take on more responsibilities and functions<sup>5</sup>.

The years 2001 and 2002 can be considered as the most successful in the field of fiscal decentralization. For the first time the concept of unconditional transfer to local government was adopted in the State Budget Law of 2001 and was further developed with the fiscal reform package approved by Parliament in December 2002, increasing the autonomy of municipalities and communes to collect revenues from local taxes and fees and determine their levels. Revenues generated in Local Government Units (LGUs) have been further strengthened through local tax on small business, transfer

<sup>5</sup> Report on the Draft Law "On the Administrative-Territorial Division of Local Government Units in the Republic of Albania".

of revenues from vehicle registration taxes, real estate tax, etc. (Oshafi, 2015). The 2005 year marks another important moment in the process of decentralization of government, and with the change of government, the strategic approach to the process of fiscal decentralization changes. The system of intergovernmental transfer grants was reformed, introducing almost complete fiscal equalization as the instrument that would solve the problem of small and very small local units to generate income and provide services to citizens. This approach, justified by maintaining and improving the democratization of governance, actually created confusion about what was defined in the decentralization strategy as good and effective governance<sup>6</sup>.

Throughout the decentralization period, local units have been an evidence of an important process of restructuring and transformation into several important sectors. The objective of this whole process is to provide local units with sufficient resources and capacities to carry out the functions for which they are responsible. The three main pillars of this decentralization are: the institutional level; transfer of fiscal competencies and relevant legislation and strengthening of their financial capacities. All three of these pillars are equally important in this process, but what proves the true empowerment of LGUs is the full exercise of local competencies (given by law by local authorities) and the financial empowerment of these units. (USAID/LGDA, 2009)

Regarding the financial empowerment of local units, the decentralization process has made possible the creation and already implementation through a formula, generally consolidated the distribution of unconditional transfer from the Central Government to local government units; transfer of state assets to LGUs; unifying the budgeting process with that of central institutions; start of preparation of medium-term budgets (2009 first year of realization of this financial exercise); establishing new local finance instruments that enable the receipt of funds from the financial and banking market, etc.

LGUs in Albania have historically suffered from insufficient funding. This insufficient funding together both the territorial-administrative fragmentation made it difficult to provide services in accordance with the needs and expectations of LGU residents.

And of course LGUs will need a lot of revenue to make the best choice for better services and good public works<sup>7</sup>. Territorial fragmentation as well as small local government units are among the main reasons for high inefficiency in the performance of public services at the local level and the failure to achieve the objectives of decentralization reform by most local government units in Albania<sup>8</sup>.

The need for territorial reform is a topic that has been discussed for years in Albania, taking the starting point from the extreme fragmentation of the country's territory, which has damaged the development potential of communities, in terms of limited opportunity for mobilization of income and service delivery for citizens.

The argumentation of the need for administrative-territorial reorganization is determined by several main factors that have influenced the necessity of carrying out the administrative-territorial reform<sup>9</sup>:

- The demographic changes of the last decade have brought about drastic changes

<sup>6</sup> Administrative-Territorial Reform (April, 2014).

<sup>7</sup> Local Planning and Governance Project (PLgp) In Albania,(USAID, 2015).

<sup>8</sup> www.reformaterritoriale.al.

<sup>9</sup> Report on the Draft Law "On the Administrative-Territorial Division of Local Government Units in the Republic of Albania".

in the size of LGUs. The demographic map of Albania has changed as a result of migratory movements of people inside and outside the country.

- The high level of fragmentation of LGUs has hindered further deepening of decentralization, as a result of lack of capacity and inability to provide highly efficient services. On average, LGUs in Albania spend 27% of their budget on capital investments and 37% on employee salaries. These figures out the aggregate level deteriorate according to the division of units into more detailed categorizations. 40 LGUs spend over 80% of their budget only on employee salaries, while 230 LGUs (63% of LGUs and representing 34% of the country's population) spend over 60% of their budget on employee salaries.

- The high level of fragmentation of LGUs has made the democratization of government, which was the main objective of the territorial division of 2000, not result in levels. As a result of the administrative-territorial reform of 2000, Albania resulted in 373 LGUs, which have an average population of 7,579 inhabitants.

- The process of decentralization of governance has also taken steps backwards. It has resulted in asymmetric at the local level creating inequality between LGUs in providing services to citizens.

- In recent years, the share of administrative expenditures at the local level has increased, as well as the absolute value, despite the decline in expenditures in general. Smaller local units tend to have budgets dominated by staff costs.

- A large number of local units do not collect any revenue of their own and do not provide services to their citizens.

- The fragmentation of LGUs has also led to the fragmentation of public services (public transport, water supply, urban waste treatment, etc.), mainly as a result of the low potential of LGUs to generate income and make investments.

- The fragmentation of LGUs followed by the semi-decentralization process has created a number of significant inequalities between LGUs, which despite some efforts to be addressed through equalization grants need to be finally resolved.

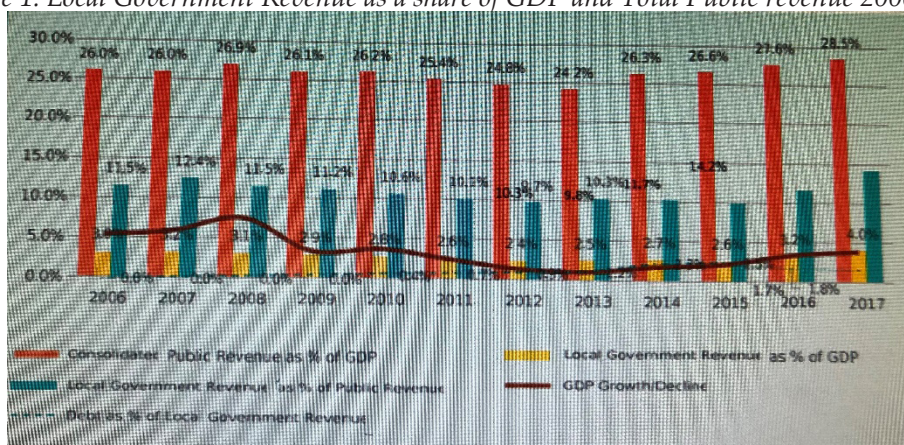
- The need for consolidation of communes / municipalities to guarantee efficiency in services, greater legitimacy and democratization of local government bodies.

Over most of the past decade, Albanian local governments have received less revenue as a share of GDP and of total public revenue than all their counterparts in South East Europe. Worse, this share fell from a high of 3.2% of GDP in pre-crisis 2008 to 2.5% in 2015 (NALAS, 2018). Overall, this was due to the frequent amendment of local fiscal powers such as the constraints over the small business tax and the infrastructure impact tax which have had adverse consequences on local government budgets; and to the downward instability of the unconditional grant. In 2016, the government transferred at the local level some new and costly responsibilities such as wages of teaching and non-teaching personnel in preschools; non-teaching personnel in primary and secondary schools; the operation of fire protection, the management of forests and pastures, and irrigation and drainage<sup>10</sup>. These new functions were financed with earmarked specific grants (constituting 10% of overall local finances in 2016 and 2017).

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<sup>10</sup> Fiscal Decentralization Report (NALAS,2018).

Figure 1: Local Government Revenue as a share of GDP and Total Public revenue 2006-2017

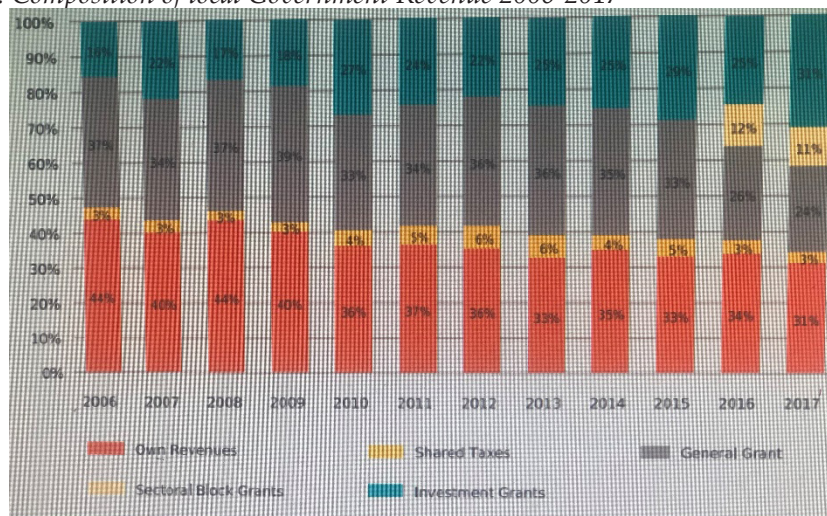


Source: NALAS (2018) - Fiscal Decentralization Report

Own source revenues contribute to 31% of total local budgets in 2017, about 10 percentage points below the pre-crisis levels. This is even after the remarkable increase in own revenue over the past two years. The increase in freely disposable revenue from own sources or the unconditional grant (that in 2017 is 22.5% more than in 2015) are offset primarily by the uncontrolled increase in the size of earmarked investment grants that supposedly are allocated to local governments on a competitive basis; and to a lesser extent from the introduction of “specific transfers for new functions”<sup>11</sup>.

Close to 70% of local finances in 2017 came from intergovernmental transfers, more than half of which are under the direct control of the central government. This subjects local budget planning to large degrees of uncertainty and political patronage. Competitive Investments Grants reached a peak of 31% of the local revenues in 2017.

Figure 2: Composition of local Government Revenue 2006-2017



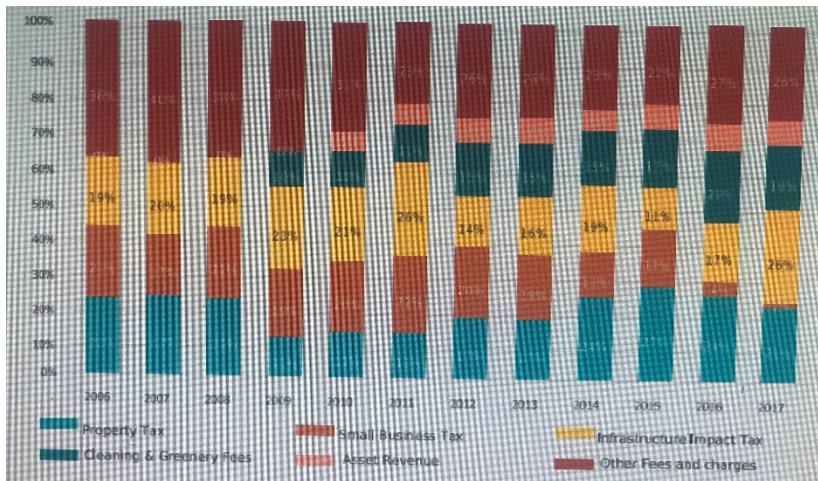
Source: NALAS (2018) - Fiscal Decentralization Report

In the composition of own revenues, the Property Tax has been trending upward in the past years as local governments have put more effort into collecting the property

<sup>11</sup> Fiscal Decentralization Report (NALAS,2018).

tax as a reaction to the elimination of their powers over the small business tax<sup>12</sup>.

Figure 3: Albania Composition of Own Source Revenues 2006-2017

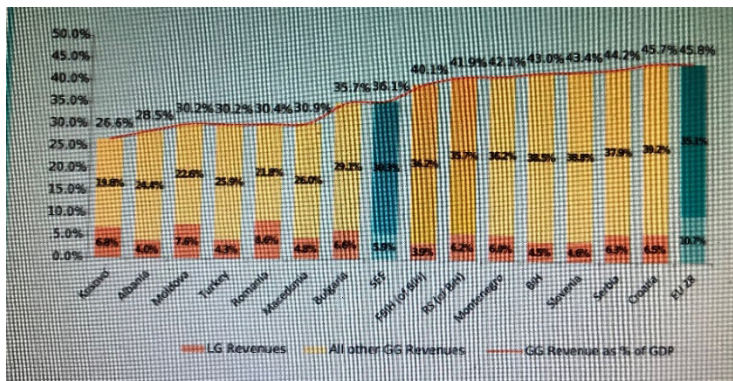


Source: NALAS (2018) - Fiscal Decentralization Report

#### 4. Decentralization in Albania versus South East European countries

Compared to the other countries of the region, Albania has a relatively small public sector; in 2017 and 2018, total public revenue is 28% of Gross Domestic Product, at levels similar to Kosovo and close to countries such as Macedonia, Turkey, Romania and Moldova. Meanwhile, other neighboring countries such as Bosnia Herzegovina, Montenegro, Serbia and Croatia have much wider public sectors - with it total public revenue over 40% of GDP<sup>13</sup>. Albania and Kosovo continue to have the smallest public sector - below 30%.

Figure 4: General and Local Government Revenue as a Percentage of GDP in 2017



Source: NALAS (2018) - Fiscal Decentralization Report

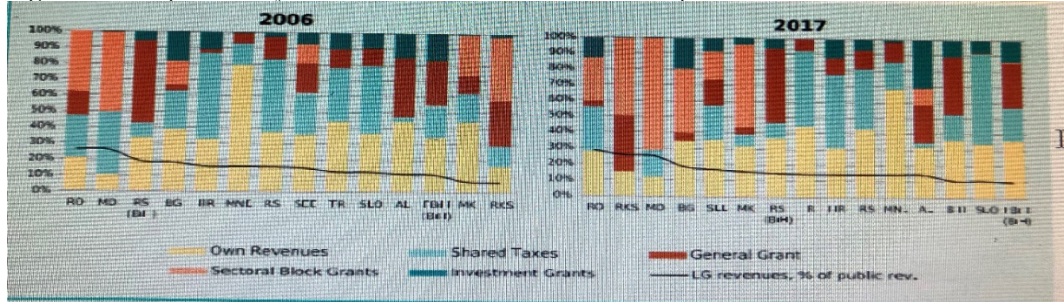
Regarding the structure of local income in Southeast European Countries, local self-government units in the region, generate themselves about 30-40% of revenues from local taxes and fees, local asset management, etc. Meanwhile, approx. 60-70% of revenues or funding come from the central government through various types of

<sup>12</sup> Fiscal Decentralization Report (NALAS,2018).

<sup>13</sup> Annual Report (2018), Local Public Finances in Albania.

transfers such as unconditional transfers, specific or sectorial transfers for specific functions and investment grants. What is noticed about Albania is the very high level of conditional transfers or investment grants (from the Regional Development Fund), the highest among the countries in the region and at levels similar to unconditional transfer<sup>14</sup>.

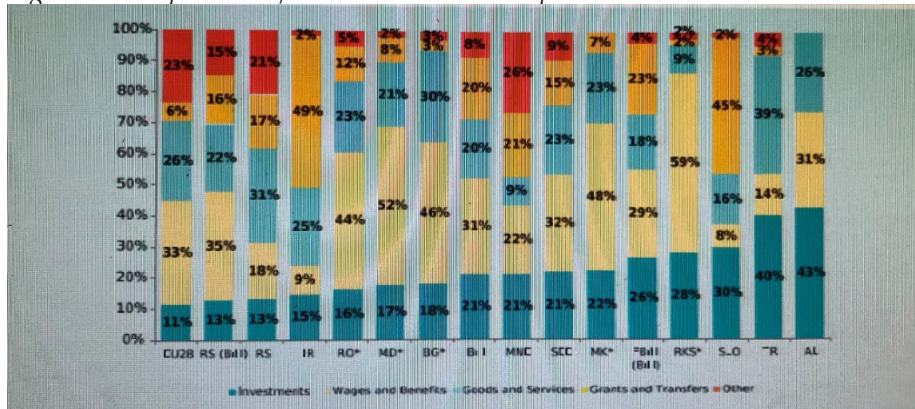
Figure 5: Composition of Local Revenue in South East Europe 2006 & 2017



Source: NALAS (2018) - Fiscal Decentralization Report

The figure below shows the composition of local government expenditures by economic type for each member of the group, as well as the average for the group as a whole (SEE) and the average for the EU (EU28).

Figure 6: Composition of Local Government Expenditure in 2017



Source: NALAS (2018) - Fiscal Decentralization Report

More surprising is that local governments in SEE countries spend a larger share on investments than their counterparts in the EU. More notably, in Albania and Turkey, this share is twice the SEE average – above 40%<sup>15</sup>.

Albania spends about 19% of total funds on general public administrative services, ranking in the middle of the classification or very close to the regional average; meanwhile, 25% of funding goes to economic issues, which mainly involve transport infrastructure and public squares - which is at much higher levels than the region, including countries like Serbia and Turkey. Also, local units in Albania spend about 29% on housing and public services for the community, which is again the highest in the region. Finally, if we consider the share of expenditures on education, it is evident that in Albania, only 16% of local funds go to education, showing the differences with

<sup>14</sup> Annual Report (2018), Local Public Finances in Albania.

<sup>15</sup> Fiscal Decentralization Report (NALAS,2018).

other countries in the region, which have much more responsibility in this function<sup>16</sup>.

## 5. Conclusions & Recommendations

The political literature is full of fragments that appreciate decentralization. This not only increases efficiency in providing equal services by making better use of local knowledge, but also, leads to increased participation and democracy and as a result increases people's support for government and consequently promotes political stability. (Bird & Vaillancourt, 1998). Potentially positive effects of fiscal decentralization have been highlighted in various theoretical literature on fiscal decentralization. In recent years, Albania has made substantial progress in setting up the policy development framework for decentralization. On 31 July 2014 the Albanian Parliament approved the Law on "administrative-territorial division". Albania has a new territorial map, reducing 6 times the number of local units at the first level of government, from 373 local units in only 61 municipalities. Local finances began a recovery in 2013, but the most visible effect comes after 2016, which is also the first year of full implementation of territorial reform and transfer of new functions to the local level. Fiscal decentralization reform should be further deepened through initiatives and other important legal acts, to increase the local revenue capacity of LGUs. Institutional cooperation between central and local government should be further strengthened. Also the cooperation between local units with each other. This will improve the quality of functioning of local governments. Increasing the unconditional transfer means more funds for local units. Thus, local units have more opportunities to perform certain functions by law and to provide services that the central government has decided not to provide itself.

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<sup>16</sup> Annual Report (2018), Local Public Finances in Albania.

# Hypersensitivity reactions induced from drugs: Data for patients with SJS/TEN (2008-2018)

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## **Abstract**

Stevens-Johnson Syndrome and Toxic Epidermal Necrolysis (SJS/TEN) are severe blistering reactions characterized by fever and necrosis of skin and mucous membranes leading to sloughing of the epidermis. It is termed SJS if less than 10 percent of the body surface area is involved, and TEN if greater than 30 percent, with the middle percentage considered an overlap syndrome. These syndromes are known to be in part mediated by stimulated cytotoxic CD8 T cells similar to a type IVc reaction, but the precise mechanism is more complex and for this are considered as immunologic drug reactions that do not fit well into the Gell-Coombs type classification. This study aims to analyze epidemiological and clinical data about patients with SJS/TEN during a decade in the tertiary University Hospital Center, Tirana, Albania. The incidence of SJS/TEN is 0.3 patients per million population in a year, it's a life-threatening disease, frequently associated with serious complications and a mortality of about 20%. In a conclusion, the treatment of this disease should be offered by a specialized team composed of allergologists, dermatologists, ophthalmologists, plastic surgeons, and intensivists.

**Keywords:** Stevens-Johnson Syndrome; Toxic Epidermal Necrolysis; Drug reactions.

## **Introduction**

Acute and severe necrotizing diseases of the skin and underlying tissues can cause significant morbidity and mortality in persons affected. Erythema Multiforme (EM), Steven Johnson Syndrome (SJS), and TEN (Toxic Epidermal Necrolysis) are severe exfoliative diseases that are accompanied by great controversy regarding classification, pathophysiology, and terminology [1]. It is termed SJS if less than 10 percent of the body surface area is involved, and TEN if greater than 30 percent, with the middle percentage considered an overlap syndrome. These exfoliative disorders can occur in all age groups but it is higher in the elderly and females.

TEN is characterized by widespread erythematous and bullous lesions on the skin caused by keratinocyte necrosis leading to exfoliation of the epidermis, formation of erosions on mucous membranes, and reactions from other organs. Mortality in TEN ranges from 25 to 80% although studies are done in small populations [2]. Death may occur early in the course of the disease with sepsis being the most frequent cause. Gastro-intestinal hemorrhage and pulmonary embolism may be other causes of poor prognosis. The frequency of SJS/TEN varies from 0.4 to 1.2 cases per million people per year [3].

The pathophysiologic mechanisms leading to TEN are not well understood, although an immune reaction is suspected. These syndromes are known to be in part mediated by stimulated cytotoxic CD8 T cells similar to a type IVc reaction, but the precise mechanism is more complex and for this are considered as immunologic drug reactions that do not fit well into the Gell-Coombs type classification. Some authors suggest a



delayed-type hypersensitivity reaction, with a crucial role for T lymphocytes, either for T-helper lymphocytes or for cytotoxic T cells[4], [5], [6], [7]. Some authors have studied the T cells expressing the skin-homing receptor in both tissue and peripheral blood accompanying clinical symptoms, with the recruitment of macrophages and overexpression of cytokines[8].

This study aims to analyze epidemiologically (data for the frequency, factors related to age, gender, exposure to drugs ) and clinical data about patients with SJS/TEN during a decade in the tertiary University Hospital Center, Tirana, Albania.

### **Material and methods**

This study is an observational retrospective cohort study in the Service of Burns, University Hospital Center “Mother Teresa”, Tirana, Albania (UHCT). This study observed patients with SJS/TEN hospitalized in the ICU of the Burn Service in University Hospital Center Tirana during 2008-2018.

#### **a. Patient clinical data and demographics :**

1. Age (years)
2. Group-ages: 0-20years; 20-40 years; 40-60 years; 60-80 years)
3. Gender (male, female)

#### **b. Injury characteristics:**

1. Mechanism of injury(Drugs responsible): Antiepileptics, NSAIDs, Antimicrobials
2. Total Burn Surface Area –TBSA (%)

#### **c. Outcome data:**

1. Length of Hospital stay -LOS ( days )
2. Mortality (%)
3. Sepsis and Sepsis-related Organ Failure Assessment (SOFA) score was defined according to American Burn Association (ABA) Consensus Panel Publication for Infection and Sepsis [9].
4. Mean SOFA score in TEN patients with good prognosis (cumulative SOFA scoring divided by the number of measurements)
5. Mean SOFA score in TEN patients with poor prognosis (cumulative SOFA scoring divided by the number of measurements)

### **Statistical analysis**

The normally distributed continuous data are reported as the mean + standard deviation. The categorical data are expressed as frequency distributions. Table and graphs of line diagram type were used to present the data. SPSS 23.0 and Microsoft Excel were used for data analysis.

## **Results**

The incidence of SJS/TEN in Albania is 0.3 patients per million population in a year. It ranges from 0.6 to 0 patients per million population.

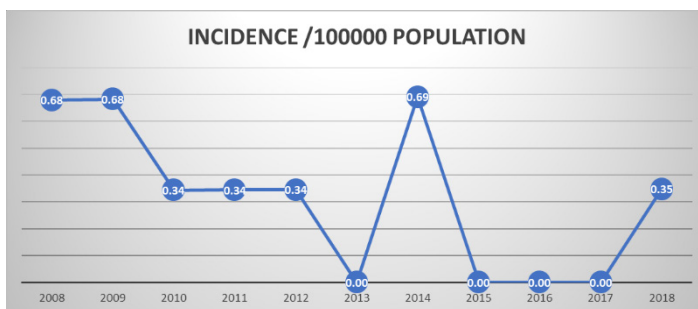


Figure 1-Incidence of TEN per 1000000 population /year

In table 1 we have presented demographic and clinical characteristics of patients with SJS/TEN during 2008-2018.

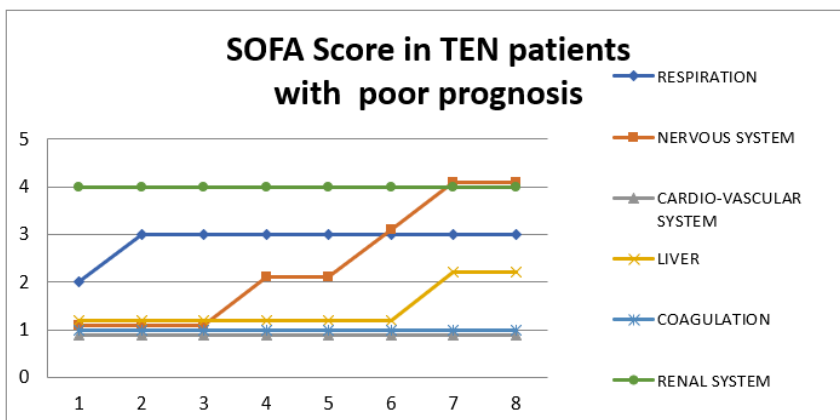
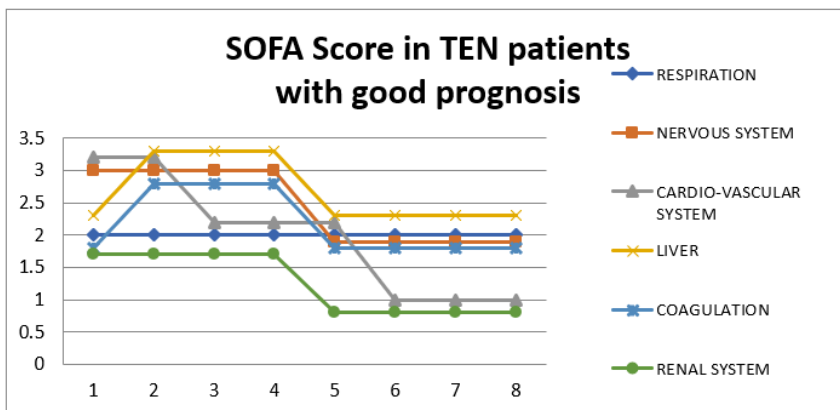
Table 1-Demographic and clinical characteristics of patients with SJS/TEN (2008-2018 )

	(n=10)
Age, mean(SD)	44.1 (15.9)
Gender, % female (n)	90 (9)
Group ages,%(n)	
0-20 years	10 (1)
20-40 years	20 (2)
40-60 years	60 (6)
60-80 years	10 (1)
Mechanism of injury, %(n)	
Antiepileptics	50 (5)
NSAIDs	20 (2)
Antimicrobials	30 (3)
TBSA% , mean(SD)	48.8 (37.1)
Diagnosis, %(n)	
SJS	20 (2)
SJS/TEN	30 (3)
TEN	50 (5)
LOS , mean(SD)	15,8 (14,9)
Mortality , %(n)	20 (2)
0-20 years,%(n)	0 (0)
20-40 years,%(n)	20 (2)
40-60 years,%(n)	0 (0)
60-80 years,%(n)	0 (0)
Mortality , %(n)	
SJS	0 (0)
SJS/TEN	0 (0)

BSA (Body Surface Area); NSAIDs(Non-Steroid Antiinflammatory Drugs); SJS (Steven Johnson Syndrome; TEN(Toxic Epidermal Necrolysis)

There was a predominance of female adults (9 patients or 90%). The mean age was  $44.1 \pm 15.9$  years with a predominance of the group-age 40-60 years. The cause of the disease was antiepileptics in 5 cases or 50%, followed by antimicrobials in 3 cases or 30%, and NSAID s with 2 cases or 20%. Mean TBSA was  $48.8 \pm 31.7\%$  (from 10% to 100%). Skin involvement varies from diffuse generalized epidermal detachment, absence of target lesions, and large confluent plaques. Sepsis was present in 1 case with SJS/TEN and all cases with TEN. Blood analysis consists in presence of anemia, neutropenia in a part of patients, hypoalbuminemia, transient decreases of CD4+ T lymphocytes, and reduce values of NK cells in the acute phase. Also alterations of Prothrombin time/international normalized ratio (INR) as well as Platelets. In patients with severe sepsis and septic shock were more abnormalities in laboratory test results. We have presented them in figure 2.

Mortality was 20% and belongs in the TEN group with 100% involvement of the skin in the group age 20-40 years. Two cases with the bad outcome (deaths) suffered Septic shock. From the survivors, only one patient survives from septic shock but the hospitalization was longer (53 days).



## Discussion

In each burn center, patients who can be treated there are divided into three priorities. The priority includes the treatment of burn patients but also patients with exfoliative diseases such as SJS / TEN, in the second priority is patients who have multiple or penetrating trauma, and in the third priority are those with soft tissue tumors.

Treatment of SJS/TEN patients consists of vigorous fluid resuscitation, nutritional support, wound care, physical therapy, and social help provided in a multidisciplinary approach [10].

Genetic predispositions to drug response and toxicities are not limited to genes related to pharmacokinetic processes, eg, drug-metabolizing enzymes, and drug transporters. Additional genetic sources of variation may include pharmacodynamic genes, such as drug receptors and drug targets, as well as other genes involved in pharmacodynamic processes. For example, a polymorphism in HLA loci is associated with a predisposition to drug toxicity. Hypersensitivity reactions to various drugs can range from mild rashes to severe skin toxicities. Among the worst hypersensitivity reactions are liver injury, toxic epidermal TEN, and SJS, severe reactions in severe reactions in which drugs and/or their metabolites form antigens. Drug classes associated with hypersensitivity reactions include sulfonamides, nonsteroidal anti-inflammatory drugs (NSAIDs), antibiotics, steroids, anti-epileptic agents, and methotrexate[11],[12].

Drugs suspected of having been initiated should be discontinued immediately. In cases with neutropenia, the empiric use of broad-spectrum antibiotics may be necessary because these patients are prone to sepsis and its complications. Intravenous fluids should be given at a rate determined by close monitoring of the clinical situation and urinary output taking into consideration the fact that these patients do not develop massive edema and fluid losses evident in burned patients. Stress ulceration prophylaxis is necessary because of the involvement of mouth erosions which can cause severe dysphagia. Pulmonary involvement requires close monitoring and careful toileting to prevent infections and complications. measures to prevent thromboembolism such as low molecular weight heparin should be administrated. Ocular involvement should be accessed daily and should be treated for minimizing the conjunctival crusting and infection. Nutritional support should be started on admission even these patients have not significantly elevated metabolic rates like burn patients. Topical therapy consists of the protection of skin from desiccation, mechanical trauma, infection, and stimulation of rapid reepithelialization by the proliferation of basal keratinocytes from the skin appendages[13].

## Conclusions

The incidence of SJS/TEN in Albania is 0.3 patients per million population in a year, it's a life-threatening disease, frequently associated with serious complications and a mortality of about 20%. In a conclusion, the treatment of this disease should be offered by a specialized team composed of allergologists, dermatologists, ophthalmologists, plastic surgeons, and intensivists.

Although gratifying achievements have been made, many important questions on the pathogenesis of SJS/TEN underlying gene polymorphisms and T cell cytotoxicity remain. These questions are related to the targets (skin and mucous membranes), to the risky genes (not all patients with these genes developed the disease), and also the crucial role of T lymphocytes. The study of different mechanisms of four subtypes of type of allergic reaction may be helpful in the differential diagnostics and the treatment of allergic diseases. Pharmacogenetics will be sure to play a big role in the prevention and individualized treatment of severe adverse drug reactions.

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# European support during Albania's road for EU membership

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## **Abstract**

From the beginning of the integration process between EU and Western Balkan countries, the Union has supported the region through its financial policies. Initially EU applied in the Western Balkan the previous successful schemes of financial support used in the Central and Eastern Europe. Then it decided to adopt these schemes with the needs of the region, drafting new approaches in order to focus the assistance towards fulfillment of gaps. The communist regime was implemented differently in the eastern countries compared to those of the region. As a result the needs and the gaps to be filled of these two regions required different financial treatment. EU tried to focus on the real needs in the case of Albania, trying to support initially the most priority reforms.

In this article it is given an overview of the whole process of EU financial support for Albania, by analysing the last financial instrument IPA II. It is explained in concrete terms its functioning, clarifying in details the implementation process. The aim of this article is to give some findings on the efficiency of the implementing procedure of IPA II and to explain the impact of the financial support of the EU in Albania.

**Keywords:** assistance, Western Balkans, IPA, European Union, project.

## **1. Introduction**

The Stabilisation and Association Agreement (SAA) between Albania and the EU came into force in April 2009. During this time, Albania continued to implement the SAA. Regular political and economic dialogue has continued through the relevant joint bodies under the SAA. Discussions focused on the progress made in advancing EU reforms, in particular in the areas identified by the June 2018 Council Conclusions and the strengthening of good neighbourly relations. Albania also participates in the ministerial dialogue between the economic and finance ministers of the EU and the candidate countries, where joint recommendations are adopted. Albania is a candidate country since 2014. In 2018, the Commission issued an unconditional recommendation to open accession negotiations. On 26 March 2020, the European Council endorsed the Council's decision to open accession negotiations with Albania. The EU's founding values include the rule of law and respect for human rights. An effective (independent, quality and efficient) judicial system and an effective fight against corruption are of paramount importance, as is respect for fundamental rights in law and in practice.

In this regard after approval of the package of justice reform by the Albanian

Parliament on 2018<sup>1</sup>, good progress was made, in particular through continued implementation of the comprehensive justice reform. This included the establishment of the Special Anti-Corruption and Organised Crime Structure (SPAK), composed of a Special Prosecution Office (SPO) and the National Bureau of Investigations (NBI). The vetting process has continued to render concrete and tangible results, under the thorough supervision of the International Monitoring Operation (IMO). More than 62% of the vetting dossiers processed have resulted in dismissals or resignations. An important milestone was reached on 11 March with the appointment of three new members to the High Court, which has regained its quorum to adjudicate on case<sup>2</sup>. The comprehensive justice reform has significantly improved the independence and impartiality of magistrates. Appointments of judges and prosecutors are exclusively managed by the new self-governing institutions of the judiciary, subject to completion of compulsory initial training at the School of Magistrates, which is a significant additional guarantee of magistrates' independence. The recruitment process for the School of Magistrates has improved. The HJC and HPC check candidates' merits and assets prior to their admission. The reform has in addition strengthened the guarantees of independence as regards career advancement and promotions, which are managed by the new self-governance institutions with reinforced independence safeguards in place. Judges and prosecutors cannot be transferred without their consent, except in the event of disciplinary measures, structurally justified changes or temporary need.

In the political framework an important document of the reform in the field of justice is also the cross-sectoral 2017-2020 justice strategy and its action plan, which were updated in 2019. The Ministry of Justice has established the necessary inter-institutional coordination structures to support the implementation of the reform. The estimated budget for the implementation of the strategy is EUR 98 million, 35% of which is provided by international donor. In this regard part of this Strategy is financed by the IPA II.

### 1) **Financial support of European Union**

During its integration process Albania has been continuously supported by EU. From 1991 to 2007 in the country has been implemented three EU financial schemes aimed at supporting this process: PHARE, CARDS and IPA<sup>3</sup>.

Initially PHARE was foreseen as the European Community's particular assistance to support the ongoing process of economic reconstruction in the countries of Central and Eastern Europe — Bulgaria, Czechoslovakia, Hungary, Poland, Romania and Yugoslavia — by providing financial and technical support in key areas to the respective governments' actions for creating the conditions for a market-oriented economy based upon private ownership and initiative<sup>4</sup>. After its successful implementation in the Central and Eastern countries, PHARE program was implemented also used as a financial assistance instrument also in the Western Balkan Countries.

The PHARE programme was substituted with CARDS assistance which in the first period supported projects previously funded by the PHARE and OBNOVA programme.

<sup>1</sup> <http://klgj.al/wp-content/uploads/2019/09/Paketa-e-Ligjeve-t%C3%AB-Reform%C3%ABs-n%C3%AB-Drejt%C3%ABsi-2018.pdf>.

<sup>2</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/albania_report_2020.pdf)

<sup>3</sup> Instrument for Pre-accession Assistance.

<sup>4</sup> [http://aei.pitt.edu/54141/1/CC7191493ENC\\_001.pdf](http://aei.pitt.edu/54141/1/CC7191493ENC_001.pdf).

The CARDS programme, of Community Assistance for Reconstruction, Development and Stabilisation, was the EU's main instrument of financial assistance to the Western Balkans, covering specifically the countries of Croatia, Bosnia and Herzegovina, Serbia, Montenegro, North Macedonia, Kosovo and Albania. The main aim of the programme was to support reconstruction, development and stabilization. However, after an early focus on post-war and post-communist reconstruction much of the programme's attention has shifted to institution building projects in the region.

The Instrument for Pre-accession Assistance (IPA I and II) is the means by which the EU has been supporting reforms in the enlargement region with financial and technical assistance since 2007. IPA funds build up the capacities of the beneficiaries throughout the accession process, resulting in progressive, positive developments in the region. For the period 2007-2013, IPA I had a budget of EUR 11.5 billion; its successor, the Instrument for Pre-accession Assistance (known as IPA II), built on the results already achieved by allocating EUR 12.8 billion for the period 2014-2020<sup>5</sup>. The most important novelty of IPA II was its strategic focus. Indicative Strategy Papers were the specific strategic planning documents made for each beneficiary for the 7-year period. These provided for a stronger ownership by the beneficiaries through integrating their own reform and development agendas. A Multi-Country Strategy Paper addressed priorities for regional cooperation or territorial cooperation. IPA II targeted reforms within the framework of pre-defined sectors. These sectors covered areas closely linked to the enlargement strategy, such as democracy and governance, rule of law, and growth and competitiveness. This sector approach promoted structural reforms that helped transform a given sector and bring it up to EU standards. It allowed to move towards a more targeted assistance, ensuring efficiency, sustainability and focus on results. IPA II also allowed for a more systematic use of sector budget support and gave more weight to performance measurement: indicators agreed with the beneficiaries helped assess to what extent the expected results were achieved<sup>6</sup>.

The sector of Rule of law and fundamental rights includes the functioning of the justice system in Albania such as the relevant activities of the Ministry of Justice, the judiciary and penitentiary institutions. It includes broader issues such as the protection of human rights and the reform process concerning the property rights, as well as media freedom. It also addresses the fight against corruption across the public institutions.

Albania has demonstrated commitment to judicial reform and has some level of preparation for implementing the *acquis* and the European standards in this area. A total of 22 laws have been adopted so far, as part of the justice reform package. Following the establishment of The High Judicial Council and The High Prosecutorial Council in December 2018, the Special Structure against Corruption and Organized Crime (SPAK) has been established and the Parliament of Albania elected General Prosecutor of Albania in December 2019, for a full seven-year term. The establishment of new justice and anticorruption institutions are expected to improve investigation of the files of senior officials suspected of corruption and organized crime. Notwithstanding this ongoing work, substantial shortcomings in the judicial

<sup>5</sup> [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance\\_en](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance_en).

<sup>6</sup> [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance\\_en](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance_en).



system remain regarding inter alia the independence and accountability of judges and prosecutors, the enforcement of decisions, inter-institutional cooperation, and the administration of justice<sup>7</sup>.

The Commission Implementing Decision of 05.12.2018 adopted an Annual Action Programme for Albania for the year 2018, part of which is also action “EU for Justice Reform”, which was amended on 2020. This Action aims to contribute to strengthening rule of law, law enforcement and reduce corruption in government agencies and the judiciary. It will strengthen independence, transparency, efficiency, accountability and public trust in the Albanian justice system in accordance with European standards and enhance protection of human rights in the penitentiary system. The action supports the implementation of the justice sector strategy for an improved institutional framework and operational efficiency of the judicial system, consolidated legal education as well as specialisation of magistrates and court personnel; increased efficiency of the criminal justice system and of the anti-corruption measures, improved functioning of the justice system by using modernised procedures and IT systems and electronic equipment, and tools for strengthening international cooperation, enhanced protection of human rights in penitentiary system, and improved service quality of legal profession<sup>8</sup>.

<b>IPA II Albania<sup>9</sup></b>			
<b>Period 2014 till 30.11.2020</b>			
	<b>Total Allocation</b>	<b>T o t a l Contracted</b>	<b>Total Payment</b>
<b>Total IPA</b>	561,464,724.59	459,850,446.75	213,790,687.72
<b>Democracy and governance</b>	131,920,584.59	119,697,836.27	80,452,717.51
<b>Rule of law and fundamental rights</b>	100,494,140.00	92,809,243.49	43,654,019.98
<b>Competitiveness and innovation</b>	102,600,000.00	92,600,000.00	20,851,638.26
<b>Transport</b>	24,000,000.00	23,395,809.16	11,614,852.51
<b>Environment and Climate change</b>	28,100,000.00	28,100,000.00	3,488,383.00
<b>Education, employment and social policies</b>	165,650,000.00	94,849,500.00	50,083,170.63
<b>Agriculture and rural development</b>	8,700,000.00	8,398,057.83	3,645,905.83
<b>Other Programmes</b>	92,300,000.00	37,871,771.28	19,545,255.02

<sup>7</sup><http://integrimi-ne-be.puneteshtme.gov.al/wp-content/uploads/2020/05/IPA-II-Annual-Implementation-Report-2019-ALBANIA.pdf>.

<sup>8</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2018\\_12/ipa\\_2018\\_040211\\_al\\_03\\_eu\\_for\\_justice\\_reform.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2018_12/ipa_2018_040211_al_03_eu_for_justice_reform.pdf).

<sup>9</sup><http://integrimi-ne-be.puneteshtme.gov.al/wp-content/uploads/2020/05/IPA-II-Annual-Implementation-Report-2019-ALBANIA.pdf>.

IPARD Programme (DG AGRI)	71,000,000.00	27,127,001.29	10,345,734.70
Civil Society Facility (EUD)	21,300,000.00	10,744,769.99	9,199,520.32
<b>TOTAL IPA (National + other programmes)</b>	653,764,724.59	497,722,218.03	233,335,942.74

## 2) Instrument of budget support under IPA II

Under IPA II instrument EU decided to implement the budget support scheme. Budget support is a financial assistance modality. It should not be seen as an end in itself, but as a means of delivering better pre-accession assistance and achieving sustainable results. It involves dialogue, financial transfers to the national treasury account of the beneficiary country, performance assessment and capacity development, based on partnership and mutual accountability. Therefore, it is important to distinguish between the budget support aid modality, which incorporates all four elements of this package, and budget support funds, which relates only to the financial resources transferred to the beneficiary country. Budget, nor is it provided to every country. Eligibility criteria have to be met before and during the programme and conditions need to be fulfilled before payments are made. There are no targets for the amount of EU budget support to be programmed at either national or global level in pre-accession countries. Rather, the appropriate mix between different aid modalities should be decided as part of a portfolio approach that comprises several financing modalities in response to a beneficiary country's specificities and agreed pre-accession objective<sup>10</sup>. The key reasons for developing a budget support programme in pre-accession countries are the following:

- Increased impact of EU assistance by providing an incentive to implement reforms at sector level, rather than implementing isolated projects;
- Increased ownership and accountability of the beneficiary country through greater government control over the allocation of funds and the selection of projects;
- Improved capacity building as the beneficiary country needs to meet certain conditions to qualify for budget support, in particular a stable macro-economic framework and sound public financial management;
- Clearer link between the political agenda (which requires sector reforms) and the financial assistance (to support such reforms), including progress towards accession benchmarks within an integrated policy dialogue framework;
- Efficiency gains in terms of reduced transaction costs for the European Commission and the beneficiary country. However, budget support might not be the appropriate form of assistance in certain circumstances, and risk mitigation mechanisms might have to be established.

The budget support programme is implemented through the sector budget support contracts. The general objective of these contracts in the context of pre-accession assistance is to support the beneficiary countries in implementing the political, institutional, legal, administrative, social and economic reforms required to bring the countries closer to Union values and to progressively align to Union rules, standards, policies and practices with a view to Union membership.

The specific objectives of individual budget support contracts should be defined in line with two important principles:

<sup>10</sup> <https://docplayer.net/4194761-Dg-enlargement-sector-budget-support-guidelines.html>.

- Consistency with EU enlargement policy, the specific objectives should address the key enlargement challenges, i.e.: economic governance and competitiveness; the rule of law; the functioning of institutions guaranteeing democracy; fundamental rights; and overcoming the legacy of the past in the Western Balkans;
- Alignment with beneficiary countries own policies, priorities and objectives (and thus harmonised and coordinated with other aligned donors), provided such policies are consistent with EU enlargement policy. SRCs should be used when the specific objectives are focused on supporting sector policies and reforms, improving governance and service delivery in a specific sector or set of interlinked sectors. Complementary aspects of a SRC might also be fostering domestic accountability, strengthening government systems and support macroeconomic and public financial management reform. Financial additionality may be a key feature of many SRC programmes but SRC programmes may also have objectives that do not necessarily imply significant increases in sector expenditure. The value added of a SRC is often in supporting an acceleration of reforms, in improving efficiency and effectiveness of sector expenditures, in knowledge sharing or capacity development.

### 3) Implementation of Sector Budget Support Contract in the field of Justice

Under IPA 2018 Sector Budget Support Contract for Albania “EU for Justice Reform” EU aims to contribute to strengthening rule of law, law enforcement and reduce corruption in government agencies and the judiciary. It will strengthen independence, transparency, efficiency, accountability and public trust in the Albanian justice system in accordance with European standards and enhance protection of human rights in the penitentiary system. The action supports the implementation of the justice sector strategy for an improved institutional framework and operational efficiency of the judicial system, consolidated legal education as well as specialisation of magistrates and court personnel; increased efficiency of the criminal justice system and of the anti-corruption measures, improved functioning of the justice system by using modernised procedures and IT systems and electronic equipment, and tools for strengthening international cooperation, enhanced protection of human rights in penitentiary system, and improved service quality of legal profession<sup>11</sup>. The total amount of the contract to be disbursed if the targets are 100% fulfilled is 34 million Euros.

The overall objective of “EU for Justice Reform” contract is to contribute to strengthening rule of law, law enforcement and reduce corruption in government agencies and the judiciary. The specific objectives are the following:

- To strengthen independence, transparency, efficiency, accountability and public trust in the Albanian justice system in accordance with European standards;
- To enhance protection of human rights in the penitentiary system.

The Albanian Ministry of Justice is the main beneficiary and the coordinator institution of the contract “EU for Justice Reform”. The contract will be implemented for 4 years, from the date of signing: July 2019 - December 2023, amended in September 2020.

Performance indicators with specific target for the years 2019, 2020, 2022 used for disbursements are the following:

- Indicator no. 1: New Judicial institutions are established and operational

<sup>11</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/ipa\\_2018\\_040211\\_al\\_03\\_eu\\_for\\_justice\\_reform.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2018-12/ipa_2018_040211_al_03_eu_for_justice_reform.pdf).

(institution responsible High Judicial Council, High Prosecutor Council);

- Indicator no. 2: Processing of complaints against judges and prosecutors within the legal provisions in place enhanced (institution responsible High Judicial Council, High Prosecutor Council);
- Indicator no. 3: Improved quality of performance for the School of Magistrates (institution responsible School of Magistrates);
- Indicator no. 4: Improved capacity for legal education by the School of Magistrates (institution responsible School of Magistrates);
- Indicator no. 5: Efficiency of the operation of the High Court is enhanced (institution responsible High Court);
- Indicator no. 6: Use of alternative non-custodial means of conviction enhanced (Probation Office);
- Indicator no. 7: Free legal aid services are functional (institution responsible General Directorate of the Free Legal Aid).

Evaluation and disbursement of the targets of 2019, 2020 and 2022 established for each of the indicators is held during the next calendaric year. The Ministry of Justis collects information on the fulfillment of targets for each indicator from the institutions responsible for their implementation and delegates this information to the Ministry of Finance and Economy. On the basis of the disbursement conditions stipulated in the Financing Agreement, the Ministry of Finance and Economy send a formal request to the European Commission for the disbursement of each tranche in accordance with the timetable specified in Table below. The request include: (i) a full analysis and justification for payment of the funds, with the required supporting documents attached; (ii) a financial information form, duly signed, to facilitate the corresponding payment.

Country fiscal year	Year 1				Year 2				Year 3				Year 4				Total
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Fixed Tranche		7					3			2				2			13
Variable Tranche							5*			6*				9*			21
Total		7					8			8				11			34

For the 2019 in the state budget of Albania it is disbursed by the European Commission the amount of 7 million Euros (the total amount foreseen in the tranche). For the 2020 it is disbursed in the State Budget the amount of 6 million Euros (from the total amount of 8 million Euros foreseen in the tranche).

#### 4) **Coclusions**

As mentioned above in the paper, the EU scheme of budget support is designed to buid a more transparent and accountable public administration in the countries of Western Balkan, able to deliver services to their citizens more effectively and efficiently. It has been implemented not only in WB, but also in other countries with lower incomes and with high level of corruption.

The first phase of drafting budget support contract foreseen a negotiation process between the donor and partner countries, to establish appropriate indicators and targets that should be fullfil during the implementation of a budget support contract. These negotiations are very important because in this phase are established

the goals, expectations and risks management framework which are monitored through a policy dialogue on the key priorities related to the respective fields. In countries with corrupt governments the dialogue on anti-corruption measures could not result in concrete action if the rents available to government officials are thereby reduced.

Another issue to be mentioned in this regard is that the disbursement of the sector budget support tranches is handled based on the achievement of the targets for each year by the institutions responsible for the implementation of indicators. This kind of disbursement is designed to function on merit bases. In a way it stimulates the partner countries to fulfill the targets established in the budget support contracts, in order to receive the promised variable tranche.

The most important issue related to the functioning of sector budget support contracts is the fact that the variable tranche is not allocated directly to the 'account' of the beneficiary institution(s), which is responsible for the implementation of the target for indicators. The amount of tranche is allocated to the State Treasury and the Government determines where it will allocate the funds received according to its priorities. This way of disbursement does not encourage the institutions responsible for the implementation of the reform. As long as these institutions could not have in their own budget the amount of tranche foreseen to be distributed based on their achievements, they are not fully interested in implementing the targets of indicators. In this regard an important step should be taken "to start thinking sectorially wide from different institutional actors".

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[http://aei.pitt.edu/54141/1/CC7191493ENC\\_001.pdf](http://aei.pitt.edu/54141/1/CC7191493ENC_001.pdf).

# Freedom of movement for workers in the European Union

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## Abstract

The right of freedom and its protection is one of the fundamental human rights. It includes the right of not being restricted and deprived of the person's liberty, except as provided by law, the right not to be subjected to torture, to cruel, inhuman or degrading treatment or punishment, to be violated of his/her physical integrity, to choose his/her residence and to move freely in any part of the territory of the state, etc.

These rights are protected and guaranteed by the most important acts of a country such as the Constitution, some international conventions, such as the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Convention on Civil and Political Rights, Criminal Codes, etc., which proves once again the importance of addressing this right. So, based on these sanctions in the entirety of the legislations of developed democratic countries, in this paper we will introduce and analyze its implementation in practice, specifically in the countries of the European Union.

**Keywords:** Freedom of movement, workers, European Union.

## Introduction

Free movement of workers is one of the fundamental freedoms of the European Community. Its core aim is the functioning of the common market of the European Union by contributing to an unconditional interaction of people in Europe, as well as to a better geographical distribution of the labor force within the European Union. Another aim of free movement of workers is to enable workers in the Community to apply for jobs in other EU Member States to improve their living and working conditions, career advancement and their living conditions in general, as well as to allow and enable employers in the Community to meet their human resource needs. Ensuring the free movement of workers, the expansion of the European market on a large scale, with a lower level of unemployment and a better distribution of labor are the main objectives of the EU. Achieving these objectives is a real challenge as free movement is not only a legal right, but a daily reality for citizens in Europe, addressing legal, economic, linguistic, cultural and social barriers.

Free movement of workers is one of the four fundamental pillars of the creation of the Common Market enshrined in the Treaty on European Union. Article 3 of the EU Treaty provides the creation of a Common Market through the removal of obstacles for the free movement of goods, people, services and capital in the territory of the European Union, while Article 39 of the Treaty more clearly defines the free movement of employees, which includes the abolition of all forms of discrimination based on nationality in relation to employment, remuneration and other working and employment conditions.

Free movement of workers includes the right to receive job offers and to move freely

within the territory of the Member States for that purpose, while at the same time giving them the right to stay in a Member State for employment purposes, or to remain in that State even after being employed in that State, with the exception of the right to hold public positions.

Article 40 of the Treaty deals with measures to remove obstacles to free movement and implementation of secondary legislation, while Article 41 provides an exchange program for new employees in order to promote the free movement of employees. However, Article 39 of the Treaty does not apply to all enlarged EU countries as interim agreements allow Member States to restrict access to their labor market for employees from a new Member State.

Complete elimination of barriers to the free movement of workers remains a priority on the European agenda. This increase in sensitivity to the importance of free movement of employees is reflected in the priorities of the Community employment policy, which aims to improve the link between labor market needs and the workforce, ensuring greater employment transparency and training opportunities at the national and European level, as well as to facilitate free movement in Europe by coordinating flexibility with work safety.

Transitional provisions related to the free movement of workers are specific to each new EU member state. The Free Movement of Workers and Skills moved to the forefront at the highest political level, at the Stockholm European Council in 2001, in which the Commission issued a statement: *"New European Labor Markets, Open to All, accessible to all"*. This normative framework guarantees equal treatment and social protection benefits for all employees who are nationals of Member States, regardless of their place of employment or residence. For this reason, through Regulation No. 1408/71, the Administrative Commission for Social Protection for Migrant Workers was established, which is the institution responsible for developing cooperation on social protection between Member States.

## **Recognition of Qualifications**

One of the main obstacles faced by persons wishing to work, or train abroad, or in another EU country, to move from one sector of the labor market to another, is the mutual recognition of qualifications. This obstacle is exacerbated by the proliferation of qualifications around the world, the diversity of qualification systems and national education and training structures, as well as the constant changes made to these systems. Recognition of qualifications for professions is covered by a series<sup>1</sup> of Guidelines which establish the rights of citizens in this field and through which the Commission has started a reform in the system of recognition of qualifications of free professions. This reform contributes to labor market flexibility, accelerating the liberalization of service delivery, encouraging an automated recognition of qualifications and simplifying related administrative procedures.

To make it easier for people to start and pursue self-employment activities, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, issue directives on the mutual recognition of diplomas, certificates and other evidence of formal qualifications and coordination of the provisions laid down in laws, regulations or administrative acts in the Member States

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<sup>1</sup> (Instruction 2005/36 / CE)

concerning the commencement and follow-up of activities as self-employed.

### **Free Movement of Employees in the Stabilization and Association Agreement.**

The Stabilization and Association Agreement provides that, subject to the conditions and modalities applicable in each EU Member State, the treatment of Albanian workers legally employed in the territory of a Member State may not be subject to discrimination on the basis of nationality, in relation to working conditions, pay, or dismissal. The spouse and children lawfully resident of an Albanian employee legally employed in the territory of a Member State enjoy access to the labor market of the host Member State during the period of authorized stay of the employee.<sup>2</sup> Notwithstanding the provisions, the Stabilization and Association Agreement provides that existing employment rights facilitations for Albanian nationals granted by Member States through bilateral agreements are maintained and, where possible are improved. It also provides the fact that Other Member States should consider concluding similar agreements<sup>3</sup>, taking into account the labor market situation, in accordance with the domestic legal framework in the field of employee movement. In the framework of the right implementation of the provisions of the SAA, the Stabilization and Association Council has guaranteed that in bilateral agreements between them, the parties (Albania and the Member States) will implement the following provisions<sup>4</sup>:

1. All periods of insurance, employment or residence completed by such staff in different Member States shall be added together for the purpose of old-age pensions and annual pensions, invalidity and death, and for the purpose of health care for this category of staff and family members.
  2. Pensions, deaths, industrial accidents or occupational diseases, or of disability arising therefrom, with the exception of non-contributory benefits, are easily transferable at the rates applicable under the legislation of the debtor State or Member States.
  3. The workers in question receive financial assistance for their family members as provided above.
- By including these provisions as an integral part, the SAA guarantees Albanian legal employees in European Union countries and those in the Community in Albania equal treatment with other employees in these countries, totally avoiding any form of discrimination.

### **Obligations of the Albanian Party and Responsible Institutions regarding the Free Movement of Employees**

The main focus of the Albanian side in the field of free movement of employees is the close cooperation with the community in the field of legal migration, on admission rules and rights and status of admitted persons, coordination of the social protection system for community workers employed in the Albanian territory, as well as the adoption of the social security system with new economic and social requirements,

<sup>2</sup> Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Albania, Article 46.

<sup>3</sup> Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Albania, Article 47.

<sup>4</sup> Stabilization and Association Agreement between Albania and the European Communities, Article 48.



through cooperation with parties.<sup>5</sup> Particular attention is paid to improving the administrative and financial capacity to implement asylum and migration legislation, and in particular to implementing national strategies and their action plans, as well as the ratification and progressive implementation of all international conventions in the field of asylum, migration and implementation of national migration strategy measures.

The European Union is a supranational entity, which 3 decades ago created a Common Market<sup>6</sup> to extend cooperation between member states and to increase opportunities and opportunities for the citizens of these countries to move freely, to stay and live within the space of this market, to freely import and export goods, to move capital freely and to provide and receive services through self-employment and free establishment. And after these two decades it was concluded that these freedoms have been realized somewhat satisfactorily, but the freedom of movement of services is more problematic in terms of the importance it has for the Single Market<sup>7</sup>, the expected and necessary results for the EU's progress aspirations already political-economic and multidimensional superpower in the world.

Regarding the implementation of the SAA and EU integration, Albania is in the process of approaching and harmonizing Albanian law with EU law, and among the leaders of the *acquis communautaire*, are essential laws on community freedoms, among them with priority and key importance for the Single Market, the free movement of employees.

Free movement of workers in the Single Market, as a right guaranteed by the Treaty on the Functioning of the European Union, should be implemented and guaranteed by all member states, but in fact it is not easily done as it faces many national regulations that often conflict with the *acquis* of free movement of services, the basic component of which is the provision of services without interference with internal norms and without any kind of discrimination but only on the basis of regulation by EU law which is superior to any national law of member states.

These restrictions on the free movement of services are appealed to the European Court of Justice by interested parties but often strongly also by the Commission, which as the institution guaranteeing the monitoring and maintenance of the implementation of Community provisions, sues member states violating the provisions on freedom of services. By means of a lawsuit, these entities thus enable the court to exercise its exclusive power over the interpretation of the *acquis*, specifically in this case the provisions on freedom of services. The influence of the jurisprudence of the ECJ is so significant in the development of provisions, but also in the liberalization of services, that it is considered as a guide to the need or demand of the services market for harmonization.

## **Legal regulation of free professions**

Everyone has the right to work and to pursue a profession of his choice or freely admitted. Every citizen of the Union is free to seek work, to work, to exercise the freedom of establishing and to provide services.

<sup>5</sup> Stabilization and Association Agreement between Albania and the European Communities, Articles 46, 47, 80 and 99.

<sup>6</sup> Articles 2 and 14 of the Treaty establishing the European Community.

<sup>7</sup> The Single Market involves the coordination of the economic policies of the member states.

The sectoral provisions for services regulate the activities of the liberal professions and the regulation of professional qualifications valid in the Single Market in the same way as the locals without being discriminated in their use in the service of the purpose of the activity. For example, Council Directive 75/362 concerning the mutual recognition of diplomas, certificates and other qualifications in medicine also includes measures to facilitate the effective exercise of the right of establishment and the freedom to provide services in the medical profession, whereas Council Directive 75/363, concerning the coordination of laws, regulations and administrative provisions relating to the activities of doctors, contains provisions relating only to the profession of “doctor”.

Third-country nationals who are authorized to work in the territories of the Member States shall enjoy the same working conditions as nationals of the Union.<sup>8</sup> Thus, we note that the liberal professions are regulated not directly by the treaty, but through sectoral directives based on Article 53 of the TFEU on the obligation of community institutions to issue directives on the recognition of certificates, diplomas and professional qualifications, to fill the deficient legal framework of their protection and their implementation in practice in the Single Market.

By this we mean that in order to exercise the free movement of services of freedom of establishment, and the freedom of movement of employees, it is essential that a subject of this professional qualification be valid in any Member State where he wishes to exercise his profession for which he has qualified in a Member State or even a third, as Article 53 of the TFEU provides for the obligation of community institutions to issue directives for the mutual recognition of diplomas, certificates, certificates or formal qualifications regarding the possibility of practicing professions as economic activities, independent and without restrictions.

The free movement of services in the European Single Market and the perspective in the context of the enlargement of the European Union of national law, should be taken into account by the relevant authorities when comparing the specialized knowledge and skills certified by those diplomas and experience with the knowledge and qualifications of required by their national rules. This approach is in line with Council Recommendation 89/49 which encourages member states to recognize diplomas and other evidence of formal qualifications obtained from non-member states by EU nationals.

### **The right to free movement of workers**

The freedom of movement for workers is one of the fundamental principles of the EU and one of the five freedoms of the internal market, considered one of the most important rights of the Community. The principle of free movement of workers is sanctioned in Article 45 of the Treaty and has been further developed through secondary legislation, regulations and directives, but of interest to be analyzed is the implementation and realization of this basic principle through mandatory precedents established by decision-making of the European Court of Justice.

According to the provisions described in the jurisprudence of the ECJ, pursuant to EU

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<sup>8</sup> See the Charter of Fundamental Rights of the European Union in the text: Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union, published by the Ministry of European Integration, 2008.

legal acts in the field of freedom of movement of workers, a worker who is a national of a Member State of the Union and who moves to another Member State has certain rights in the field of freedom of movement, which can be specified in this order:

- The right to work without a special work permit, with the exception to any transitional period set by the EU in relation to nationals of a newly acceded country.
- Equality of employment procedures with nationals of the Member State in which the required work or service is selected.
- The right to equal social benefits with those of the nationals of the Member State in which the worker is employed.
- The right of family members to benefit from family reunification and to relocate to the worker's state of work as well as to receive family compensation.
- Full coordination of the social security system and the same benefits from this system.
- Recognition of the rights and benefits according to the affiliation of the union citizenship, deriving from the implementation of the Maastricht Treaty in the field of free movement of workers.

### **Legal analysis of the manner of application of the right to free movement of workers according to the decisions of the European Court of Justice**

In relation to the recognition and implementation of this important right, there is a need to highlight the difference between migrant workers and other categories of EU national workers.

The principle of free movement of workers guarantees the right of a citizen of a Member State to move freely in another Member State, to be employed and to stay there during the period of employment, without discrimination in terms of working conditions, remuneration and other employment benefits compared to other state employees of that state.

A significant difference in the treatment of "workers" is evident through those who are economically active and those who are not. In its very diverse practice in this field, in addition to providing for binding and mandatory provisions for Member States, the Court has also set precedents for the interpretation and unification of provisions deriving directly from EU acts.

### **Definition of the term "Worker"**

The term "worker" for the purpose of implementing the Treaty has a definition accepted under EU law and may not be subject to definition or interpretation by national law.

According to the definition of the ECJ, it includes any person who undertakes to perform a genuine and effective work for which he is paid, under the direction of another person. Referring to this definition, this term does not include migrant workers, third-country nationals, extra-Community workers or stateless persons.

An employee is entitled to payment or remuneration for work performed under European Union law. Having a limited remuneration or a partial salary does not affect the fact that he/she is considered a worker. The basic criterion for assessing whether a person is considered a worker is the nature of the work itself.

The ECJ has consistently held that an employee must engage in an activity of an economic nature, genuine or effective, excluding activities that are considered secondary or ancillary. Short-term employment, part-time work or productivity at work are assessments that do not affect the “employee” status of an EU citizen. According to the ECJ, the type of legal employment relationship does not affect the determination of the status of the employee, being considered as such an employee under public law or under a contract or private employment relationship.

### **The right to be employed in the public sector**

In accordance with Article 45 of the Treaty, member states may restrict employment access to certain public service sector functions to their nationals only. Considered as an exception to the general rule of free movement of workers, this restriction should be interpreted as correctly as possible, as the terminology conceived as “public service” and “public administration” varies considerably from one member country to another.

If the EU accepts that each member state will apply its own definition of ‘employment in the public service’, the application of this article will be different in member states, which is considered to be contrary to the principle of equality between member states with the principle of uniform application of EU law as one of the basic principles of the Treaty.

The ECJ, continuously in a considerable number of cases handled has made the interpretation of the concept of “employment in the public service”, which is mandatory to be applied in all member states in the same way and which restrict as much as possible the application of the exemption for the right to freedom of movement of workers.

States have been advised in applying this restriction to assess the relationship between the purpose of protecting the general interests of the State and the exercise of the powers conferred by public law. In some of its binding decisions, referring to the provisions and national legislation of some Member States such as Belgium, France, Italy and Greece, the Court has established uniformity of reference to Article 45 of the Treaty, deciding that for certain job positions in the public service, no restriction on access to employment for reasons of nationality can be applied.

Among the decisions worth mentioning is the ECJ decision in the case of “*Yvonne Van Duyn*”,<sup>9</sup> a Dutch citizen, who was denied permission to enter the UK to be employed. In its judgment the ECJ held that restrictions which may be imposed on the public interest are taken by assessing the personal conduct of the individual and that no restrictions may be imposed on the employment of nationals of the Member States.

Freedom of movement of workers is related to legislative aspects, such as freedom of movement and leave during employment in a Member State, as well as social or social security benefits, such as those for the purpose of pension, health insurance, etc.

### **Albanian legal framework**

The obligation to approximate the Albanian legislation with that of the EU derives from Article 70 of the SAA, which provides for the importance of the approximation

<sup>9</sup> European Court Reports 1974 -01337, **Judgment of the Court of 4 December 1974.**

of the existing Albanian legislation with that of the European Community and its effective implementation.

Given that EU legislation is constantly evolving, the approximation of laws can not be considered complete with the adaptation of Albanian legislation to the *acquis* in force, at the time of adaptation. As is clear from this provision, Albania has not only the obligation to technically bring its national legislation in line with EU law, but also to ensure that it has been properly implemented and will be properly implemented. One of the reasons for studying the right to free movement of employees and other related rights, is linked with the fact that this category of rights is one of the main issues of the EU and requires the explicit definition in Albanian legislation of norms or provisions laws aimed at adapting legislation in this area.

The Albanian legislative framework in force regarding the right of free movement of workers is generally in line with international conventions, legal acts of EU legislation and the practices of ECJ decisions.

The provisions of Article 99 of the Stabilization and Association Agreement EU-Albania are also part of the EU primary legislation in the field of social protection. This article stipulates that the parties cooperate to facilitate the reforms of the Albanian employment policies, in the context of strengthening the economic reforms and the integration. The cooperation aims to support the adaptation of the Albanian social protection system to the new economic and social requirements and includes the adaptation of the Albanian legislation regarding working conditions and equal opportunities for women, as well as the improvement of the level of health and safety protection at work for workers, referring to the existing level of protection in the Community.

The Constitution of the Republic of Albania stipulates that: *“Everyone has the right to earn a living by lawful employment, which he has chosen or accepted. “He is free to choose his profession, his job, etc.”*<sup>10</sup> The Labor Code also provides that discrimination is prohibited in relation to the employment, occupation and treatment of employees, providing for a wide category of employees.

The law fully adopts EU legislation, through the adaptation of some models of its countries’ legislation in the field of treatment of foreigners.

Protection against discrimination in the field of employment extends across all protected causes provided under the directives on protection against discrimination. Example: in *Meyers v. Trial Officer*,<sup>11</sup> the ECJ noted that access to employment covers “not only the pre-employment conditions”, but also all the influencing factors that must be considered before an individual can decide whether will accept an offer of employment or not <sup>12</sup>.

## **Employees and employers’ organizations**

This addresses not only membership and access to employers ‘and employees’ organizations, but also the engagement of persons within these organizations.

The European Union and its member states, based on the fundamental social rights enshrined in the EU Treaty, EU legal instruments, the Charter of Fundamental

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<sup>10</sup> Constitution of the Republic of Albania, article 49/1.

<sup>11</sup> *Meyers v. Adjudication Officer*.

<sup>12</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol no. 12.

Social Rights of Workers and other international instruments, have defined as a from their main objectives, the protection of the social rights of individuals, as well as the establishment of a social cohesion, which aims to improve the protection of employees, promote employment, with the ultimate goal of full employment of persons seeking a productive job for them. To this end, the EU has drafted and adopted several acts which constitute what is called Community law, on the right to work, its social protection and employment<sup>13</sup>.

Community law in this field contains provisions which are part of the Treaty, as well as acts adopted by community institutions, community legal instruments. But, in a broader sense, this right also includes the general principles of law, the case law of the Court of Justice, the law which is the result of the external relations of the Community, as well as the additional right included in the conventions. or agreements concluded by member states in the field of employment and social protection.

It should be noted that the rights in the field of social protection of labor, and in that of employment are closely related to the definitions and criteria set for them in the national legislations of the states themselves, while for this reason also the field of implementation of policy legislation employment and social protection is limited to the territory of a particular state, which stipulates that the beneficiaries must be nationals of that state or persons legally resident in its territory.

In terms of labor legislation, EU legal instruments, mainly the EU Treaty and Directive, have set rules for member states on the outcome to be achieved, but leaving it to national authorities to choose the form and methods for their implementation. So in terms of this legislation, we can say that it represents a compromise between the need for uniform legislation within the EU and the need to preserve the diversity of legal systems of EU member states. The diversity that exists between national legal systems, the right to work, its social protection and employment, can create problems for workers' rights during their free movement within EU member states, as well as social cohesion between creating, directly or indirectly, obstacles to the effective exercise of the right of persons to move or remain freely within the Union, or to the balanced development of certain regions or States.

In order to solve the problems that may arise as a result of the free movement of workers, EU legal instruments have provided harmonizing or coordinating rules for the right to work, its social protection, as well as for the employment of member states. Harmonization instruments oblige states to change the content of their legislation in these areas, while coordination instruments do not change it but aim at fair and equal treatment of persons involved in these schemes through the cooperation of member states.

### **General description of the legal instruments and the EU Treaty regarding the right to work and its social protection**

Primary law is formed from the basic treaties of the European Union and has been developed during successive revisions of these treaties, the most recent of which are those of Amsterdam in 1997, of Nice in 2000 and of Lisbon in 2007.

Both the Amsterdam and Lisbon treaties stipulate that the Union will work for the development of a Europe striving for "full employment and social progress",

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<sup>13</sup> Directive 2004/38.

committed to promoting “social rights and protection”. What should be emphasized is that the ambitions expressed in these EU Treaties, require that among many other initiatives, all necessary measures be taken to ensure the coordination of the employment policies of the member states with their social policies. But what are the provisions of the Lisbon Treaty in the field of the right to work, its social protection and employment? The Functioning Treaty of the European Union deals in several chapters with the issues of employment, social policies, describing the decision-making and legislative process for the implementation of these titles. These titles address the general principles under which the policies and rules set out in EU legal instruments should be coordinated between Member States, the procedure by which the European Council annually reviews the state of these policies and their implementation in these countries, recognizing the possibility for the Council to provide recommendations and orientations which can help to solve certain problems, as well as the functioning of advisory structures, the Employment Committee and the Social Policy Committee, which monitor the employment situation, social protection, related policies and legislation in the Member States.

It is in this article that the concept and principle of the fight against social exclusion is introduced for the first time. Article 145 TFEU, which is also a key article of this chapter, stipulates that “Member States and the Union, pursuant to this Title, shall work towards the development of a coordinated strategy for employment and, in particular, for the promotion of qualified, trained and adaptable labor and labor markets reacting to economic change in order to achieve the objectives set out in Article 3 of the Treaty on European Union. “ Thus, as seen in this article of the treaty, the obligation of the Member States to coordinate the elaboration of employment strategies is defined.

Article 146 TFEU clearly states that the main actors in this title are the Member States which, “contribute to the achievement of the objectives set out in Article 145 in such a way as to be consistent with the general economic policy orientations of the Member States and of the Union, adopted in accordance with Article 12. Thus, as can be seen, this coordination and their contribution is conditioned by the orientations, the main directions of the economic policies of the Community, including those of the European Monetary Union. Member States should also “... consider promoting employment as a matter of common interest and coordinate their actions in this regard within the Council, in accordance with the 13 provisions of Article 145”.

The supporting role of the Union is highlighted in Article 147 of the TEU, according to which:

1. The Union shall contribute to a high level of employment by fostering cooperation and support between the Member States and, if necessary, by supplementing their actions. In doing so, the competencies of the Member States are respected.
2. The design and implementation of Union policies and activities shall take into account the objective of a high level of employment. Thus, the European Union contributes by promoting the cooperation and action of the member states, but it can complement the action of the states only if necessary and only after the competencies of the member state in this field have been fully respected.

The European Council thus examines the employment situation within the Union each year and adopts conclusions on this situation, on the basis of a joint annual report of the Council and the Commission. On the basis of the conclusions of the European

Council, the Council shall, on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Employment Committee referred to in Article 150, draw up annual guidelines which the Member States must keep them in mind in their employment policies. The Council, on the basis of the reports referred to in paragraph 3 of Article 148, and after obtaining the opinions of the Employment Committee, shall conduct an annual review of the implementation of the employment policies of the Member States in the light of the employment guidelines. At the end of this process, the Council, on the basis of a recommendation from the Commission, may make recommendations to the Member States, if it deems it reasonable on the basis of this review.

As set out in the last paragraph of this Article, all the above-mentioned measures which may be taken by the Council shall not have as their ultimate purpose the harmonization of the legal and administrative provisions of the Member States, which means that the Member States may continue to have under control their employment policies and legislation, which may be different in terms of forms of implementation but also their effects. The harmonization of the laws belonging to this title is not defined as an obligation for the member states, in respect of not losing the power to coordinate their employment policies, while the bodies of the Union must observe and analyze the principles applied in these politics.

Article 150 of the TFEU provides that the Council, acting by a simple majority on the basis of consultation with the European Parliament, shall set up a Committee, composed of two representatives for each member state and the Commission. This Committee, during the fulfillment of its mandate, consults with the managers and the employees themselves, has an advisory status for the promotion of the coordination between the member states of the employment policies and the labor market and has the task: a) to observe the employment situation and employment policies for the Member States and the Union, b) without prejudice to Article 240, drafting opinions at the request of the Council or of the Commission, or on its own initiative, and contributing to the preparation of the work of the Council referred to in Article 148. Therefore, the Commission has the task of monitoring employment policies in both the Member States and those of the Commission / Union and in order to fulfill its tasks it consults with the social partners, who are representatives of the Tripartite Steering Committee for Employment. Only the social partners who are organized at European level are represented in this Tripartite Committee.

## **Conclusions**

Albania has already received the status of EU candidate country, and in this case it must necessarily prove that in its legal system the principles of the rule of law are applied, as well as fundamental human rights and freedoms are respected, according to the standards set out in the Treaty and the legal instruments of the EU.

The treatment of the right to social protection of labor and employment on a territorial basis, as well as the construction of labor legislation in the forms and methods established by the states themselves, shows that the labor legislation, its social protection and employment of each state, is developed on the basis of its economic, social, cultural, geographical and demographic conditions and heritage. As above, Albania in the coming years should approximate labor legislation, with EU legal



instruments, taking into account the economic and social situation of the country. Our country after the '90s has gone through a period of its transformation from a centralized economy, to a democratic country that relies on the free market economy. These new economic relations have influenced the creation of a new system of labor law, social protection and employment. The Constitution of the Republic of Albania, as well as the labor legislation, its social protection and employment, created after the '90s, have made efforts to reflect the requirements and standards of international acts to which Albania is a party, and in the last decade those of EU legal instruments, but also the experiences and best practices of other countries.

In the framework of the application of EU directives for the free movement of workers and for the direct effect of ECJ decisions, for the adaptation of Albanian legislation, one of the challenges is the adaptation of this legislation to the norms of EU law. Overall, Albania needs to make further efforts to align its legislation with the *acquis* and to implement it effectively in the area of freedom of movement.

However, based on the practice of the ECJ, there are many cases addressed for solution, which have normally violated the right of employees to settle down and offer their services in an EU member state. It follows that employees of non-member countries as well as other countries constantly encounter numerous obstacles from the actual legislation of each member state, which indirectly discriminate against the rights of employees to freely exercise their right to employment and placement.

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# The role of teaching social interactions to children with Autism Spectrum Disorders and their development

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## Abstract

Autism is a child's development disorder that is usually noticeable during the first three years of life and involves a wide spectrum of behaviors. Autism Spectrum Disorders are a combination of cognitive, social and emotional disorders. Their main features are the dysfunction of *social interactions, communication skills* as well as *limited and repetitive behaviors*.

This study aims to ascertain and evaluate the importance of teaching *social interactions* to children with autism and their role in the development and integration of the latter.

Information, research as well as studies in the realm of education and psychology are presented in this study. Besides them, there are also attached concrete facts, data and experiences from the study conducted on a group of children diagnosed with Autism Spectrum Disorders. The collection of data is made possible through the relevant documentation for each child, observations, questionnaires, as well as through the close collaboration with parents, children, teachers and psychologists. The following instruments: DSM-V, the Assessment Scale ASD, CARS: Childhood Autism Rating Scale were used for the data collection.

The findings of this study demonstrate that the intervention with the education programs in children with Autism Spectrum Disorders brings positive results in the development of social interactions by improving communication, social relations and academic achievements, impacting thus positively the overall development of the child. As a result, these children are more cooperative, more self-confident and more motivated to complete their social and academic development programs.

**Keywords:** Autism, social interaction, education, development, integration.

**Research question:** How does teaching behaviours to children with Autism Disorder affect their development and social integration?

**Hypothesis:** Treating and teaching behaviours to children with autism disorders brings positive results in their development and social integration.

## Introduction

Autism is a complex neurological disability that is increasingly being diagnosed at children. Children with autism spectrum disorders (ASD) are less capable to learn social rules when typically compared to the normal development of their peers. This may affect their social interaction, social integration, learning, mental health and challenging behaviors (BarryWright et al., 2016).

ASD is a disorder that accompanies people throughout their lives (Johnson, 2015). So far, a specific cure for autism does not exist. However, there are several interventions and behavior therapies that help treating various symptoms of autism (National Institute of Neurological Disorders and Stroke, 2014). Therapy is necessary for them, but when these people react positively to it, they can be successful as well as work and live independently (National Institute of Neurological Disorders and Stroke,

2014). A helpful educational intervention, such as behavior therapy that is used to stimulate pro-social conduct and discourage the problematic behavior at children with autism is Social Stories (Wright and McCathren, 2012).

## **Theoretical concepts about Autism**

### **Autism disorder**

Autism is a complex neurodevelopment disorder characterized by dysfunctions in social relationships, communication and behavior (Batten et al., 2006; Cotugno, 2011; Fein & Dunn, 2007). Autism is a complex neurological disability that is increasingly diagnosed at children.

Autism is a widespread developmental disorder, characterized by impairments in these areas: social communication, difficulties with reciprocal social interactions and repetitive behavior (Wing & Gould, 1979). These conditions are collectively called autism spectrum disorders (ASDs, DSM-IV, American Psychiatric Association, 2000). Children with autism spectrum disorders (ASD) are less able to learn social rules. This may affect their social interaction, social integration, learning and challenging behaviors (BarryWright et al., 2016). Autism spectrum disorder (ASD) is a type of neurodevelopment disorder (Butchart et al. 2017). Children with ASD encounter challenges in the aspects of social interactions, communication skills, repetitions and stereotypical models and behaviors (Besler & Kurt 2016).

In regard to what causes autism, it can be asserted that it remains still unknown. Researchers in this field are still conducting research to uncover its causes. According to these researchers (Chawarska et al., 2008; Fein & Dunn, 2007; Siegel, 2003; Wiseman, 2009) it is thought that some of the main factors leading to autism are genetic, environmental, genitive and others (Tsai 1986).

### **Behavior**

People with autism use a variety of repetitive behaviors that are characterized by: "Repetitive Behavior Scale- Revised RBS-R. Stereotype- unjustified movements such as: slapping, head posture, body oscillation, object flinging, etc (Kira, 2014). Ritual behavior represents the occurrence of daily activities, always in the same order and routine, such as: the desire not to change daily food, clothing or objects (Kira, 2014). Obsessive-compulsive behaviors (OCBs) are one of the behavioral phenotypes that have shown the greatest promise for identifying various ASD-related phenotypes based on cross-sectional and familial-genetic studies, connection and association (Bejerot, 2007; Bejerot, Nylander, & Lindstrom, 2001) Genetics is considered an important factor (Bolton, Rutter, Pickles, Murphy 1998; Ivarsson & Melin, 2008). Superficially, this would of course lead to questions about the inheritance of obsessive-compulsive disorder (OCD) and the possibility that some of these behaviors may be shared between OCD and ASD (Pauls, 2008). The diagnostic criteria for autism disorder in the DSM-IV (American Psychiatric Association 2000) relate primarily to behavior and social language. However, examples of criteria such as hand clashing are clearly not social in nature and they seem to indicate problems in motor or proprioceptive systems instead. Moreover, there are many other behavioral characteristics that are not included in the diagnostic criteria and may not be consistently observed, but nevertheless underline the impression of a diffuse profile, i.e., one that touches

multiple functional areas. Some of these features relate to additional damage. For example, motor-related deficits have been identified in ASD, which are related to a number of aspects, such as: attitude (Minshevet al.2004), (Schmitz et al 2003), attitude (Minshev et al.2004), dexterity (Ghaziuddin and Butler 1998), planning (Mari et al.2003), walking (Hallet et al.1993) and learning (Mostofsky et al.2000). ASD is associated with attention deficits (Courchesn 2001). These go beyond shared attention (Bruinsmaet al.2004), which can be considered part of social cognition and include slow spatial orientation (Townsend et al.1996) and impaired shifting of attention between auditory and visual modalities (Courchesne et al. al.1994).

While the social, linguistic, motor, attention, and executive areas are commonly impaired in ASD, there are several types of tasks in which individuals with autism tend to excel. An example is visual search. (O’Riordan et al. 2004; 2001) showed that children and adults with autism perform faster and with greater accuracy - compared to compatible controls on simple visual search tasks, especially searches characterized by a moderate number of distractors. Our studies (Brenner et al 2005) further suggest that improved performance in ASD is not the result of greater effort; on the contrary, reduced response time in participants with ASD was associated with reduced pupil enlargement, which is a physiological measure of cognitive activity and effort. Individuals with ASD have also been found to be superior in a rather complex visual search task, the Embedded Figure Test (Jolliffe and Baron – Cohen 1997) and in Visual Constructive Block Design (Caron et al. 2006). These findings are intriguing considering the evidence for atypical spatial attention and oculomotor functions in ASD (Brenner et al. 2007). In addition to the visual-spatial processing discussed above, partially superior performance can be found for auditory discrimination (O’Riordan and Passetti 2006).

### **Social stories**

Social Stories are individualized short stories used to help children with ASD understand social situations by describing and explaining appropriate behaviors and providing examples of appropriate responses. These short stories describe specific steps for implementing appropriate social skills and including short text and pictorial signs. Social stories assist and help the child understand social specifics according to the information provided, adapted to the environment or circumstance (Wright and McCathren, 2012).

The story is written using a language that corresponds to the age and abilities of the child. The story can be printed or displayed electronically. It can contain pictures and illustrations. The sentence report is a guiding sentence for every two to five descriptive, respective, affirmative, and group sentences. Providers use control and cooperative sentences in a story; directive control sentences should be used; sentences should be descriptive and affirmative (Gray, 2004).

Quirnbach, Lincoln, Feinberg-Gizz, Ingersol, Andrews (2008) compared two formats of a social story aimed at improving social skills during play using a pretest. Then, when the child understands social situations or learns social behaviors and puts them into practice without the help of adults, the story is read less and less, until it is no longer told.

Children can experience social stories in different ways, depending on their capacity. It is also essential that we reduce our disappointment. When we think of

their challenging behaviors we should recall their strengths and positive traits. It is important to build their trust by offering our support (E, 2015).

### **Musically adapted social stories**

Brow Nell studied the effect of musically adapted stories on four boys with autism, aged six to seven. Brow nell used social stories embedded in musical compositions. In this study, a positive effect and an attraction towards them was noticed. Moreover, the musical social story proved significantly more effective for participants.(Brownell 2002). Pasiali studied the effects of music-based social stories on problematic behaviors in a girl and two boys with autism, aged seven to nine. In this study the social story was accompanied by the melody of a song that the child knew and for which he or she had a particular interest. This study showed that music-based social stories had an immediate effect in reducing problematic behaviors (Pasiali 2004). Treatment resulted in positive behavioral change. (Liff 2011) explored the effect of musically-adapted social stories in the classroom behavior of two young children with severe autism. A single subject design was used to measure the effectiveness of three treatment conditions: a no treatment control condition, traditional verbal social stories and social stories set to a familiar tune. Participants were evaluated based on their communication efforts. However, people are inclined to do what works for them, regardless of a model's function (Chance, 1999).

### **Video modelling**

Various researchers have explored the use of video modeling in combination with Social Stories in children with autism. Hagiwara and Myles (1999), Thiemann and Goldstein (2001) investigated the combined effects of written text, pictorial drawing with complementary video and video feedback on the social communication of five children with autism. Sansosti and Powell-Smith (2008) used a computer-based format to present Video Modeling, Adult Social Stories, social communication skills of three children with severe autism, presented as an entertaining, self-promoting show using a computer program. Children watched their modeled "Social Story" video in the school settings, before the intended event (e.g. the break) occurred. Social Stories videos were effective in improving social communication norms (Shipley-Benamou, Lutzker, &Taubman, 2002).

Strikingly, modeling is an important component of a significant number of these behavior-oriented methods as the functioning of children with autism in mainstream educational settings often requires skills that have not yet been learned. (Buggey, Toombs, Gardener, &Cervetti, 1999). In addition, visualized instruction has become increasingly involved in interventions, since children with autism have been distinguished as performing exceptionally well in visual tasks (Marks et al., 2003; O'Riordan&Plaisted, 2001; O'Riordan, Plaisted, Driver, & Baron-Cohen, 2001; Kuill, 1997).

## **Methodology**

The study on autism spectrum disorders was conducted in school-age children, 6-15 years old, who are treated with specialized therapy for their development, coordinated with an educational program in a specialized school for children with special needs.

The study included 15 children who are part of this school and who continuously attend therapy according to the problems and difficulties that each case presents. In this study the combined quantitative and qualitative method for data collection was used. Their measurement and evaluation were performed based on the children's documentation and relevant instruments to measure their reaction difficulty level by considering each case specifically. Based on the CARS-Childhood Autism Rating Scale, their assessment was performed in two situations: before intervention with therapy and after treatment with developmental therapy, using social histories, video modeling, music therapy, PEI plans, etc.

After the completion of the first phase of treatment, there was noticed a satisfactory improvement in the children's behavior regarding emotional reaction, interaction, comprehension and development of actions, establishment of social relationships with the people who care for them, improvement of their efforts for verbal and non-verbal communication. Children had marked improvement in their behaviors by reducing the degree of difficulty from severe to moderate, or mild. During this study it was found that not all children were able to achieve improvement or change their behaviors in some difficult situation. In this case the children are re-evaluated and their treatment continues until possible improvements are achieved.

### Results

Based on the measurements performed before the therapy treatment, the situation results as follows.

Children present difficulties in all areas involved in the measurement while the relationship with others, emotional reaction, use of tools and objects in function of behavior and action, involvement in activities, various games, establishment of relationships in general seem problematic. Based on this situation, developmental therapy, social history, video modeling, music therapy were used, activating children in various activities in order to improve the problems they present. Children are treated and attended in a special school for children with different abilities, which has specialized pedagogical staff, psychologist and therapist.

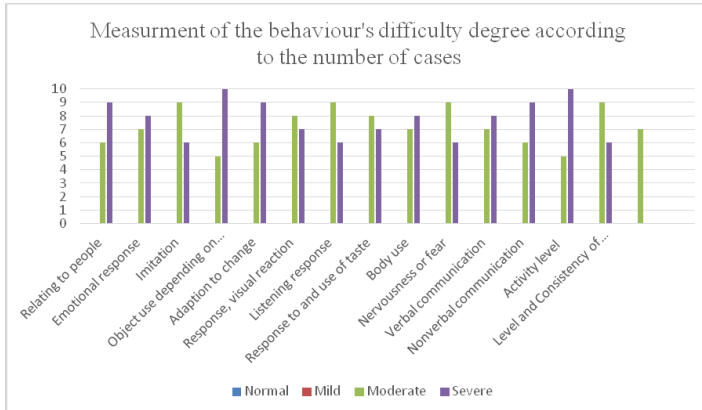
Based on the assessing instrument CARS - Childhood Autism Rating Scale, the situation before the therapeutic treatment of children is presented.

1-normal, 2-mild, 3-moderate, 3-severe

	The severity of autistic problem behaviors and the number of cases that present difficulties in the following actions.			
	1 Normal	2 Mild	3 Moderate	4 Severe
Relating to people			6	9
Emotional response			7	8
Imitation			9	6
Object use depending on the situation			5	10
Adaption to change			6	9
Response, visual reaction			8	7
Listening response			9	6
Response to and use of taste			8	7
Body use			7	8
Nervousness or fear			9	6
Verbal communication			7	8

Nonverbal communication			6	9
Activity level			5	10
Level and Consistency of Intellectual Response			9	6
General reaction based on the context			7	8

### Graphic representation of the above situation



Children were offered therapy according to individual plans and set objectives. Each child has specific problems, so a special work plan is designed for each child with specific objectives for each case. Individual plans for each child reflect their problems and improvements and give us opportunities for re-evaluation and re-establishment of new objectives. In the concrete situation the children were re-evaluated after the first phase of therapeutic intervention and it was found that children had improvements in their behavior, communication, interaction and the establishment of social relations in general.

The results of the improvement are presented in the table below. After treatment through developmental therapies the children achieved improvement in the areas we measured above. Improvements were observed in establishing social relationships, relationships with others, emotional reactions, visual responses to models presented, gradual adaptation to changes or new situations. There was also improvement in verbal and nonverbal communication by trying to establish communication bridges, as well as getting involved in programmed activities.

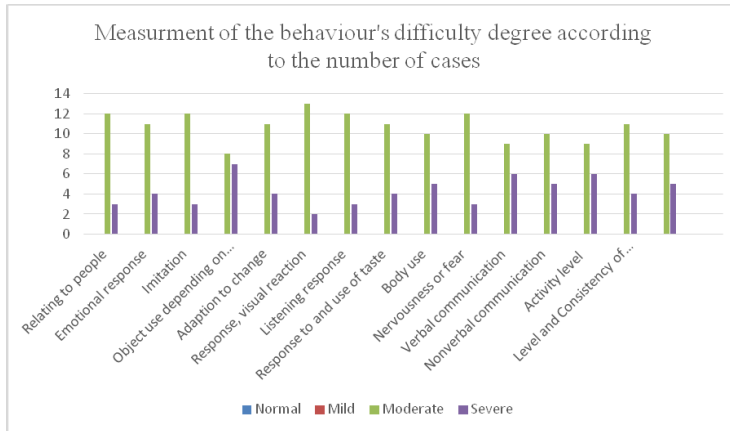
Based on the assessing instrument CARS - Childhood Autism Rating Scale, the situation after the therapeutic treatment of children is presented.

1-normal, 2-mild, 3-moderate, 4-severe

The severity of autistic problem behaviors and the number of cases that present difficulties in the following actions.	1 Normal	2 Mild	3 Moderate	4 Severe
Relating to people			12	3
Emotional response			11	4
Imitation			12	3
Object use depending on the situation			8	7
Adaption to change			11	4
Response, visual reaction			13	2
Listening response			12	3

	Response to and use of taste			11	4
	Body use			10	5
	Nervousness or fear			12	3
	Verbal communication			9	6
	Nonverbal communication			10	5
	Activity level			9	6
	Level and Consistency of Intellectual Response			11	4
	General reaction based on the context			10	5

### Graphic representation of the situation after the treatment



### Analysis of the results

The overall reaction in the context of the situation was positive. Children began to improve their behaviors, social relationships, their reactions in general regarding the situation and the request submitted for interaction. It is positive that they had improvement in particular behaviors by going from severe to moderate or mild, according to the following results:

Relating to people moderate 12 and severe 3 cases, Emotional response Moderate 11 and Severe 4 cases, Imitation moderate 12 , severe 3 cases, Object use depending on the situation moderate 8, severe 7 cases, Adaption to change moderate 11 , severe 4 cases, Response, visual reaction moderate 13 , severe 2 cases, Listening response moderate 12 , severe 3cases, Body use moderate 10 , severe 5 cases, Nervousness or fear moderate 12 , severe 3 cases , Verbal communication moderate 9 , severe 6 cases, Nonverbal communication moderate 10, severe 5 cases, Activity level moderate 9, severe 6 cases, Level and Consistency of Intellectual Response moderate 11 , severe 4 cases, General reaction based on the context moderate 10 , severe 5 cases. During the treatment of children, it was found that behavioral learning therapies have a positive effect on the development and social integration of children with autism. This improvement is noticed in their behaviors as well as in the improved opportunities for the development and construction of social relations by interacting in various activities.

Significant improvements were observed in behaviors such as, relationships with



other people, emotional reactions, imitation, response, visual reaction, level and intellectual consistency, as well as other improvements regarding the possibility of establishing social relationships and developing their behavior in general.

After the completion of each individual plan, the children were re-evaluated and their treatment continued until the achievement of the results planned by the specialists.

### **Conclusions**

The above study derived a number of conclusions regarding the education and integration of children with autism.

Treating and educating them brings improvement in their development.

Their improvement is reflected in their behavior, social relationships and communication.

Teaching social behaviors through methods as simple as possible for them, brings significant improvement in their behavior.

Teaching social behaviors makes these children more social, more active and more inclined to social interactions.

Treating these children makes it possible for some severe difficulties to progress to mild or moderate difficulties.

Children are given opportunities for cooperation, self-action, realization of some practical actions and behaviors for daily life.

The fact that the treated children have a significant improvement in social behaviors and not only, shows that the models of therapies that help in teaching social behaviors are very useful for the development of children with autism.

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## Linking the study tradition to terminological dictionaries

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### Abstract

The linguist Xhavat Lloshi has taken into account the scientific achievements of some terminological and explanatory dictionaries, compiled before him in our country, before and after the Second World War; has evaluated them, pointing out their shortcomings, especially in the special scientific plan.

This attitude and evaluation always from the linguistic position, first of all, from the point of view of word formation (without leaving out the methodological and scientific accuracy according to the knowledge of both fields) aiming at what has been the basic axis of our scholars and scholars to preserve the natural elements of Albanian, for it is about two knowledges that have centuries-old and millennial connections of man: for the knowledge of the living plant and animal world, so present in human life, since he turned into homo sapiens. In addition, lexicographical works on terms in the Albanian language have always been associated with the space or habitat where plants and animals are born and cultivated, such as Albania and beyond. Every researcher of language disciplines, even in works like ours, it is the duty of each to discover the place of the subject of Albanian in Dictionaries like these - bilingual, Albanian-Latin and Latin-Albanian, such as that of Prof. Xhevat Lloshit, and what innovation do the terms bring to the process of Albanianization of this wide terminology, such as the flora and fauna of our country, how are the terms of a special field of science classified, do ad litteram Albanians own in the Dictionary.

**Keywords:** Terminological dictionary, explanatory dictionary, word formation, flora, fauna, Latin, Albanian.

### Introduction

The linguist Xhavat Lloshi has taken into account the scientific achievements of some terminological and explanatory dictionaries, compiled before him in our country, before and after the Second World War; has evaluated them, pointing out their shortcomings, especially in the special scientific plan.

This attitude and evaluation always from the linguistic position, first of all, from the point of view of word formation (without leaving out the methodological and scientific accuracy according to the knowledge of both fields) aiming at what has been the basic axis of our scholars and scholars to preserve the natural elements of Albanian, for it is about two knowledges that have centuries-old and millennial connections of man: for the knowledge of the living plant and animal world, so present in human life, since he turned into homo sapiens. In addition, lexicographical works on terms in the Albanian language have always been associated with the space

or habitat where plants and animals are born and cultivated, such as Albania and beyond. Every researcher of language disciplines, even in works like ours, it is the duty of each to discover the place of the subject of Albanian in Dictionaries like these - bilingual, Albanian-Latin and Latin-Albanian, such as that of Prof. Xhevat Lloshiti, and what innovation do the terms bring to the process of Albanianization of this wide terminology, such as the flora and fauna of our country, how are the terms of a special field of science classified, do ad litteram Albanians own in the Dictionary. In dictionaries like this, the researcher must also see the adaptation during the Albanian translation, the process of calculating the words/terms, when obtaining the technical edges with words, two words (syntagma) and with composites. Remaining on the ground of language, even in a sector of its study, as the question of word formation for the expression of terms can become, a rather complex and difficult linguistic problem. For researchers, the reflection of this terminology, continues to be not easy, because, as prof. Xh. Lloshi in the preface, the Albanian territories in the west of the Balkans, although they do not constitute a very large area, contain close to 40 percent of the vegetation and animals of Europe, thanks to the geographical and climatic diversity of the area. One can imagine the endless number of terms, dialectal and spoken variants, found and used by Albanian speakers in the territories of Albania, therefore he writes in the introduction of his work that Standardization of terminology approaching European standardization is today a state duty in Albania and in Kosovo together. For the historical and political conditions and the conditions of the development of the Albanian science, in a period that includes the first half of the XX century, the scientific level of such linguistic works, otherwise of the description of the Albanian terminology in different levels of knowledge of the time, has left to desire. And the reasons are known: the country inherited a deep cultural and educational backwardness and those decades we mentioned, it was not possible to expect works other than the special requirements of the terminology. However, with the developments that the Albanian school and education received in the so-called period of National Independence (1912-1939), good steps were taken in the delivery of the Albanian language, in the extension of the network of schools throughout the country, even outside the borders of today. Albanian politics, ie, in the Albanian-speaking areas, steps that led to an increase in the number of publications not only literary, but also scientific. However, the author writes, there is a complete contrast between linguistic reality and purist attitudes.

For all these efforts, the author of the Dictionary that we have in the object of our research for doctoral thesis, states in the preface of the work: . They have made the first attempts to define Albanian words with their responsibilities in Latin terminology. In the middle of the twentieth century, especially with the establishment of special scientific institutes, this work expanded with the benevolent care of Albanian botanists and zoologists, who during the research also collected the relevant Albanian words. “  
1. Albanian tradition of lexical studies in this field.

The Albanian tradition of studies and scientific research in the field of lexicon (our country had produced lexicographers since the 17th century, Frang Bardhin), naturally, is related to the European heritage in this field, thinking that the few scholars who were taken with interests such as those of the description of the Albanian flora and fauna, in terms of terms and names, have been at such levels as to know and use the continental tradition. In this field we could mention the best writer

from the old writers of the North, Pjetër Bogdani, who, according to Xhevat Lloshi, was the first to feel the stylistic difficulty to express a scientific Albanian, a fact that has also testified in the preface of his original work (1685), where he complained that “our language with knowledge dvuer ene words” (we repeat according to the author of the Stylistics of the Albanian language), he thought that in Albania there was a science and together with its fall, had also lost the terms of science.

For this historical and scientific statement at the same time, we say that there is a connection between the efforts of education and Albanian scholars before and after World War II in terms of language science; it is more than known that at the levels at which a language like Albanian is studied, research in the word-formation plan has been among the first in albanology; and they were made before World War II, by the well-known activist and organizer of Albanian education, Mati Logoreci, by the publicist and lexicographer Karl Gurakuqi, as well as the philologist Mustafa Kruja. As a border event for a rapid development of language studies, even in terminology, has been the opening of higher scientific institutes, the opening of Universities (Tirana and Shkodra, 1957), as well as the establishment of the Terminology Sector in the Albanian language. So, in order to reach our Dictionary, of Flora and Fauna, published by prof. Xhevat Lloshi, have passed a series of works of this nature, which have laid the theoretical and practical foundations of this branch of linguistics.

After the major work of Ilia Mitrushi, 1955, in 1963 by the Terminology Department of the Institute of History and Linguistics was compiled and published “Dictionary of technical-scientific terminology 1. Terminology of Botany (Albanian-Russian French)” and according to the reviewers, is the first in a series of terminological dictionaries of various sciences that have been published in albanology, where the terms are not mechanical translations or a simple calculation of foreign words. It is important to note that the dictionary was compiled with fair scientific criteria, which can be recognized according to the following points:

- a. to make the most of the great opportunities that Albanian has to create words—the terms and tendencies that the development of literary language has taken in our time;
- b. make the best use of the most productive ways and types of word formation in Albanian;
- c. to Albanianize international scientific terms, including those words that are not only of two or more Neolatin languages, but also of other languages;
- d. to re-evaluate some old terms used since Renaissance times  
National;
- e. consider the spread of the term in different provinces as the use of speakers.

The dictionary has a total of 1202 word-terms, of which, according to the researcher F. Leka, 871 are Albanian words and only 331 are words with foreign roots, including those called internationalisms, otherwise, words of Greek and Latin origin, which are found in many languages. A good place in the dictionary is occupied by the words composite, created with sound scientific criteria, such as: petite-like, fertile, etc. Our linguists, for this dictionary, are of the opinion that in many terms of botany the principle that the Albanian word is more productive is confirmed once again, it accepts more easily the Albanian affixed elements compared to the borrowed foreign word, as b. p., from the name dell derive: dellëzgj, dellëzim, i, dellëzim. In addition, for this dictionary, it is noted that when new terms are formed, attention should

also be paid to the phonetic side; carefully avoid any homophony that may cause confusion in the meaning and clarity of terms, such as: chili - chili, cup - cup, where couples almost fall into homophony.

In summary, we conclude as follows:

All these study books in the field of biology are mainly from the plant world and none of them can be called a proper dictionary, compiled according to the linguistic laws of lexicography. They have word-terms in Albanian and Latin, but come from the circle of a bilingual dictionary, as compiled by Xh. Lloshi's Dictionary; the terms brought can provide vocabulary material for different dictionaries, which is why we listed them here. It should be better said that they are entirely table books, vademekum for professionals and specialists, students and researchers in this field, as they are called. In the last text, above, the author has escaped the care of the language, there are many foreign words and creations that are not acceptable for Albanian, such as: vrigullta, adjectives, carpels, walls, etc. Only the Dictionary we have for the object of linguistic, word-formation analysis, is a real dictionary, which leaves room for research on a topic undertaken by the broad field of linguistics, such as: Albanian term, translated term, noun-term, term expressed in groups of words (syntagma), and other loops. But one thing should be noted that, like any book, the above, have linguistic content in their pages, and, in a way, display a language condition: in spelling, lexicon, show data on the morphological plane of the Albanian language, the gender system, the adaptation between the components, all these, for the time when it was written, here and a half century ago; also, data from the field of syntax can be extracted from them, from 1955 to the present day, mainly for the scientific style in which they are written.

# All equal before law: The concept and practice of legal aid in Albania

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## **Abstract**

Legal aid is the provision of assistance to persons that are not able to pay for the costs of legal advice and/or representation to courts. The primary aim of free legal aid in Albania, is to guarantee the constitutional principle of equality before the law and nondiscrimination. On the other side, free legal aid is a guarantee in respecting the right of persons to a fair trial. Such aid is crucial to ensure effective access to justice in practice. In this paper we will discuss the concept of free legal aid and some aspects of its implementation in practice in the case of Albania focusing on in civil and administrative cases.

Although free legal aid has existed in Albania, since 1928, it took its modern form after the approval of the first law on free legal aid in 2008 by the law no. 10039 "On legal aid". However, several civil society initiatives, have provided free legal aid during the post-communist period. They were mainly focused on offering free legal aid to especially vulnerable groups such as trafficked women, gender-based violence victims, roma, migrants and refugees etc.

Although the 2008 law was an important milestone, several problems were encountered during the implementation of this law and there was a need for a better structured, more sustainable, more comprehensive, more transparent regulation of free legal aid. Against this backdrop and in the framework of the implementation of the justice reform, a new law no. 111/2017 "On Legal Aid Guaranteed by the State" (LAGS), was approved.

This law, which is still in force, defines the principles on which legal aid is based, who administers it, the beneficiaries of the legal aid and the procedure to be followed to obtain it, for the protection of the freedoms and fundamental rights of the individual, as well as of other legitimate interests. Through this paper we will provide a general overview of legal aid in Albania the achievements, problems, and challenges for the future.

**Keywords:** Equality, Right to Fair trial, legal aid, access to justice, civil justice.

## **1. Introduction**

The right for legal aid was first recognized by law in Albania since 1928 (United Nations, 2016). The Albanian Constitution of 1998 provides for free legal aid in the Article 31, where the right of a person to be provided with free legal aid is guaranteed when the person does not have enough means and only during a criminal court process. This article is in line with Article 6 of the European Convention of Human Rights (ECHR) that guarantees expressly only the right to free legal aid in criminal proceedings, in paragraph 3 (c) and it does not mention legal aid in civil and administrative court proceedings. However, despite these specifications, both instruments guarantee a minimum standard, and it does not preclude the guaranteeing of the right of providing free legal aid in civil and administrative court proceedings. Based on the ECtHR case *Airey v. Ireland*, 1979, § 26, its clear that the ECHR is an important instrument that is intended to safeguard rights which are practical and effective, in particular the right of access to a court and so Article 6 § 1 may sometimes compel the State to provide

for the assistance of a lawyer when such assistance proves indispensable for an effective access to court (Council of Europe/European Court of Human Rights, 2021, p. 39). Also, both the ECHR and the Albanian Constitution guarantee the principle of equality before the law and nondiscrimination. In this framework, in order to apply these principles in practice it is of utmost importance to guarantee legal aid also in civil and administrative disputes.

Before the year 2008 legal aid in civil and administrative disputes was not provided by the state, but a very important role in this regard was played by civil society organizations, which provided free legal aid on these issues. However, this was not enough, because legal aid was provided by organizations not to all groups in financial difficulties or special needs, or to all types of disputes. Thus, free legal aid from these organizations was limited to the target group of persons or legal disputes that could be handled by them. Such support should be acknowledged as a valuable contribution in providing free legal. However, this situation was not a comprehensive and equal arrangement for all the categories that needed free legal aid in order to have better access to justice. Filling this gap, as well as the need for more well-structured, sustainable, comprehensive, transparent, and accountable regulation was necessary for the regulation of free legal aid, through a new comprehensive law.

A major issue of concern, in relation to the right of free legal aid in Albania, has been noticed from the entry into force of the Code of Civil Procedure (CCP) on 1 June 1996 until the entry into force of the law no. 10039 "On legal aid". This because the Albanian CCP provided in article 93 that persons who had the capacity to act could perform all procedural actions themselves, unless the law provided otherwise. Meanwhile, one of these cases when the law provided otherwise, was foreseen in article 483 of the CCP, which in the second paragraph provided that the High Court invited the *lawyers of the parties* to present their case. In this way, this legal provision constituted an obligation for the litigants to be represented by a lawyer before the High Court. Thus, this legal provision placed the Albanian state under the obligation to provide free legal aid for the parties, which due to the inability to afford a lawyer could not access the High Court. If a litigant during these years had represented himself in the court of first instance and on the appeal court and had not been able to be represented in the High Court, through a lawyer, due to lack of financial means, would have constituted a violation of the right to access to court and equality.

Considering this, free legal aid was regulated by the law no. 10039 "On legal aid", in 2008. This law defined the basic principles of legal aid, the bodies that would deal with its administration, the way of providing of this service, the beneficiaries, and the procedures to benefit from legal aid. According to this law, the legal aid for individuals, provided by the state, was the responsibility of the Ministry of Justice, the National Chamber of Advocacy (Albanian Bar Association), and the State Commission for Legal Aid. For the first time, this law provided legal aid consisting in the counseling and representation of the interests of persons in civil or administrative matters before courts. Legal aid from the state was provided by authorized lawyers, in the form of primary legal aid and secondary legal aid. This law was amended in 2013<sup>1</sup> and in 2014<sup>2</sup>. The legal changes of 2013 consisted in excluding individuals

<sup>1</sup> Law no. 143/2013, For some amendments on law no. 10 039, dated 22.12.2008 "For legal aid", date 02.05.2013, Official Journal no.83, page:3523.

<sup>2</sup> Law no. 77/2014, For some amendments on law no. 10 039, dated 22.12.2008, "For legal aid", changed, dated 10.07.2014, Official Journal no.124, page:5742.

from paying the judicial taxes in civil and administrative litigation as well as the establishment of local legal clinics. The legal changes made in 2014 increased the categories of the beneficiaries and reviewed the criteria's for profiting legal aid. Despite these amendments to the law, the legal aid scheme was still considered inefficient (Hysi, 2020).

In 2014 Albania initiated one of the deepest Justice Reform since the enactment of the Albanian Constitution in 1998. Before implementation of this reform an *ad hoc* committee prepared on 2015 an "Analysis of the Justice System in Albania" in order to lay down the main issues that need to be addressed by the reform. In this analysis, several issues of concern on legal aid were identified. Regarding legal aid in non-criminal cases, the shortcomings in the law related to the provision of free expertise in coordination and inter-institutional cooperation with structures that had the appropriate capacities or laboratories, issues related to translation, as well as the lack of transparency of the State Commission for Legal Aid regarding the financing of legal aid cases (Kuvendi i Shqipërisë, 2015, p. 322).

## **2. Approval of the Law no. 111/2017 "On legal aid guaranteed by the state"(LAGS)**

The problems encountered during the implementation of law no. 10039 "On legal aid" and the need for a better structured, more sustainable, more comprehensive, more transparent regulation in the framework of the justice reform highlighted the need for a better regulation of free legal aid, which was done through the law no. 111/2017 "On legal aid guaranteed by the state".

This law defines the principles on which legal aid is based, who administers it, the beneficiaries of the legal aid and the procedure to be followed to obtain it, for the protection of the freedoms and fundamental rights of the individual, as well as their legitimate interests.

The article 2 states that LAGS aims to establish a system for organizing and providing free legal aid to ensure access to justice and equality of all individuals in the justice system; to ensure the good organization, good administration, and well-functioning of state institutions responsible for the administration of legal aid and to ensure the provision of legal aid in a professional, qualitative, efficient, and effective manner.

### **2.1 The need for free legal aid in civil and administrative disputes**

Free legal aid is a right that despite the fact being explicitly recognized in the ECHR and in the Albanian Constitution only for criminal proceedings, it is also essential for certain categories of persons in civil or administrative disputes. Research showed that needs for free legal aid have been predominately in civil disputes and the most common types of problems for which legal aid services sought relate to consumer rights, government benefits, housing, employment issues, land and property disputes, family issues, conflicts with neighbors, and debt relief (World Bank, 2019). This finding made by the World Bank is confirmed from the data provided from the Directorate of Free Legal Aid (DFLA) in Albania. In its "Annual Performance Analysis for 2021", it is determined that the highest number of legal aid cases, were those of civil nature, which accounted for 4327 cases out of a total of 8002 cases for primary legal aid and 754 cases out of 849 cases in total, for secondary legal aid (Drejtoria e



Ndihmës Juridike Falas, 2021, pp. 16, 23). The most frequent civil cases according to this report are those related with marriage settlement, pension benefit and property conflicts (Drejtoria e Ndihmës Juridike Falas, 2021, p. 23). Cases of administrative nature were ranked second in primary legal aid with 2931 cases, while in secondary legal aid were ranked third according to the number of cases (with an almost equal number with cases of criminal nature) with 57 administrative cases (Drejtoria e Ndihmës Juridike Falas, 2021, pp. 16, 23).

## 2.2 The concept of legal aid according to LAGS

Legal aid according to LAGS is divided in three categories:

1. primary legal aid,
2. secondary legal aid, and
3. coverage of certain costs during court proceedings.

It is a free legal service, which consists of counseling, preparation of procedural acts, representation, coverage of court fees, and exemption from prepayment of execution fees.

Primary legal aid, according to article 3 of the LAGS, is considered: *“the provision of information regarding the legal system of the Republic of Albania, normative acts in force, rights and obligations of subjects of law and methods for exercising these rights in court proceedings and out of court; providing counseling; providing advice on mediation procedures and alternative dispute resolution; providing assistance in drafting and compiling the documents necessary to mobilize the state administration or to seek secondary legal assistance; representation before administrative bodies; and providing all other forms of necessary legal support, which do not constitute secondary legal aid ”.*

The aim of the legislator in providing primary legal aid has been not only to focus on the judicial settlement of disputes, but also to promote alternative dispute resolution, which may be more efficient and appropriate in certain cases.

Secondary legal aid in civil and administrative matters, under article 5 of LAGS, consists in *“drafting the acts necessary to initiate the court proceedings, as well as representation before the court”.*

The third form of legal aid, according to article 5 of LAGS, *“is the exemption from the payment of court fees and court costs and the exemption from the obligation to prepay the fee for the execution of the execution order”.*

Primary legal aid can precede the provision of secondary legal aid. Its provision is of particular importance in increasing access to justice for persons, who should receive free legal aid in accordance with the constitutional principles of access and equality and LAGS. If the system of primary legal aid is efficient, then this is reflected in the raising awareness of citizens on their rights and obligations, as well as in increasing access to justice by resolving civil or administrative disputes through the judiciary or alternative dispute resolutions.

## 2.3 Beneficiaries of legal aid

LAGS has defined the persons and the conditions that they must meet to be beneficiaries of free legal aid. The purpose of this law has been to expand the group of beneficiaries. However only individuals are included as beneficiaries. The LAGS defines in article 10 who may be the individuals benefiting<sup>3</sup> of free legal aid, while

<sup>3</sup>Persons benefiting legal aid for civil and administrative matters, according to article 10 of the LAGS may

in articles 11 and 12 the criteria that must meet the persons to benefit free legal aid in a civil or administrative judicial process, are defined respectively individuals of a special category<sup>4</sup> or with insufficient income and property<sup>5</sup>. These criteria are alternative, so it is enough for the beneficiary to meet one of them for receiving free legal aid.

The competent court, deciding on the request for legal aid or exemption from taxes and court costs, while verifying the economic criteria must verify and prove both income and property of the applicant to decide. However, in the manual “The new law on legal aid” it is stated that for assets, where bylaws which foresee reference prices does not exist, considering the aim of the Law on Legal Aid, it is up to the applicant to indicate the value of his property without the need to provide specific documents as evidence for the value of the property (EURALIUS, p. 36). The LAGS provide for legal aid in civil and administrative judicial proceeding for the plaintiff and the defendant if they meet these legal requirements.

In the report “Monitoring the Implementation of Justice Reform II” is stated that free legal aid beneficiaries lack information and often lack trust in the justice system (Hysi, 2020, p. 12). This dictates the need to increase of the efficiency of primary legal aid, in order to inform and raise the awareness of the beneficiaries for solving disputes through the most appropriate dispute resolution.

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be: Albanian citizens with residence in the territory of the Republic of Albania; foreign citizens or stateless persons, that stay temporary or not, in the territory of the Republic of Albania and have a residence permit in accordance with the legislation on foreign; foreign citizens, or stateless persons, who regularly entered the territory of the Republic of Albania that benefit on the basis of international agreements ratified by the Republic of Albania or on the principle of reciprocity; asylum seekers, persons enjoying refugee status and persons who are in the process of appealing against administrative decisions and / or judicial decisions rejecting an asylum application or revoking a refugee status decision, according to the changes in legislation in force for asylum in the Republic of Albania.

<sup>4</sup> According to Article 11 of the LAGS are persons benefiting legal aid for civil and administrative matters, regardless of their income and property, special categories like: victims of domestic violence; children living in social care institutions; children under guardianship, who seek to initiate proceedings without the consent of their legal guardian or against their legal guardian; persons benefiting from the disability payment, in accordance with the legislation in force on social assistance and services, including persons benefiting from the status of the blind; persons who undergo involuntary treatment in mental health service institutions, in accordance with the provisions of applicable legislation on mental health; persons who undergo voluntary treatment in mental health service institutions for serious mental illnesses; the persons against whom the removal or restriction of the capacity to act is required, at any stage of this process; persons whose capacity to act has been revoked or restricted, who seek to initiate proceedings against their legal guardian to regain the capacity to act without the consent of the legal guardian; persons who are beneficiaries of social protection schemes, persons whose rights have been violated through an act or omission that constitutes discrimination, based on the decision of the competent body, according to the legislation in force on protection against discrimination.

<sup>5</sup> According to article 12 of LAGS, the right to receive legal aid in administrative and civil matters belongs to anyone who proves that he has insufficient income and assets to cover the costs of counseling and court representation. The income of a person living in a family is considered insufficient if the total income of all family members, divided by the number of family members, is less than 50 percent of the monthly minimum wage determined according to the legislation in force. The income of a person who does not live in a family, or a person who lives in a family and seeks secondary legal assistance in a case against another member of the same family, are considered insufficient if their income is lower than the level of the minimum monthly wage determined by the legislation in force. While the property of a person is considered insufficient if its value in total does not exceed the value of 36 monthly minimum wages according to applicable law.

## 2.4 Legal aid providers

### 2.4.1 Primary legal aid providers

Article 13 of LAGS determines who will provide primary legal aid. According to this provision, primary legal aid is provided by centers with specially trained employees, authorized non-profit organizations and legal clinics at higher education institutions. According to data from the “Annual Performance Analysis for 2021” for DFLA, centers with specially trained employees provided for the largest number of cases of primary legal aid. Currently in Albania, ten centers with employees with special training, are operational, respectively in the cities of Tirana, Durrës, Fier, Lezha, Shkodra, Lushnja, Pogradec, Gjirokastra, Vlora and Dibra. These centers are part of the DFLA. During 2021 these centers provided primary legal aid for a total of 3185 cases (Drejtoria e Ndihmës Juridike Falas, 2021, p. 18). A challenge for 2022 is the opening and well-functioning of an additional four new centers, in Kukës, Korçë, Elbasan and Berat, which are expected to enable coverage with primary legal aid throughout the territory of the Republic of Albania (Drejtoria e Ndihmës Juridike Falas, 2021, p. 8).

Another provider of primary legal aid, according to article 15 of the LAGS, are non-profit organizations, which for 2021 had the second- highest number of cases addressed with primary legal aid. Non-profit organizations for the provision of primary legal aid must be authorized by the Ministry of Justice, for this purpose.<sup>6</sup> For the year 2021, 12 non-profit organizations have been authorized by the Ministry of Justice to provide primary legal aid which have operated in Tirana, Durrës; Elbasan; Berat; Shkodër. It should be noted that they have played a particularly important role for the cities of Elbasan and Berat, which did not have centers for providing primary legal aid.

NPOs that provide legal aid, can apply to be funded from the state budget, but only if they do not operate in the framework of donor funded projects. According to article 15 point 3 of the LAGS, NPOs can seek funding from the state budget, through a competitive and transparent selection process. The modalities of their financing is regulated by the decision of Council of Ministers no. 110, dated 6.3.2019 “On determining the procedures and rules for the selection of non-profit organizations, authorized to provide primary legal aid guaranteed by the state, which receive funding from the budget of the state and their financing manner”<sup>7</sup>.

However, the funding from the state budget of NPOs has encountered various difficulties since the entry into force of LAGS in 2018. The first call for funding from the state budget for non-profit organizations authorized by the Minister of Justice to provide primary legal aid was conducted in March 2021 (Drejtoria e Ndihmës Juridike Falas, 2021, p. 13). Therefore, there were no winners from the 10 organizations that applied, and this was also due to an incomplete secondary legislation (Drejtoria e Ndihmës Juridike Falas, 2021, p. 13), which was introduced later on with the approval of the “Methodology on full funding procedures. authorized non-profit

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<sup>6</sup> Decision of Council of Ministers no. 55, dated 6.2.2019 «On determining the procedures and documentation for the authorization of non-profit organizations, which provide primary legal aid guaranteed by the state».)

<sup>7</sup> Decision of Council of Ministers no. 110, dated 6.3.2019 “On determining the procedures and rules for the selection of non-profit organizations, authorized to provide primary legal aid guaranteed by the state, which guarantee the financing of the state budget and the manner of their financing”.

organizations”<sup>8</sup>.

Law clinics set up at higher education institutions are another provider of primary legal aid designated by the LAGS. According to article 3 of the LAGS, legal clinics are units of higher education institutions, which are organized and operate according to the provisions of the legislation in force for higher education and which provide primary legal aid without profit, according to the provisions of the statute of the higher education institution.

The term ‘legal clinic’ has been described as “varieties of formal, non-formal and informal educational programs and projects, which use practical-oriented, student-centered, problem-based, interactive learning methods, including, but not limited to, the practical work of students on real cases and social issues supervised by academics and professionals” (Block, 2011).

Referring to the data published in the “Annual Performance Analysis for 2021” by DFLA, it is noted that despite the fact that DFLA has concluded 11 agreements with 11 Higher Education Institutions<sup>9</sup> operating in Tirana, Vlora and Shkodra, the number of issues addressed with primary legal aid from this clinics was much lower (61 cases in total including civil, administrative and criminal cases for the year 2021) compared to the other two providers. One of the challenges for the future remains the empowerment of clinics and increasing their efficiency. This can be achieved with a clear legal and statutory regulation for the proper functioning of these clinics, which bring a mutual benefit, both for the citizens, but also providing training for students as professionals of the future.

#### 2.4.2 Secondary legal aid providers

Secondary legal aid, under article 18 of the LAGS, is provided by attorneys applying to the National Chamber of Advocates to provide secondary legal aid. They enter into an annual service contract with the DFLA. In case of acceptance by the court of the request for secondary legal aid, the local chamber of advocacy appoints a lawyer from the list of lawyers who provide secondary legal aid services, according to the principle of rotation<sup>10</sup>. In case of conflict of interest, the lawyer must request the waiver at the local chamber of advocacy, which, if it accepts the request, replaces the lawyer. For the year 2021, 124 lawyers were engaged in providing secondary legal aid (Drejtoria e Ndihmës Juridike Falas, 2021, p. 19).

However, assigning a lawyer to represent a party does not in itself guarantee effective assistance (*Siałkowska v. Poland*, §§ 110 and 116) (Council of Europe/European Court of Human Rights, 2021, p. 40). It is of utmost importance to deliver continuous training for lawyers who provide this service, in order to assure the highest quality service to the beneficiaries. Also, it is very important to guarantee the lawyer’s

<sup>8</sup> Approved by order no. 5 dated 18.01.2022 of the Director of Free Legal AID (DFLA).

<sup>9</sup> 1. Cooperation agreement with «Marin Barleti University»; 2. Cooperation Agreement with the Faculty of Law; 3. Cooperation Agreement with the University College «Bedër»; 4. Cooperation Agreement with the University College «Wisdom»; 5. Cooperation Agreement with the «European University of Tirana»; 6. Cooperation Agreement with the University «Aleksandër Moisiu Durrës»; 7. Cooperation Agreement with the University «Ismail Qemali Vlora»; 8. Cooperation Agreement with the University College «Qiriazhi»; 9. Cooperation Agreement with OSFA Foundation (Shkodra Law Clinic); 10. Cooperation Agreement with «Marin Barleti University». 11. Cooperation Agreement with “Luarasi University.

<sup>10</sup> This is regulated by : Joint Instruction No. 17, dated 05.08.2020, of the Ministry of Justice and the Chamber of Advocates of Albania, «On the rules of application of the principle of rotation in the appointment of lawyers, who will provide secondary legal aid services in civil proceedings and administrative ».

accountability for providing legal aid not in compliance with legal and contractual obligations. The more efficient the legal aid is, the more the citizens' trust in justice system which will increase, thus achieving one of the goals of the Justice Reform.

### **3. Procedure for legal aid**

In order to facilitate access to legal aid and for better monitoring it, LAGS has defined the procedures to be followed for the approval of legal aid according to its type. To simplify access to legal aid and justice, the law refers to the use of ready-made forms and documents required to seek primary legal aid, secondary legal aid and exemption from court fees and costs. These forms have been approved by the Ministry of Justice with Order no. 225 dated 25.3.2019 "On the approval of legal aid forms guaranteed by the state".

#### **3.1 Procedure for primary legal aid**

The procedure for granting primary legal aid is stipulated in article 17 of the LAGS. What stands out is that the provision refers only to centers and NPOs authorized for this service, while this provision does not explicitly mention law clinics. For the latter, a clear procedure set out in the law or the statute of the higher education institution is necessary.

In order to facilitate the access to primary legal aid of the interested persons, their request can be verbal or written, but it is the duty of the provider to request and complete the documentation defined by law or bylaws. It should be noted that one of the goals of primary legal aid is to identify legal issues, in order to address interested persons towards secondary legal aid. The procedure for primary legal aid is based on maintaining the confidentiality of personal data and avoiding conflicts of interest. For a proper management of legal aid based on the principle of economy, it is foreseen that this service must be provided only once for a case.

#### **3.2 Procedure for secondary legal aid and exemption from court fees and costs**

A novelty brought by the law in force is that the request for secondary legal aid and / or exemption from the payment of court fees and court costs, is decided by the court. In the "Monitoring the Implementation of Justice Reform II" it is pointed out that the involvement of the courts directly as decision-makers in legal aid scheme may increase their workload and this could affect the quality of the reasoning of these decisions (Hysi, 2020, p. 18). Analyzing the current situation of the courts, in terms of backlog, the expansion of judicial jurisdiction with these requests is expected to increase the load, which is added to the current backlog<sup>11</sup>, which in turn may affect the reasoning of court decisions.

These requests can be submitted:

- before the beginning of a court process,
- at the beginning of a court process, or
- at any stage of the court process, until the judicial investigation is declared closed, according to the rules provided in the procedural legislation.

Request for secondary legal aid (based on article 19 of the LAGS) and / or exemption

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<sup>11</sup> See : Dr. Petrina Broka - Kreu I, Dr. Silvana Çinari - Kreu II, Monitorimi i zbatimit të ndryshimeve të Kodit të Procedurës Civile për aksesin në drejtësi: Afati i arsyeshëm dhe paditë e vogla. Monitorimi i Zbatimit të Reformës në Drejtësi IV, Tiranë, 2020.

from the payment of court fees and court costs (based on article 26 of the LAGS) may be submitted in person, by the applicant or through an attorney, spouse, cohabitant, a first degree relative, through a legal representative or through the postal service. It would be more efficient to enable electronic submission of these acts (Broka, 2021).

In such a process, when the applicant declares the impossibility to provide the evidence, as well as when the court deems that the correction or fulfillment of the request may become a cause for delays, which violate the essence of the applicant's rights, based on article 22 point 3 of the LAGS, the court may order the submission of the necessary documentation by the state administration bodies in charge. This legal provision is of importance within the principles of access to justice and equality, which should not be violated by the inaction of state administration bodies. Also, in this situation, the electronic communication between court and other institutions is of utmost importance for providing a faster and more efficient decisions (Broka, 2021). The court dealing with a request for secondary legal aid and / or exemption from the payment of court fees and court costs, based respectively on article 22 and 27 point 2 (referring to the last article 22) of LAGT, must decide:

1. within 5 days from the date of registration of the request, when the request is submitted before the beginning of the court process;
2. before the court hearing is scheduled, when the request for legal aid is submitted together with the claim,
3. based on the articles of procedural legislation (Code of Civil Procedure) and LAGS when the request is submitted during the trial

In the second and third case, the court must rule as soon as possible considering the importance of representation from a lawyer in a trial, as this request cannot allow its further proceedings and enabling an announcement in appropriate time to prepare an effective representation regarding the issues.

The court may dismiss the request for the provision of secondary legal aid, based on article 22 of LAGS, only when the applicant is not included in the special categories of legal aid beneficiaries (according to article 11 of the LAGS), or is not considered with insufficient income and properties (under section 12 of the LAGS), or when the claim is clearly unfounded or abusive.

It should be noted that these court decisions can be appealed in the appellate court, but not in the High Court, based on article 22 point 8, 9 of the LAGS. Also, the type, deadline and rules of appeal depend on the type of decision being appealed.

When the appeal is filed by the Directorate of Free Legal Aid against the decision that accepts these requests or one of them, that they are clearly unfounded or abusive, then the appeal will be filed according to the rules set out in the CCP, when the civil court is competent and according to law 49/2012 for the Administrative courts, when the competent court is the administrative one. It should be noted that the deadline for appealing against the final decision by the civil or administrative court is 15 days, according to article 443 of the CCP.

Whereas, a special appeal<sup>12</sup> can be made against the decision of the civil or administrative court for dismissing the request for secondary legal aid. Based on articles 443 and 444 of the CCP, the deadline is 5 days from the day after the notification of the reasoned decision. Appealing the decision does not prevent the

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<sup>12</sup> The appeal is made according to the standard form approved by the Minister of Justice, which is given to the applicant attached with the decision for request dismissal.

continuation of the examination of the case. According to article 22 point 8 of the LAGS, the appellate court examines the case and decides within 15 days from the registration of the case.

The decision of the civil or administrative court on the request for secondary legal aid pursuant to article 23 of the LAGS shall be notified mediately. However, despite this provision, the Directorate of Free Legal Aid, has stressed that there are delays up to 6 months. (*Drejtoria e Ndihmës Juridike Falas, 2021, p. 25*). Other problems identified by Directorate of Free Legal Aid for such court decisions is the missing of accurate contact data of the person that should receive the secondary legal aid, such as residential address or telephone number or that court decisions are unsigned and without stamp.

#### **4. Conclusions and recommendations**

In the framework of the Justice Reform in Albania the law on legal aid was changed to provide free legal aid for certain persons, that could not afford such service. The aim of the law on legal aid is to ensure access to justice and equality for all individuals. The most numerous issues for the year 2021, addressed with primary legal aid and with secondary legal aid were civil disputes which show the necessity for legal aid for this kind of disputes.

An efficient system of primary legal aid will contribute towards the increased awareness of citizens on their rights and obligations, as well as in the improvement of the access to justice by resolving civil or administrative disputes through the judiciary or alternative dispute resolutions.

The aim of the legislator in providing primary legal aid has been not only to focus on the judicial settlement of disputes, but also to promote alternative dispute resolution, which may be more efficient and appropriate in certain cases.

Primary legal aid is provided by centers with specially trained employees, authorized non-profit organizations and legal clinics at higher education institutions. Non-profit organizations for 2021 had the second- highest number of cases addressed with primary legal aid after the centers operated from the DFLA. A challenge for such organization is their funding through the state budget where the process of distributing such funds has failed in 2021 for lack of secondary legislation. Another important challenge is to improve the legal and statutory regulation for the proper functioning of legal clinics which are important for the efficiency of legal aid on one side as well as for training students as professionals of the future.

Secondary legal aid is provided by attorneys. The assurance of the quality of the service for the beneficiaries and increase accountability in the provision of legal aid in compliance with legal and contractual obligations remains a challenge.

A novelty brought by the law in force is that the request for secondary legal aid and / or exemption from the payment of court fees and court costs, is decided by the court. It would be more efficient to enable electronic submission of such procedural acts to courts and to provide online access to courts in the records of public institutions that are needed to take a decision on the granting of free legal aid.

Lack of information and often of lack of trust in the justice system dictates the increase of the efficiency of primary legal aid, to inform and raise the awareness of the beneficiaries for resolving disputes through the most appropriate dispute resolution.

Promotion of legal aid system and increasement of its efficiency, is of utmost importance for the practical implementation of the principle of equality and access to justice. In this way the free legal aid, will increase the citizens' trust in the justice system. Investing in this service might be costly but certainly denying justice is much more expensive.

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## Features of anti-religious propaganda (Atheist) in Albania in mid 60' (1963 – 1967)

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### Abstract

The communist regime in Albanian is held responsible for the manufacturing of certain unprecedented events and phenomena. So, driven by the Marxist dialectology on class struggle (class conflict) the communist regime undertook a never experienced before aggressive attack against religion and religious institutions. Referring back to our national memory such a religious aggression marked an unprecedented case, one such that gravely violated and impinged the Albanian civilization and integrity. So doing, the communist governing bodies infringed the Albanians traditions and moral and spiritually harmed its people. Moreover, it deliberately infringed the constitution, displaying itself as a atheist government.

Such acts in people's perception go beyond the boundaries of what is considered believable and is considered a highly sensitive issue that draws the readers' attention. That is the purpose behind its study as a research of a considerable priority not only for the history but also other social disciplines. Furthermore, denying people the religious freedom discovers and mirrors the repressive policies of the communist regime providing the authentic features of such a phenomenon.

The war declared to the religion and religious institutions in Albania developed as a dragging process lasting for about 25 years (1945-1967). Such a process was first proceeded by a politically structures strategy adapted to the time conditions and concrete situation. It was structured in three phases, each characterized by its distinguishing features. For each, the government defined specific struggling anti-religious means from which the most successful was considered the anti-religious propaganda.

This article aims at shedding some light on its role in mid 60', coinciding with the final stage or phase (1963-1967) of the war against the religion and religious institutions. It also coincides with novel influencing factors as the cultural Chinese revolution.

**Keywords:** Features, anti-religious propaganda (Atheist), Albania.

### Introduction

In the early 60' the communist governing bodies declared a new governing programme designated as “politics in the foreground”. According to the government, the country has already gained a certain unique experience in building the socialism, compared to the other Eastern Communist countries and was capable of going beyond the critical situation of secession and isolation.<sup>1</sup>

The above programme introduces a number of reforms which in the political vocabulary are defined as “revolutionary movements” of great masses. These reforms were termed as unprecedented for the mere fact that they were propagated as the product of the masses pressurizing demands being evaluated as a vital factor in the democratization of the country's political life. Deep down the programme raised

<sup>1</sup> Histori e Shqipërisë, Vëll. IV, Tiranë 1984, fq. 309, Shilegu, Turhan, “Përvoja e PPSH në zhdukjen e klasave shfrytëzuese borgjeze në Shqipëri, Revista “Studime Politiko-Shoqërore”, Nr. 9, Tiranë 1985, fq. 88.

two urgent needs: the deepening of the class struggle in the ideological plan and the impossibility of the peaceful coexistence of Marxist-Leninist ideology with any alternative one.

According to the official propaganda the existence of the counter ideology was considered a serious obstacle in the further development and prosperity of the socialist achievements. As the main risk factor it listed the religious ideology, a deeply rooted one, whose existence would not favour the communist indoctrination of people. In this context, the new governing model is a very informative indicator of the repressive character of the dictatorial policies. It was designated as "the first of its kind as far as the denial of consciousness liberty and depriving people of their right to think differently"<sup>2</sup>

By implementing this model, the communist government built an anti-religious propaganda system that for the bureaucratic capacities and public (dis)informing facilities was unique. It was made up of a number of forms, means and practices that can not be compared with the other analogues eastern Communist governments. Very often the newly built system was transformed into a kind of repressive witch hunt against clerical representatives and religious believers aiming at their abandonment of God's path deeply marking people's consciousness.<sup>3</sup>

However, the anti-religious propaganda, due to kits atheist character, bears with many sins in rapport to the truth or verity of public information. It has articulated thesis and view points that tread on the patriotic contributions and values of doctrinal cleric. Subsequent to, during the historical process of the country development, cleric and religion were on the opposite side of the history, ranked among the country's invaders and enemies. Furthermore, they have been reckoned as institutions serving the exploiting classes to exercise pressure and spiritually enslave the religious believers

During the anti-religious communist aggressive campaign the atheist propaganda pledged to realize some main objective: - to create a public anti-religious spirit in order to avoid or at least *neutralize* a possible civil anti-communist reaction or resistance - to diminish the God's cult and substitute it with the political cult of the individual and political party.

- to eliminate the progressive effect of the religion in the history, offering it as a believable alibi of religion collaborating with the country's enemies.

Unfortunately, the above three objectives resulted successful and under its effect the great masses of Albanians religious believers, temporary found it hard to understand the meaning of the real war or struggle against religion. This does not mean that people were transformed into unreligious ones or that they negated the cult of God, but that they did not react at the right time to impede this regressive process which to be frank was progressing to an extraordinary velocity.

To reach the aimed target the communist propaganda abused with the low economical development the country was experiencing. The low economical development conditioned by other historical factors impeded the urbanization process. The urban movements were still in its initial stage whereas the communist regime put them under political control. Consequently the Albanian population was mainly a rural

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<sup>2</sup> Shahu, Ajet, Shteti komunist dhe Kisha katolike (1945-1967), në Krishterimi ndër shqiptarë, TOENA, Shkodër 2000, fq. 362.

<sup>3</sup> Histori e popullit shqiptar, Vëll. IV, Tiranë, TOENA 2007, fq. 286.

population. Statistically, about  $\frac{3}{4}$  of its population was concentrated in the villages, meaning that during that period Albania was ranked among the poorest countries of the Balkans and beyond.

Economic backwardness and extreme poverty exercised a great negative influence impeding the civil and cultural emancipation of the country. The social life was governed by the medieval customs which were highly linked to low cultural and civil level, to the primitive way of living, the Albanian patriarchal family and the women discrimination.

The communist propaganda designated such features as "*outdated customs*", "*patriarchal waste*", "*bourgeoisie rubbish*" and "*religious prejudice*". So doing, their existence was extracted from the original context, it was actualized for the religious ideology to be held responsible. It was the religious doctrine that spiritually "enslaved" people and was a barrier to the civilisation of the society. The communist regime considered the religion and religious civilisation did not represent any historical, cultural and democratic value, or the country's institutions. Accordingly, the religion stigmatized the evil, transformed into a divisive factor endangering the country's stability. So, the official propaganda invoiced as the only route towards the social civilisation was the total disappearance of the religious ideology substituted by the communist indoctrination.<sup>4</sup>

In fact, these customary norms have turned into serious social ills. But the term, "*backward habits*", in the public opinion took on a comprehensive connotation. It sounded more as a political call than a civil<sup>5</sup> one, because their content also included many traditions of religious (even pagan) origin, with rare values for our cultural heritage. It is clear from this point of view that the responsibility for the existence of backward customs fell directly on religion and religious institutions alone

Conceived and molded into art by sworn anti-religious spokesmen, atheist propaganda left tactile and visible traces behind, as it took place in a closed public environment, with low cultural level, deprived of alternative sources of information and isolated from the penetration of external cultures. Therefore, it violated the integrity of religious processes and cast strong shadows of doubt on the hierarchical values of religion. Moreover, under its pressure, religious institutions were forced to deviate from their mission, to come out of nowhere and to accept as a functional object, the party's policy for the struggle against backward customs.

Deliberately, atheist propaganda combined the struggle against religious ideology with the struggle for the emancipation of women. Accordingly, the religious customs and prejudices impeded the women's rights respect, and served as a challenge to socialist law. Here, it reported with examples the patriarchal characterizing features of the Albanian family, especially in the village. Among other things, it exemplified the woman's overload with housework, the violation of her rights in society and family, in the administration, etc. This way, atheist propaganda expanded the social dimension of the struggle against religion by making it part of the movement for the female's emancipation. The customs and traditions we highlighted and stressed as justifying the privileges of the clergy and religion and were in conflict with socialist law.

It is already a fact that during this period the communist leading bodies announced

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<sup>4</sup> Shahu A, Shteti komunist dhe...vepër e cituar, fq. 363.

<sup>5</sup> Arkivi Qëndror i Shtetit (AQSh), Fondi (F) 482, viti 1965, dosja (dos) 5, fq. 2.

certain policies related to the emancipation of women. Its basic was the attempt to massively attract women to social production<sup>6</sup>. The program sensitized the public and condemned and debunked the old practices of locking women inside the walls of the house. It raised the need for women's participation in all sectors of the economy, as a condition for their emancipation.

At first glance, the program seems to have been dictated and led by economic factors. For the time being, the Albanian economy was in an extensive stage of development and in need of free labor. It was the time when some new industrial facilities were put into operation. Women, in numerical terms, made up half of the population and as such filled this gap to the greatest. Taking advantage of this circumstance, the state managed to cover with manpower a large number of facilities in the textile and food industry.

The above program was considered the first of its kind that created employment spaces for women. But it failed to provide them, an equal economic status with men, because of the politicization of its content. It treated the employment of women as a political necessity and not as a need for economic and social emancipation of society<sup>7</sup>. From this point of view, gender equality lost its real meaning and turned into a propaganda farce. Social work not only did not facilitate it, on the contrary it further aggravated the economic position of women. It made no distinction, whether of a physiological nature, between a woman and a man. At times, women even did hard and harmful work<sup>8</sup>: as working in rural agriculture regions, where ¾ of women lived and where the backwardness was great. Cooperative women worked about 12-14 hours, for a minimum wage per working day, and not in cash.

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In the first half of the '60s, the leadership of the Labor Party (PP) intensified the pace of the anti-religion process. According to it, this war had not yet marked significant achievements. It had not diminished the believers' respect for religious dogma and had affected the integrity of religious rites and activities. These conclusions were generalized by the communist leader Enver Hoxha, in a meeting with staff of the Ministry of Internal Affairs<sup>9</sup>. Among other things, he raised the alarm about the rate of mass attendance of cult objects by believers. People regularly attend churches and mosques, especially on Easter and Kurban Bayrami (Eid-Al-Adha) days. According to him, this happened not because the party had created abundance, but because, "the political and ideological education of the party... is not done at the pace, breadth and depth that the party required".

"Based propaganda" presupposed new struggling means and modalities, involving new institutional and propaganda tools and factors.<sup>10</sup> It was helped by some changes in the legal authority of religious communities that marked a starting point and the beginning of the third phase of the struggle against religious institutions. In religious and civic opinion, these changes were promoted as a necessity, dictated by the spirit of the new religious legislation.

The main objective of "based propaganda" became the misuse of religious processions

<sup>6</sup> Sadikaj, D. Lëvizja për emancipimin e plotë të gruasë, 1967-1970. Tiranë, Shtypshkronja e Re, 1982.

<sup>7</sup> Hoxha, E, Mbi problemin e gruasë, Tiranë, 8 Nëntori, 1973, f. 54.

<sup>8</sup> AQSH, F. 14/ AP, S.T.R. V. 1970, D. 295, fl, 51, 52.

<sup>9</sup> Dervishi K. Sigurimi i Shtetit (1944-1990), Shtëpia Botuese 55, Tiranë 2012, fq. 92.

<sup>10</sup> AQSh, F 490, viti 1963, dos.170, fq.7, Dekret Nr.3660 i Presidiumit të Kuvendit Popullor.

and symbols. For the communist leadership, attacking them took on a special significance because, through them, religion spread religious messages, ennobled the spirits, propagated peace, attracted believers and the faithful, and finally brought people close to God. In this sense, they enabled the realization of its mission. But the attack against the religious symbols posed specific difficulties and required extra modalities. This is also due to the fact that these activities attracted large crowds of believers. Moreover, the religious rites, performed cyclically according to a strict festive calendar, promoted cultural treasures of the historical tradition of our people. They also reflected his inner spiritual world and were concrete expressions of his ethno-psychological mentality. They had played an active role in building up social consciousness and served as significant indicators for the definition of national identity.

Unable to strike directly, the state intervened to disrupt the cyclical calendar of religious activities. Thus, he made it impossible to update the annual calendar of religious holidays. Under the pretext of acoustic pollution, he did not allow the Muslims calls to pray 5 times a day, as stated in the principles of the Islamic faith<sup>11</sup>. The same thing happened with the churches' bells tolling.

Another effective form was political intervention to unify religious activities with those of mass organizations. This propaganda practice led to a change in the religious rules and protocols of communication resulting in a dimmer identity of religious organizations. But the greatest abuse of the integrity of religious symbols was brought about by the elimination of the religious vocabulary of etiquette and communication (god, lady, lord eminence, etc.) and especially that of the hierarchical representation of the clergy. Instead, atheist propaganda imposed a vocabulary of typical political party terms, the typology of which was defined by the word "comrades." This historical terminology was replaced by a typical word naming of party propaganda. The change in the traditional religious communicative designation was not a purely formal act. On the contrary, with this act atheistic propaganda managed to dismantle the whole process of vertical functioning of the religious and institutional scheme and undermined the essence of the clerical hierarchy, which is considered one of the most essential values of religious civilization. Its main goal was to eliminate the cult of "God", and replace it with the cult of the party leader. Pursuant to, propaganda also intervened in the content of the plan for the development of religious activities. Religious discourses came from the context of holy spirit and adherence for the cult of God. It was the religious leaders themselves who often made commitments to respect the party and state anniversaries. So doing, the religious calendar began to vanish, not to say, deny, the values of promoting and keeping alive religious holidays.

The vanguard role in promoting the anti-religious struggle was played by the periodical press. At this time, it remained the main (if not the only) source of mass information, especially in the village where the vast majority of the population was concentrated, and where the media did not yet exist. As such, information relayed from the press was most reliable, especially in the countryside.

The periodical press was dominated by several newspaper headlines, the main ones were two dailies, "Zeri i Popullit" and "Bashkimi". Newspapers like "Zeri i Rinisë", "Puna", "Mësuesi", etc. were also important. Anti-religious press articles were innumerable, so it was impossible to identify them. However, to understand the anti-

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<sup>11</sup> AQSh, F.890. viti 1966, dos.467, fq. 19.

religious spirit, we are mentioning a few titles; "Të shkullim nga rrënjët besimet fetare" ("To dismantle religious beliefs"), "Lufta kundër fesë, aspekt i luftës kundër klasave" ("Fight against religion reflects the class struggle"), "Paragjykimet fetare zhduken nëpërmjet një pune të vazhdueshme sqaruese e bindëse" ("Religious prejudices disappear through a continuous engagement of clarification and persuasion"), "Fakte që demaskojnë klerin reaksionar" ("Facts that unmask the reactionary clergy"), "Të thellojmë më tej luftën kundër ideologjisë fetare" "To further deepen the struggle against religious ideology", "Feja na ka gënjyer terë jetën" ("Religion has lied us all our lives"), "Populli gjithmonë ka qënë ateist" ("People have always been atheists"), etc.<sup>12</sup>.

However, "Zeri Popullit" remains the newspaper with the largest circulation, but also with the highest information reliability. This newspaper generally dealt with religious issues in theoretical and philosophical terms. Her editorials dissected the party's anti-religious strategy, with the main focus on the treatises on the struggle between two meanings or two ideologies, religious (idealistic) ideology and Marxist (materialist) ideology. While other newspapers highlighted and generalized on the concrete experience of the fight against religion.

In addition to the press, many other forms of propaganda became part of anti-religious propaganda. Thus, everywhere in the work place and production companies, in cooperatives, in institutions and schools, wall newspapers or special anti-propaganda headquarters were set up to attack the clergy and religious institutions. Their purpose was to discover religious "anti-values" and to negate any religious activity. Meanwhile, amateur artistic groups, which functioned almost all over the country, were encouraged to satirize and reveal the negative values of religion.

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During this period to serve the struggle against religion a recent discriminating document named "Flete-rrufe" was introduced. As a new propaganda finding, and especially judging from its impact on the process of the religion-struggle, it became necessary to slightly expand the meaning of this form. As always, the inspiration for new communication practices came from above meaning from the leading bodies. On February 6<sup>th</sup>, 1967, Enver Hoxha delivered a speech in Tirana, in which, among other things, he articulated a "message", which also served as the beginning of the leaflet. He called on: "Anyone can write what he thinks about work and people without fear and in capital letters"<sup>13</sup>.

The above message caused an immediate reaction and took on the meaning of absolute truth, identical to the expressions of Mao Zedong. It was a time when many practices of the Chinese cultural revolution entered our country's life. In public, it was interpreted as the concretization of the democratic principles of the party in defense of the freedom of speech and thought of the individual. A giant infrastructure was set up for its advertising, with slogans, posters, etc.,

The leaflet (a discriminating one known as "flete-rrufe") was invented as a specific form of addressing communist criticism, in defense of the party ideological and political line. This type of criticism differed because it was written in large letters on

<sup>12</sup> *Gazeta, Zëri i Popullit, Tiranë, 2 tetor 1965, 1 shkurt 1967, 4 mars 1967, Gazeta Bashkimi, Tiranë, 10 qershor 1967, Gazeta, Shqiptarja e re, nr.4, Tiranë, 1967. Gazeta, Puna, Tiranë, 28 mars 1968.*

<sup>13</sup> *Gazeta Zëri i Popullit, Tiranë, 7 shkurt 1967, Revolucionarizimi i mëtejshëm i partisë dhe i pushtetit.*

a paper outside the normal format. In order to attract attention and provoke a civic reaction, it was posted in visible public places. For this reason, it became almost a mandatory management and communication practice. For its posting, special boards were built, in the village, neighborhood, city, institutions, work and production centers, etc. Within a short time it took on the status of a movement that swept across the country.

The leaflet criticized anyone who “violated” the party’s line and ideology. It involved people who manifested suspicious behavior and attitudes; expressing foreign, old, or conservative ideas, opinions, or views; who committed actions that were contrary to the honor and morality of the communists, etc. Most exposed to it were citizens who preached, or applied religious processes, or propagated religious dogma, etc.

In addition to being a tool of ideological imposition, the leaflet also served as a means of public unmasking for the affected citizen. It was accompanied by an ultimate request for reflection and self-criticism, within a certain deadline. Self-critical reflection presupposed that the citizen alienated and abandoned his ideas, views or opinions. On the other hand, since it exposed even private and intimate life, forced self-criticism appeared as self-disclosure, or more precisely as depersonalization of the individual.

In today’s scientific thought, but especially historical and geographical, there are views and debates about the character and anti-values that produced the leaflet phenomenon in Albania. Rather, it is the view that had cast doubt on, or even denied, the authenticity of this dictatorial practice of communication<sup>14</sup>. Accordingly, the leaflet should be seen as an as a copy more or less similar to the Chinese revolutionary model “dazibao” (the right to write).

The initiators and inventors of the “collective criticism” with leaflets were the communists, the militants, the party leaders and the mass organizations. Exactly, this fact constituted one of the anti-values of the leaflet because no one was responsible for the veracity of the criticism, nor for the abuse of the freedom and rights of the citizen. It was decided on behalf of a social group, or political organization, of mass organizations, of the working class, of the neighborhood community, of the village, and so on. In many cases, the leaflet degenerated in order to resolve personal conflicts. According to the directives of the V Congress of the PPSH (Labor Party of Albania) (1966), the frontal struggle against religion was no longer presented as an opportunity, but as a necessity. The construct and establishment of socialism, declared Enver Hoxha, is not guaranteed by idealistic people and outdated habits. Therefore, he stressed, the primary task remained, “ the rooting and triumph of the proletarian socialist ideology in the consciousness of all the working people and the its dismantling from the roots of the bourgeois ideology”.<sup>15</sup>

His speech gave a new impetus to the outbreak of the anti-religious revolution in Albania. A revolutionary committee was established headed by Ramiz Alia. At the front line of revolutionary ideological action came the youth, under the pretext that they were less infected by religion and more molded by party education. According to the press, organized initiatives and actions were born everywhere in the country that attract the working masses.

The first anti-religious revolutionary initiative, evaluated by official political bodies

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<sup>14</sup> Vebiu, A, *Shqipja totalitare*, Tiranë, Çabej, 2007, fq. 146.

<sup>15</sup> Hoxha, E, *Raport në Kongresin V të PPSH*, Tiranë, 1966, fq. 131.

as a “*landmark*”, came from the youth organization of “Naim Frashëri” school in Durrës<sup>16</sup>. The young people of this school posted a leaflet expressing concern about some phenomena they encountered at school: for example, entering the classroom with their right foot; on various religious feasts they shared candies, eggs, or wore new clothes, etc. According to young people, this phenomenon had affected the whole society. For this, they typified a distinguished worker in the Port of Durrës, whom they characterized as “*someone who fought religion during the day, and painted icons at night*”, then sold them to the believers.

“*Revolted*” by these phenomena, especially by the “*people’s indifference*”, the young teenagers declared that they would not accept the religious ideology. To resist religious pressure, they proposed several measures such as:

- Intensive ideological training of teachers and students; - Strengthening atheist propaganda inside and outside the school with slogans, leaflets, etc. - Organizing meetings, assemblies with the youth, intellectuals and all categories of the population, with ardent anti-religious questions and debates; Openly criticizing the public opinion and governing bodies for leniency against the religion and clergy. The teen initiative ended with “*urgent demands*” on governing bodies; a) - erasing religious affiliations in gravestones and passports, b) - prohibition of religious greetings, c) - condemnation of the parasitism of the clergy. In respect to this initiative, the young people went to Shëna Vlash, in support of the youth of the village, to return the church and the monastery there, to the center of culture.<sup>17</sup>.

This leaflet shocked the public opinion and had a chain effect, extending over the whole country. Atheist propaganda, especially the press, hastened to explain the revolutionary content of the initiative and to generalize its experience in other districts and provinces. Above all, it focused on speculating about the following two aspects; creating the impression that the struggle against religion was already gaining support from the clergy of the religious staff; reinforcing the credibility of the anti-religious movement, as the initiative emerged from an institution of knowledge and one determined in dissemination of atheist viewpoint.

These are two great propaganda speculations, which are also articulated as a flagrant distortion of the historical truth.<sup>18</sup>, as the initiative was a product of ‘*revolutionary inspiration*’ flowing from above, that is, the party’s political line. The procedure of this “*initiative*” clearly proves the political abuse of adolescent youth. This is confirmed by the leader Enver Hoxha himself, when he emphasized that the spark of the revolutionary students of Durrës, inspired by the party, lit a fire “... that eradicated from the face of the earth the religion obscurantism”<sup>19</sup>.

After that, such initiatives were spread across the country. The martyred cleric, Father Zef Pllumi, describes in detail the situation of terror created by anti-religious leaflets in the city of Shkodra. On February 15<sup>th</sup>, 1967, he recalls, the doors of religious institutions were slammed shut with leaflets. The main thing was that the leaflets were placed in such a way that they did not allow the doors to open. Otherwise, the “*critics*” (authors) threatened that the removal was considered an act of

<sup>16</sup> AQSH F. 1011, viti 1967, dos. 20, f. 24.

<sup>17</sup> Gazeta, Zëri i Popullit, Tiranë, 8 shkurt 1967, Me shpatën e mprehtë të ideologjisë së partisë, kundër ideologjisë fetare, paragjytimeve, bestitnyve e zakoneve prapanike.

<sup>18</sup> Beqja, H, Rama F, Rrugët e zhvillimit të shkollës socialiste ateiste shqiptare. “*Studime Historike*”, nr.3, 1983, f. 50.

<sup>19</sup> Hoxha E, Raporte e fjalime, 1967-1968, Tiranë 1969, f. 206.



responsibility<sup>20</sup>. Meanwhile, another senior martyred cleric, Monsignor Zef Simoni recalls: groups of young teenagers distributed leaflets at all the doors of religious institutions. They read: “Clergy that is enough of lying”, “Earn your living by working hard”, “People and youth do not love you”. “Religion is the center of obscurantism”, etc.<sup>21</sup> But, unfortunately, part of the revolutionary anti-religious initiatives and actions of the youth became the denunciations of the religious communities themselves. They even contributed to the ending of organizations or their institutions. For example, in response to the situation created, a group of Bektashi clerics of Fushe-Kruja publicly gave away their religious mantle and declared their membership in the cooperative. Subsequently, the Muslim Community formalized the dissolution of Islamic religious institutions throughout the country<sup>22</sup>. More or less the other two religious communities did the same.

In order to expand the social base of the struggle against religion and to give meaning to its development from below, several new forums came to light, called assemblies, or active fronts, active districts, active mass organizations, and so on<sup>23</sup>. In the political vocabulary, these forums also served as an institutional label for the discourse of anti-religious initiatives by the people. They were used to denounce the holding of religious symbols in homes, to justify the massive character of the fight against religion, but also as a pretext for popular solidarity with the party’s anti-religious policy.<sup>24</sup>

The suffocating atmosphere, accompanied by massive dissolution of religion institutions, created the needed conditions for the communist state to declare the successful conclusion of the aggression against religion and the closure of all religious institutions in the country in November 1967.

## Conclusion

After the break-up of relations with the Soviet Union, the communist leadership published a complex program of reforms that in the political vocabulary are called “*revolutionary movements (initiatives)*” of the masses. He raised the need to deepen the struggle of classes on the ideological front and the impossibility of the peaceful coexistence of the party ideology with the alternative ideologies. For its implementation, the state built an effective anti-religious propaganda system in order to minimize any anti-communist civic reaction. To achieve this goal, he abused the very low stage of economic and cultural development that the country was experiencing. Deliberately it did combine the struggle against religious ideology with the struggle for the emancipation of women.

In search of new modalities, in the mid-1960s, the Labor Party (PP) intensified its attacks against religion. The main objective made the degradation of religious symbols. It also distorted the cyclical regime of religious activities, eliminated the religious vocabulary of communication, and replaced it with a glossary of political

<sup>20</sup> At Zef Pllumi, *Arno vetëm për me tregue, Hylli i Dritës, Tiranë 1997, f. 250 – 252.*

<sup>21</sup> *Imzot Zef Simoni; Persekutimi i Kishës Katolike në Shqipëri, 1944-1990, Krishterimi ndër shqiptarë, Shkodër, TOENA, 2000, f. 380.*

<sup>22</sup> AQSh, F.482, viti 1967, dos.23, fq. 3.

<sup>23</sup> PPSH, Dokumente Kryesore, Vëll. V, Tiranë 1974, fq. 244, Letër e KQ të PPSH, “Mbi luftën kundër fesë, paragjykimëve e zakoneve fetare”, dt. 27 shkurt 1967.

<sup>24</sup> Lufta kundër zakoneve fetarë dhe shprehjeve fetare - shprehje e luftës së klasave, Tiranë, 1974.

terms. The vanguard role in promoting the anti-religious struggle was played by the periodical press. In addition to it, other forms such as wall newspapers or agitation angles became part of it, as well as amateur artistic groups were encouraged to satirize and discover its negative values.

In the anti-religious propaganda, a new form called "Flete-Rufe (leaflet)" entered. It arose as a specific form of addressing communist criticism, in defense of the ideological and political line of the party. The leaflet criticized anyone who expressed foreign, old, or conservative ideas or thoughts; especially those who preached religion. The first revolutionary anti-religious initiative came from the youth of the "Naim Frashëri" school in Durrës. It produced a chain effect across the country, creating a pervasive anti-religious atmosphere. In this situation (November 1967), the communist state declared a ban on religious belief and the closure of all religious institutions in the country.

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# The impact of financial risk factors on financial performance

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## Abstract

International businesses face numerous risks, which are mainly grouped into strategical risk, operational risk, and financial risk. In order to have a good financial performance, companies should identify this risk, and if it is possible hedge it. Financial risk emerges from internal and external environment of the firm. Internal financial risk comes from liquidity of the firm and financial resources; while external financial risk comes from interest rates, exchange rates and credit restriction/coercion.

This paper investigates the degree to which internal and external financial risk factors influence the financial performance of inshoring industry in Albania. This sector is one of the main contributors in Albanian's employment rate and exports as well. Moreover, the paper examines the relationship between financial risk factors and financial performance.

Data were gathered through questionnaires among firms operating in this sector in Albania. A factorial analysis was used to reduce and group the variables. Simple and multiple regression analyses were used to identify the relationship between financial risk factors and financial performance.

The findings of the study indicate that the firm's financial resources, interest rates and credit restrictions have a significant impact on the financial performance of this sector. It turned out that these factors, except interest rates, have a positive relationship with the financial performance.

**Keywords:** financial risk, financial performance, inshoring firms, offshore outsourcing.

## I. Introduction

The internationalization of companies has different effects in a country's political and economic state. The "hyper globalization" in the '90s anticipated the emerging of a global market and the integration of economies, making countries interdependent with each other (Refslund, 2014). From an economic perspective, globalization increases competition, and we should keep in mind that it is still companies that compete in the global economy, and not countries (Krugman, 1997).

Offshoring refers to a task or work process being moved out of the country either to an external partner or within the same company or group (Blinder, 2007). Many foreign firms have chosen Albania to conduct their business, mainly due to low labor costs, geographic location, tax incentives, qualified personnel, etc. From the host country's perspective, the firms that receive the work to be conducted are known as inshoring firms.

In Albania, firms included as service providers are mainly comprised from product development firms (mainly textiles and shoes) and call centers. Service provider firms have a strong impact in our economy due to high employment rate in this sector, the contribution in GDP growth, export level, etc. Enterprises operating in this sector comprise more than 45% of the total number of enterprises in the whole country. The

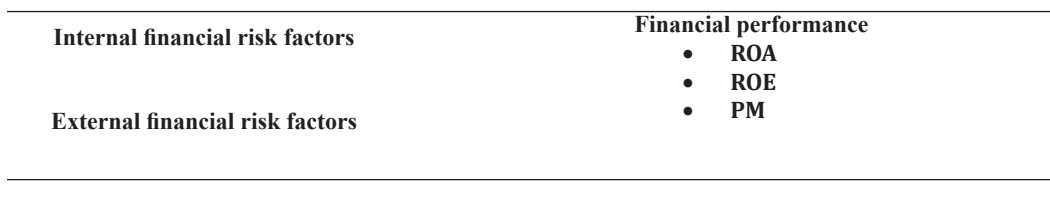
large number of these enterprises is characterized also from the highest employee level. This sector employs around 27% of the total employees in the whole country. This paper investigates the degree to which internal and external financial risk factors influence the financial performance of inshoring industry in Albania. Moreover, the paper examines the relationship between financial risk factors and financial performance.

The research question is: Which financial risk factors affect the financial performance of firms which operate as “inshoring”? In order to support the main research question, two sub-research questions were stated: (1) Which internal financial risk factors have an impact on the financial performance? (2) Which external financial risk factors have an impact on the financial performance?

The purpose of the study consists in identifying financial risk factors, internal and external, that affect the financial objectives of subcontracting firms operating in our country. Through this study I will try to identify those factors, statistically significant, that affect the financial performance of this industry.

- Measurement of financial performance indicators of inshoring firms.
- Identification and measurement of internal and external risk factors encountered by Albanian inshoring firms.
- Determining the relationship between internal financial risk factors and financial performance
- Determining the relationship between external financial risk factors and financial performance

After a literature review on defining financial risk factors (Muca & Lito (2012), Dhuci (2011), Omondi & Muturi (2013), Abbas et al. (2013), Madura (2009), Papaioannou (2006)) and financial performance (Lipi (2014), Ross, Westerfield, & Jordan (2010), Valkauskas (2013), Fernandes, Raja, & Whalley (2006), Ahmad, Mehra and Pletcher (2004), Zigan and Zeglat (2010), Kotane and Merlino (2012), Cohen, et al. (2008), McGivern dhe Tvorik (1998), Beuren, Hein dhe Klann (2008), etc.), the following conceptual framework was designed (figure 1):



**Figure 1. Conceptual framework**

Based on the conceptual framework, the following hypotheses were stated:

*H1: Internal financial risk factors have an impact on financial performance.*

*H2: External financial risk factors have an impact on financial performance.*

The paper continues with a literature review on financial risk factors, financial performance and the effects of financial risk on financial performance. The next section describes the methodology used to gather the data and describes the analyses used to prove the hypotheses. Then the paper continues with the results of the study and concludes with conclusions and recommendations.

## II. Literature review

Performance means performing a certain job, measured against a standard of accuracy, fulfillment, cost, and speed (Lipi, 2014). The term performance is quite broad, and it includes financial, operational as well as business performance. Financial performance shows us the realization or fulfillment of financial objectives set by the firm. Financial performance gives us an insight into how the firm has performed in terms of liquidity, asset management, debt, productivity, and market value (Ross, Westerfield, & Jordan, 2010).

There is a lot of discussion about measuring financial performance and the literature cannot determine which or which ones are the most accurate measures of financial performance. However, this mainly depends on the activity of the firm, its size, sector, ownership, etc. In the manufacturing industry it is suggested that financial performance should be measured by sales growth ratio, return on equity (ROE), unit cost, economic value added (EVA), earnings before interest and taxes (EBIT) (Fernandes, Raja, & Whalley, 2006). Meanwhile, for small (family) businesses it is suggested to use income increase and productivity improvement (Craig & Moores, 2005). If we were to consider the fashion business, the authors have suggested margin of sales, sales increase per store, inventory turnover, and percentage of sales from new stores (Cardinaels & Veen-Dirks, 2010).

Kotane and Merlino (2012) pointed out in their paper that financial indicators are often expressed as financial ratios. Based on financial ratios, Cohen, et al. (2008) suggested the use of return on assets (ROA), return on equity (ROE), inventory turnover, debt turnover, sales margin, and asset turnover as measures of financial performance. McGivern and Tvorik (1998) suggested ROA, return on investment (ROI), return on sales, return on invested capital, and so on. as performance measures.

Heta (2015) makes a whole literature review on risk factors affecting financial performance of firms operating in Albania. Financial factors are divided into two main groups: internal financial factors and external factors. Internal financial factors include *liquidity risk and lack of financial resources* (Dhuci (2011), Muca & Lito (2012), Omondi & Muturi (2013) Abbas et. al. (2013)); while external financial factors include *interest rate risk, exchange rate risk and credit restriction/coercion* (Dhuci (2011), Muca & Lito (2012), Papaioannou (2006)).

## III. Methodology

Data were gathered through 73 questionnaires conducted with firms' representatives (managers and financial analysts/accountants for the financial information) operating in this sector (both production (textile and leather) and service (call centers)). The period of study includes data from 2012 to 2014. A factorial analysis was used to reduce and group the variables. Simple and multiple regression analyses were used to identify the relationship between financial risk factors and financial performance. Data were analyzed through multiple regression, hierarchical regression and ANOVA. Financial performance was measured by ROA, ROE and profit margin (PM), which one by one were used as dependent variable.

The independent variables were liquidity and financial resources (for internal risk factors) and exposure to interest rates, exchange rates and credit restriction (for external risk factors).

Liquidity was measured with current ratio, while financial resources was measured

through the change in financial resources from 2012 to 2014.

Exposure to interest rates was measured through the ratio of long-term debt/total assets; exposure to exchange rates was measured with Likert scale of 5 (with four statements); and the risk of credit restriction with Likert scale of 5.

The hypothesis used:

*H1: Internal financial risk factors have an impact on financial performance.*

*H2: External financial risk factors have an impact on financial performance.*

#### **IV. Data analyses and results**

*H1: Internal financial risk factors have an impact on financial performance.*

To test whether the internal financial factors affect financial performance, we will continue to test the following hypotheses:

*H1a: Internal financial risk factors have an impact on ROA.*

*H1b: Internal financial risk factors have an impact on ROE.*

*H1c: Internal financial risk factors have an impact on profit margin (PM).*

Liquidity and financial resources are considered as internal risk factors. Liquidity is measured by the ratio of *current assets/short-term liabilities*, while financial resources are measured by the ratio of *changes in the firm's financing from 2012 to 2014*.

##### **H1a: Internal financial risk factors have an impact on ROA.**

In order to test **H1a hypothesis**, internal financial factors (liquidity and change in financial resources) were used as independent variables and ROA as dependent variable. The results showed that the model is significant ( $p = 0.002$ ); however, the liquidity variable is not significant. After removing the non-significant variable we run the regression analysis once again, where it turned out that the model is significant ( $F(1.71) = 7.956$ ,  $p = 0.006$ ) and  $R^2$  is 10.1%. The only significant variable that remained in the model is the change in financial resources ( $p = 0.006$ ), which has a positive correlation with ROA. The regression equation is:

$$\text{ROA} = 0.142 + 0.003 (\text{Change in financial resources})$$

The above relationship between the change in financial resources and the ROA means that, if the change in funding ratio increases by one unit, the ROA will increase by 0.003 units, or if the change in funding ratio increases by 1%, the ROA will increase by 0.3%. Since only the variable "change of financial resources" is significant from the internal financial variables, *hypothesis H1a is partially accepted*.

##### **H1b: Internal financial risk factors have an impact on ROE.**

In order to test **H1b hypothesis**, internal financial factors (liquidity and change in financial resources) were used as independent variables and ROE as dependent variable. The results showed that the model is not significant ( $F(2.70) = 1,081$ ;  $p = 0.345$ ); nor the coefficients of the independent variables are significant (liquidity:  $p = 0.228$ ; change in financial resources  $p = 0.401$ ). As a result, we can say that the *H1b hypothesis is not accepted*.

##### **H1c: Internal financial risk factors have an impact on profit margin (PM).**

In order to test **H1c hypothesis**, internal financial factors (liquidity and change in financial resources) were used as independent variables and PM as dependent

variable. The results showed that the model is not significant ( $F(2.70) = 0.446$ ;  $p = 0.642$ ); nor the coefficients of the independent variables are significant (liquidity:  $p = 0.427$ ; change in financial resources  $p = 0.625$ ). As a result, we can say that the *H1c hypothesis is not accepted*.

*H2: External financial risk factors have an impact on financial performance.*

To test whether the external financial factors affect financial performance, we will continue to test the following hypotheses.

*H2a: External financial risk factors have an impact on ROA.*

*H2b: External financial risk factors have an impact on ROE.*

*H2c: External financial risk factors have an impact on PM (profit margin).*

External risk factors include interest rate exposure, exchange rate exposure and credit restriction. The first one will be measured through the *long-term debt/total assets ratio*, which causes the firm to be exposed to interest rate risk. Exchange rate exposure was measured with Likert scale of five through “the firm executes most contracts with clients in foreign currency” (referring as *foreign currency exposure*) and “the firm occasionally has losses on exchange rate movements” (referring as *exchange rate losses*). Credit restriction was also measured through Likert scale of five through *ease of getting credit*.

### **H2a: External financial risk factors have an impact on ROA.**

To test H2a hypothesis, the external financial factors mentioned above were used as independent variables and ROA as a dependent variable. The results showed that the model is significant ( $p = 0.033$ ); however, the variables of foreign currency exposure, exchange rate losses and ease of getting credit were not significant. After removing these insignificant variables, the regression analysis was run again and it turned out that the model is again significant ( $F(1.71) = 7.590$ ,  $p = 0.007$ ) and  $R^2$  is 9.7%. The only significant variable that remained in the model is *long-term debt/total assets* ( $p = 0.007$ ), which has a negative correlation with ROA. The regression equation is as follows:

$$\text{ROA} = 0.183 - 0.322 (\text{long term debt/total assets})$$

The above relationship between the total debt/total assets ratio and ROA means that debt negatively affects the firm’s ROA. So, the higher this ratio, the greater the exposure to the interest rate risk, and as a result we have a decrease in ROA. For every percent increase in the total debt ratio, ROA will decrease by 0.322 percent. Since only this variable turned out to be significant, H2a hypothesis is *partially accepted*.

### **H2b: External financial risk factors have an impact on ROE.**

To test H2b, external financial factors (total debt/total assets ratio, foreign currency exposure, exchange rate losses and ease of getting credit) were used as independent variables and ROE as dependent variable. The results showed that the model is not significant ( $p = 0.360$ ); The variables total debt/total assets, foreign currency exposure, exchange rate losses were not significant, but the ease of getting credit was marginally significant. After removing the non-significant variables, the regression analysis was run again and it turned out that the model is again marginally significant ( $F(1.71) = 3.214$ ,  $p = 0.077$ ) and  $R^2$  is 4.3%. The only significant variable that remained in the model is the ease of getting credit ( $p = 0.077$ ), which has a positive relationship with ROE. The regression equation is as follows:

### **ROE = 0.09 + 0.05 (Ease of getting credit)**

The relationship between securing financial resources and ROE means that the more the firms can get funds, the more ROE will increase. So, if firms increase credit by one unit, this will increase the ROE by 0.05 units, or 5%. Since only one variable turned out to be marginally significant, we say that the *H2b hypothesis is partially accepted*.

### **H2c: External financial risk factors have an impact on PM (profit margin).**

To test H2c, external financial factors (total debt/total assets ratio, foreign currency exposure, exchange rate losses and ease of getting credit) were used as independent variables and PM as dependent variable. The results showed that the model is not significant ( $p = 0.210$ ); The variables of foreign currency exposure, exchange rate losses and ease of getting credit were not significant, but long-term debt/total assets were marginally significant ( $p = 0.072$ ). After removing the non-significant variables, the regression analysis was run again and it turned out that the model is marginally significant ( $F(1,71) = 3.844$ ,  $p = 0.054$ ) and  $R^2$  is only 5.1%. The only marginally significant variable that remained in the model was *long-term debt/total assets* ( $p = 0.054$ ), which has a negative relationship with PM. The regression equation is as follows:

$$\text{PM} = 0.103 - 0.193 (\text{long term debt/total assets})$$

The above relationship between the total debt/total assets ratio and the PM means that the debt negatively affects the firm's PM. So, the higher this ratio, the greater the risk caused by changes in interest rates in the market, and as a result we have a decline in the PM. For every percent increase in the total debt ratio, PM will decrease by 0.193 percent. Since only this variable turned out to be marginally significant, *H2c hypothesis is partially accepted*.

## **V. Conclusions**

The only internal financial risk factor which resulted to have a significant impact on financial performance was *financial resources*. This factor had an impact only on ROA and had a positive relationship.

Interest rate exposure and ease of getting credit were the external financial risk factors which resulted to have an impact on financial performance. ROA was negatively impacted by interest rate exposure, ROE, and ease of getting credit resulted in a positive relationship between them. Profit margin also resulted in a significant negative relationship with interest rate exposure.

Financial resources remain a key factor of financial performance. Firms should not only rely on their own resources for their investments. A good alternative in Albania are bank loans, which firms should be encouraged to apply for, in order to increase their investments.

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# Historical development of notaries in general

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## Abstract

One of the preconditions for better functioning of a modern legal state, is the existence of notaries – the notary service. This service has a particular role in applying and implementing a legal state *in concreto*, because if a state of law includes some legal forms, then the notary is the one who is obliged to think about them and realize the same. The notary public is a person who takes notes having fast writing skills. Nowadays, notaries represent an expert with a profession of a lawyer, and the same is a holder of a public profession, trustful and supervised by the state, who works on his profession independently.

In this paper, we will analyze historical aspect of the development of Notaries, types of Notaries, the Notary, as well as the continental and the Anglo-Saxon system, starting from the first civilizations of the ancient Jewish, Egyptians and Hellenic cultures, until the appearance of the Latin Organization of the European Union, submission of protocols during the historical development until the submission of the Madrid Statement, which was also signed by Republic of North Macedonia.

**Keywords:** *Notaries, bona fides, tabelliones, scribes, the Latin type of notary, Anglo-Saxon type of notary, Latin Organization of the European Union, Madrid Statement.*

## Introduction

One of the preconditions for better functioning of a modern legal state, is the existence of notaries – the notary service. This service has a particular role in applying and implementing a legal state *in concreto*, because if a state of law includes some legal forms, then the notary is the one who is obliged to think about them and realize the same. The word “Notary” comes from the Latin word “nota”, which means recording, a note, stenographer<sup>1</sup>. The phrase “Notary” was first introduced by the secretary of Cicero, Marcus Tullius Tiro<sup>2</sup>. This notion in its original meaning changes from the notion of the present days notaries. Notary is a person who keeps notes and has the ability to write fast<sup>3</sup>. The concept of a specialist dedicated to the writing of documents is as old the writing itself, because we find a scribe and a note keeper in most of the ancient cultures.<sup>4</sup> Today, the notaries present an expert with a profession of a lawyer, who is a holder of a public service, trusted and supervised by the state, and works on

<sup>1</sup> Stenographer-a person who writes stenograph. Stenograph is a systems of abbreviations and special symbols for writing fast someone’s speech. Malavet-Vega (2010, 17).

<sup>2</sup> Marcus Tullius Tiro (passed away in the year 4 before Christ), was a slave at the beginning, afterwards he was a free person of Cicero. He is often mentioned in the papers of Cicero. After the death of Cicero, he published many books and invented an early form of stenography.

<sup>3</sup> Trgovčević-Prokić, (2007, 23).

<sup>4</sup> Malavet-Vega, (1992, 46).

his profession independently.

The Pre-Roman civilizations are found in Egypt of pharaohs, three thousand years ago B.C. *papirusi* (document of a house) was valuable for the property sales and gifts. Later, between the year 3100-1700 B.C. appeared the testament as an ancient legal document, although it was not considered as an official testament, but it was meant as a gift of a property after death. This document usually contained the seal of an official of a certain importance, such as a clergyman, whose seal gave public status to the document,<sup>5</sup> showing the origin of an official document bearing the seal and the accompanying certification of the state, that in some cases it was a private – judicial transaction.

**Hammurabi Code**, in an ancient stone dated at least two thousand years ago B.C., refers to some older written and registered contracts, which were used later by scribes,<sup>6</sup> Babylonian courts in the presence of witnesses as well as court judgements, the same were public both in terms of their status and the proof value. These contracts are usually made by transferring the real estate or the personal property among individuals. At the time of the Bible ( Old testament), Jews had rich scripture, scribes of the law, the folk scribes and the scribes of the state. Everyone, except the well-known scribes had the authority to certify documents. This authority was not entrusted to them directly, but rather it originated from the authority of their employers. In this way the folk scribes had a namely a public function; simply they were capable to write and offer a public service. Scribes wrote legal documents such as marriage contracts, buying-selling contracts, as well as renting contracts. Royal's writers certified the King's Acts and resolutions; the State Secretary was the Secretary of the Crown and the Court of Justice. This is how is seen the development of the functions related to legal documents. However, the scribes of the law were interpreters of the law, and their function had also a religious character, giving them a status similar to that of the priests.

In the **Classical period of Ancient Greece** there were “public officials in charge with composition of contracts for the citizens”, as it is mentioned by Aristotle in the year 360 B.C., These officials were known as *singrapozos* and *apograpozos*. It was said that they were officials-ancestors of a modern notary. Mnemon, for example, was also “charged with the officialization and registration of public pacts and conventions, as well as private contracts.”

In that period, there appeared many public officials who had the authority to certify with one official seal which existed in the pre-roman history. That time we can also find scribes who composed legal documents for private people. The legal professional was not the keeper of the original document and the person who issued copies. During these early years, the legal document was much more important than the person who composed the same.

But, the origin of the notaries is found in the Roman Law, in the institutions of *tabelliones*, as trained people in writing skills and composing different documents and legal acts in the wooden boards.<sup>7</sup> Historical progress starts with a meeting of minds (that is, contracts as judicial work). By the time passing, agreements come and are memorized in written form. The seal is used as a guarantee for the authenticity of

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<sup>5</sup> Ponde, (1997, 441).

<sup>6</sup> Scribes or scribae “clerk in a court or office.” Berger, (1953,476).

<sup>7</sup> Radović, Bikić, Suljević (2010, 15).

the documents. The document with a seal represents a guarantee of the law, which is clear, identifiable in earlier legal writings.<sup>8</sup>

The scribes were employees of the government who were responsible for keeping court documents<sup>9</sup> used by praetors (Roman judges accused for resolving of the civil contests). They also composed official resolutions, they appeared in the court's minute, and for this reason he was a skillful person in shorthand and official documents. They took notes from oral dictation or the discussions, the same way the court reports do today.<sup>10</sup>

On the other side, *Tabelliones*,<sup>11</sup> were private professionals who wrote and kept other legal documents.<sup>12</sup> Although they were private professionals, those were carefully arranged and supervised by the state in order to ensure the integrity of their work. They were developed a lot at the time of the reign of Justinian Emperor, as compelled composer of contracts, that were necessary to prepare minutes and the transaction was called *seheda*. The Constitution of Justinian of the year 528 B.C. required from the parties that in the legal act they should ask for participation of the table.

In this meeting, tabellio made *seheda* (notes reflecting the agreement that the parties wanted to reach). The transaction was later transcript by hand by tabellio. The document was written on a paper known as *protoeolum*, and the same finally gained the status, which was the same with that of *a publica monumenta*.<sup>13</sup>

As an essential obstacle to considering the true notaries of these Roman officials, was the lack of the authority to certify a document. It is like this because tabelliones composed the instrument *publica collecta*, which got a public and authentic status only by the interference of the court, known as *insimunatio*.<sup>14</sup> Tabelliones composed legal documents on behalf of the private parties, because they planned counseling for the parties, they has follow strict rules set by *corpus juris* when composing a document. They can, fairly be called as one of the direct ancestors of a modern notary. On the other side, European Law was developed from the basis of the Roman Law in Middle Ages, affected by the Customary Law of invading barbarians, mainly of the German tribes. The fall of Emperor Romulus Augustulus in the year 476 B.C., marked the fall of Roman Empire and the beginning of the Middle Age. But this was Western Europe; The Law and roman institution were in a good position in the Byzantine Empire in the East, where the Justinian Code, The Digests are written in the institutions of the years 529 until 534 B.C. Combination of the Roman and German Laws in the Western Europe finally produced a modern notary.

"Notaries" composed written documents as proofs for legal transactions following traditional roman forms, which continued to have an influence in Germanic codes and in Lombardy of the middle age Italy. Their offices exercised a private profession

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<sup>8</sup> Malavet-Vega (1992, 4).

<sup>9</sup> Scribes or scribae were "clerks in a court or an office"; Berger, (1953,476).

<sup>10</sup> Pondé, (1977, 32).

<sup>11</sup> Tabelliones is defined as a Latin word for "a writer in Roman Empire with several notarial competencies".

<sup>12</sup> Some scholars have suggested that tabularium initially provided services for composition and registration of contracts on behalf of the public, but this created a requirement for their services which interfered in their official functions. So was born the private professional who took over these duties. Tabelliones wrote documents like contracts, testaments and legal complaints.

<sup>13</sup> Publica monumenta- was a public document composed by an official of a certain importance.

<sup>14</sup> Insuminatio – was the process of presentation of a document composed by tabellio for a magistrate in a public session and has registered the same in the public registry. This document later became a public document. Pondé (1977, 6-1-66).

where they could be considered a notary public in terms of that they can write documents for anyone, but not in a public office and with a public position, and with publica fides. "The legal Germanic document of middle age referred to the notary generally as *chartae, charta or cana, now known as charter*.<sup>15</sup> If there would be followed the right formalities, the statuses would be non-public. But, while they were included in what could be considered only as a judicial work, some scholars think that notaries who composed them, were only writers, students or law practitioners.<sup>16</sup>

But to these liberal professionals lacked authority by the state to prove themselves, because they did not have an official seal. His state Monopoly was dispersed only by the judiciary, in the procedures after drafting the agreement. Afterwards, during the Middle Age, to the liberal professionals, by keeping their private state, were given the authority of the state for certifying, in this case became Latin notary.<sup>17</sup>

The contemporary notion notary first indicate a special legal service, therefore *ars dictanti*<sup>18</sup> depends initially by its legal importance. Moreover, the notary has a role in creating, protecting "in concreto" of the judicial circulation, because if that circulation in legal provisions is a base for regulating the legal forms, the notary is obliged to realize those, respectively to think and make them perfectly.<sup>19</sup>

In the Legal Science, nowadays are known three types of notary service:

1. ***Latin type of notary - (Continental)***
2. ***Type of Notary Public – (Anglo-Saxon)***

### ***1. Latin type of notary (Continental)***

According to this type, the Notary is an advocate to whom are transferred public competences – to take statements upon the will of the parties, give them the necessary legal form, issue public documents, he keeps the originals of the same, and gives to the parties the certified transcripts. This type is adopted in RS, B&H and most of the places in Europe and world. Chambers of Notaries of the States with the Latin Notaries, joined The International union of Latin Notaries, constituted on 2 October, 1948 in Buenos Aires. The Customary Law of the profession of a Notary in EU is adopted in the Conference of Notaries in EU, held on 4 February, 1995 in Napoli. In 1930, Kingdom of Yugoslavia adopted the Law on Notary Public,<sup>20</sup> to the notaries was given a public authority for composing and certifying documents in certain fields of the law. This law was based on solutions by the Civil Law Notary in Austria, of the year 1850. This law was not implemented until the year 1944 in B&H, Monte Negro, Macedonia and a part of Serbia, it was abolished by the new government of the people, since then Former Republic of Yugoslavia did not have any notarial institution in its legal system.<sup>21</sup> In Republic of Macedonia, by bringing the Constitution of RM, it was created constitutional basis, in order some uncontested legal work, which are present

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<sup>15</sup> Pondé, (1977, 229-232).

<sup>16</sup> Huerta, (1984, 62).

<sup>17</sup> 18 Pedro Malavet, (1996, 389).

<sup>18</sup> *Ars dictanti* - is technical ability for creating appropriate acts for achieving certain goals; skills for written speech.

<sup>19</sup> 20 Tumanovski, (2001,12).

<sup>20</sup> Official Gazette of Kingdom of Yugoslavia, No. 220/1930.

<sup>21</sup> Radović, Bikić, Suljević, (2010, 16).

in judicial circulation and the same are non contested between the subjects of law, can be performed as legal services by an independent legal service.

The main feature of notarial documents were that they were first private documents, while these public documents entered in force by certification by a judge and an auditor – mainly in Austro-Hungarian monarchy by the Law on Notary of 1850.

## 2. *Type of Notary Public – (Anglo-Saxon)*

This type of notary is adopted in most of the countries of Anglo-Saxon legal circle and in Germany too (which has all forms of notaries. It is up to each federal state to decide of the appropriate type of the notary. Thus, Notary Publics perform execute certifications first in Prussian areas).

In England and Wales, as well as other countries of the Anglo-Saxon legal circle, there is no institute of public document, as an evidence of a particular importance in court and administrative procedures.

Basic proofs are the statement of a witness – questioning of witnesses, assessing reliability of their testimony.

Legal advices in the field of notaries are a part of the field of the work of advocates, who are not obliged to consider the interests of both parties.

Codification of the laws and the returning of Western Europeans back in Roman Legal Science until the XIII century, explained the issues considerably. The instrument drafted by a notary “ must have gained a prestige, as only this would explain that already in the XIII century we find a notary as a representative of the public authority to certify and by intervention he gives authenticity to documents, which further was promoted by big European universities of France, Italy, but less in Salamanca in Spain.<sup>22</sup>

The final moment of the development of modern notary, happened when *Scuola di Notariato*<sup>23</sup> appeared in Bologna, in the year 1228, and the same affected all Europe. The founder of this, *Ranieri di Perugia*, has published *Summa Artis Notariae* at the beginning of XIII century.<sup>24</sup> But the most influential notary of this period was *Rolandino*,<sup>26</sup> who published his work *Summa Artis Notariae-si Perugia-dhe Summa Aurea &quot;Diadema, Summa Rolandina* in the year 1234.<sup>25</sup> Moreover, the rise of notarial school meant a real professionalism. This was the ending of the initiated process by the Roman scholars and later continued by corporations or guilds of Byzantine Empire, and they also followed in medieval Italy, Spain and France.

Bolognese created a notarial document strictly structured. This form included a need for notary intervention, a description of the legal act that will be performed on the bases of a meeting or an “ audience” with the notary – authentic background of the

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<sup>22</sup> The first university to present the law in Spain was Salamanca. By the middle of XIII century there were two Faculties of Law, one to learn the Roman Law, other Canon Law, and the existence of both became known in Siete Partidas. Valladolid, the second Kingdom University (founded in 1243) had also two legal facts, despite the royal encouraging, none of these institutions, which were not much, did not have a reputation until the end of XV century. Consequently, most of the students who showed serious interest for jurisprudence, went out of the country, or in Southern France, to study in Toulouse, Montpellier, or Avignon, or in Bologna where was found the Spanish College in 1369 by Kardanali Gil de Albornaz, the same provided both accommodation and financial support.

<sup>23</sup> 24 *Scuola di Notariato* – First public Notary in Bari, in Italy.

<sup>24</sup> 25 Pondé, (1977, 153).

<sup>25</sup> Rolandino became famous with his first name and there are some changes made to him, the real surname because some call him Rolandino Rodulfo, and the others Rolandino Polss3ggeri..

document, reading, signing and its annulment, or submission of the document to the parties.

European law was developed from the basis of Roman Law, when notarial acts took the

authority on public documents and the notaries were assigned by the supreme authority, the emperor and the pope. The same were affected by the customary law of invading barbarians, mainly of Germanic tribes. The fall of the emperor Romulus Augustus in the year 476 B.C.<sup>26</sup> marked the fall of Roman Empire and the beginning of the Middle Age. But this was Western Europe: the law and Roman institutions were existing in the Byzantine Empire in the East, where with Justinian Code, Digests were written institutions of the years 529 until 534 B.C. Combination of Roman and German Laws in the Western Europe, finally produced the modern notary.

The school of Law of Bologna, made a special contribution in development of notaries, thanks to it the notaries took an important place in legal systems of Italy, France, Spain, Germany and other countries. In the centuries XVIII and XIX, in the countries of Western Europe, a notary reformed and took a special role in these legal systems, with the elements that still exist nowadays. So, for example, in France is the so called (Lui Ventose) law of Ventose in 1803, which appointed a notary as a reliable administrator of the state, and gave him the seal of the state and a part of the public authority, to the notarial document was given the certifying authority of a public document.<sup>27</sup>

**International Union of Latin Notary IULN**-the organization that gathers Latin notaries, defines notario Latina generally as “a legal professional appointed particularly to certify the acts and contracts that individuals can realize, to compose documents in order to make them official and give legal advices for those who ask for services. In contrary, some scholars refer to the classification of Anglo-Saxon notary. The Europeans who make comparisons, tell that a notary in United States and England for example, is not indeed a public official in the traditional meaning of being an employee of the state, who have special faculties and functions. It is true that the state determines the requirements for being a notary, but he is still a private person. Notary acts are exclusively limited in certifying the signatures (they generally certify only the identity of the parties). In United States “notary public is a public officer sworn, competent to execute a number of official legal acts. The office of notary is technically classified as a minister office, which means that does not involve judgement or considerable discretion with the notary acts that he executes. As such, it is similar with a district or municipality notary, clerk of a city or a settlement. It is not a judicial or legislative position.” On the other side, Latin notary is a legal professional, with a considerable responsibility and discretion.

The Notary permanently archives original documents signed by him. “The protocol is organized collection of documents and acts (written by a notary, including those documents attached to public document. “A public document, for example, may be completed by affixing either its inscription certificate when registering the assets,

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<sup>26</sup> Romulus Augustus, later called Augustulus, was born in the year 463 A.D. with the name Romulus Augustus (Flavius Romulus Augustus). The name Romulus was given to him after his grandfather, who came from Noricum. He was the last Western Roman Empire. Romulus was the son of Orestes, who came from Panonia and was the his secretary all his life in Attila. Due to promotions in Roman army, he became the leader of the troops (magister militium) in the year 475 A.D. during the studying of Julius Nepos.

<sup>27</sup> Dika, (2008, 1-8), see also Prokić, (2007, 28-31).

or the certification of legal notification for signing testaments and authorizations required by some jurisdictions. Typically, a Latin Notary issues certified copies to be used by parties in order to have an effect in their transactions.

The protocol or register usually is required to be linked with annual volumes, by not exceeding a certain number of pages. They should be kept in a safe place. In Porto Roki, when a wooden structure is kept in a close area, it should be set in a fire proof cabinet, the protocol may not be removed from the office of a notary, except in accordance with a court order.

Latin Notary is a private professional who executes public function of certifying and archiving public documents. As he is a conservator of an important sovereign authority, a notary often is referred as a public officer or an official, despite the exercise of the profession freely and privately. This is similar with the status of American advocate as a "court officer". Certifying of a notary has a very limited probative effect, under the Latin System, publica finds a certified notary, who documents in the right way the strongest presumption of the truth. The document is generally acceptable for proving, does not have any associated evidence, and is considered as an evidence of the facts that contain, with an indisputable presumption of the truth. The party that tends to eject this supposition, carries a lot of proofs. Thus, notarial seal is a certification of the truth.

Among the **members of the European Union**: that characterize particularly the system of Civil Law- is the maintenance of a notarial regimen which requires a wide range of formal documents to be certified or notarized. This has consolidated the position of a special profession of a Notary... the profession of notary remains quite separated from other legal professions: its members are not allowed to practice being in partnership with them, or practice at the same time as a member of the other profession. This difference continues to be true nowadays among the member States of European Union, where only Denmark, United Kingdom and Ireland does not have Latin notarial system.

Nowadays, a Latin notary executes all his functions within a unified legal system. "Notary Law is a set of legal norms and doctrines which the notarial function and formal requirements of notary documents.<sup>28</sup> Notary Law completely with different rules included in the specific legislation of the legal system, Codes of Civil Status, register or mortgage, Penal and evidences, etc. at the same time, that is defined and identifiable branch of legal tree, with its features.

In Former Yugoslavia, the notaries were created by the influence of Venice, mainly in the coastal cities of Dalmatia and the Montenegro, as well as Dubrovnik. This is the period of the Middle Age, of the European notary, that is they rely completely on the principles of Madrid Statement, of 22/23.03.1990, which explains fundamental principles of notaries in Europe.

Main characteristics of notarial documents were that in principle they were private documents, whereas the authorization of documents was reached by giving a certification to a judge and an auditor. In the territory of Slovenia, Croatia and Vojvodina, which were under the Austro-Hungarian occupation.<sup>29</sup>

In Republic of Macedonia, after it became an independent country, with the Constitution of the year 1999, where the civil society is formed, the same is oriented

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<sup>28</sup> 29 Pedro-Vega, (2010, 42).

<sup>29</sup> 30 Radović, Bikić, Suljević, (2010, 16).



to market economy, radical form was also necessary not only in economic level, but in the legal level too. It was a need to change laws, bringing completely new laws and regulation of those relations in completely different way. After that, it was also necessary to bring some administrative and judicial matters under competences of other services, based on the practices of other countries.<sup>30</sup> Practically, there was a need to be set public services for realization of notarial work. This was accomplished with the Law for performing notarial work.<sup>31</sup>

First notaries in RM started to work in 1998, in the same year, in June, it was formed the Chamber of Notaries in RM and other organs. The activities that notaries in RM do nowadays, was in competencies of courts within uncontested procedure, and another part was within the administrative organs. By adopting the Law on Courts, there were created conditions a part of uncontested work to be taken from courts, and with the Law on notarial work, they were transferred to the competencies of notaries. Sharing court competences and the administrative organs in one side, and the competencies of notaries on the other side, was realized according to LPN and there were no problems relating to this, until now.<sup>32</sup>

Republic of Macedonia is a part of International Union of Latin Notary – IULN and the chamber of Notary in RM as an equal member since 30 September, 2001.

Since the year 2007, we have a new Law on Notary,<sup>33</sup> later as an inter fair copy in the year 2016,<sup>34</sup> and in the end we have the Notary Law as inter fair copy in the year 2019. Within the notary service in RM, we also have 27 Work Regulations which refer to the work of notaries in general.

## Conclusion

These historical highlights make an evolution of Notary. Roman institutions, particularly influenced in developing notary in Western Europe during the Middle Age until its consolidation, the profession of a Notary appeared during the late Middle Age. The ages are clearly identifiable in the Spanish and Italian codes of XIII century. A Notary was a private person regulated tightly as legal, a professional with the authority to certify. At the same time, Bolognesi created documents and notarial transactions that were clearly structured. The late medieval legislation, especially the statutes of Savoia and Piemonte, created protocols that operate before the notary. Anglo-Saxon countries followed Germanic system of a judge-Notary as an official, before whom were registered private legal transactions in the public register. But when notarial and court functions were separated in United States (the judicial authority, in order to prove, the same was deposited in a laic person, whose intervention was strictly clerical). Even in American States, where French and Spanish Notaries existed some time, the material law required notarial forms. However, a Notary is same as their homologues in all other fifty states, a non-professional. In England, a Notary remains a link for a business between the British and those of the Civil Law of the European homologues. The notarial function remained as a third – backed institution of a legal profession in the continent of Western Europe and its former colonies.

<sup>30</sup> Janevski,(2001, 25).

<sup>31</sup> The law on performing notarial work “Official Gazette of RM, no. 59/96”.

<sup>32</sup> Janevski (2001, 25).

<sup>33</sup> Official Gazette of RM, no. 55/2007, 86/2008, 139/2009.

<sup>34</sup> 35 Official Gazette of RM, no. 72/2016 and 142/2016.

Characteristics of the modern Notary were later codified subsequently by French Law of Ventose of the year 1803, the Spanish Law on Notary of the year 1862 and Italian Law on Notary of the year 1913. However, these modified and mended laws are still enforceable, and from them it can be identified the following important characteristics of Notary, where the notaries are presented as:

1. A private profession and liberal, where is needed legal education and practice.
2. The applicant must pass on exam. Membership in a professional association or a college is mandatory.
3. Exclusive jurisdiction. If the depository of the public is considered as delegated by the state, he executes a unique public function, and it gives him an exclusive jurisdiction of the subject. The geographic exclusivity is also common.
4. It is required the Notary to keep a protocol or permanent register for all public documents accepted before him. Typically, he creates public documents (minutes, writings) but less documents that are submitted to the parties (expectations, sworn statements).
5. The notary is a legal advisor of the parties and is closely supervised by the organs of government and those professional ones.

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# The language of the compositions in Homer's poem "The Odyssey"

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## Abstract

In Homer's epic poem "Odyssey" we notice a lot of notice of compounds, used skillfully during the translation into Albanian from Pashko Gjeci, published in 1976. During the reading of this work, we have gathered about 199 compounds of different types, without involving their repetition in some cases.

Gjeci's translation into Albanian compounds takes a very important place, with which he shows that the Albanian language has great expressive potential with sensations, actions, skills, qualifications, terminology, giving us not only motivated words but even perfect in style. Their adoption with compounds, the similarity of the general glossary with the terminological one, and the attention offered to the written literary language, used as diversified, made this great worldwide work to be presented gratefully in the Albanian language.

The compound's language their frequent use increases in quantity and quality the language used in this work. With the use of this kind of word, not only this work comes richer and fuller but the whole literature and Albanian linguistic make a step towards a more expressive language. The compounds in this poem are keywords and the linguistic culture that they hold has to do directly with the contents, the thought's clarity, the communicative function of the language used in this literary work.

For the mode and diversity of the construction not only for the time this work was published but even today, the work's compounds bring youth in word-formation are of all kinds and distinguish for the clarity and semantic transparency, leaned in word-formation modeless of the Albanian language, that is why is possible the wonderful Albanian translation of this lines. The linguistic, semantic, and ideological movements that this work brings, should be afforded even with a rich glossary, that is why the Albanian translator of this work brings a part of these compounds as neologisms with a new structure, that is realized from the Albanian dough and based on her rules. So, we can say that one of the secrets of success, this work reached with her translation in Albanian is related not only with her thematic majesty and Homer's brightness but, even with her suitability with our language. This is an indisputable value of the translator.

**Keywords:** composition, lexicon, word formation, translation, stylistic value, neologism.

## The stylistic values of translation

Chevrel, Y., (2002) stated that "*Translation is a common meeting means with a foreign work, which makes it possible the communication among individuals who are separated because of various forms of recognition and world conception*". Translation of a poetry text has a higher difficulty degree, especially for a world-class work such as "Odyssey" that has been translated in almost all the languages in the world. Chevrel, Y., (2002) also stated that "*To translate does not only mean to come to a decision but to perform a linguistic action*", which aims to include the poem into the waiting system of the Albanian reader. The translation of Gjeci is authentic art, not a simple and real translation of the original. The poetic phrase comes in didactic meditative color, full of folk expressions, filled with sensation and love, with the proper linguistic means without hiding the original beauty. Translated into Albanian, the poem does not lose

its dynamics, the beautiful verse, the rare phrase that fascinates the readers of all times. The translator not only dares to translate but takes on a challenge, relatively measuring the linguistic, lexicon, semantic capacity of Albanian language compared to other languages to which this work is translated. The poem has gone through a literature and linguistic process, and proper treatment in event and idea conception. The features of artistic expression are gracefully attached to the Albanian features presenting an original and contemporary style, trying to preserve the values of the original poem.

### **About the poem “Odyssey” of Homer**

“Odyssey” poem shows the creative originality of Homer, one of the greatest poets of all times, which still gives us artistic pleasure and becomes an inspiration for future writers. The subject of “Odyssey” is developed in two parallel planes. One presents the actions of the hero and on the other what happens to his wife in Ithaca. The poem presents such a compositional combination that only a master can weave. The way the “Odyssey” is written and how the events are combined, is conceived with a modern judgment expressing the physical strength in a human. “Odyssey” as a full figure is much closer to our time period. The features noticed in the character’s psychology are the ones of a social group of people that has entered into a new development period. In his poetry, Homer has enabled him to intertwine the ideal world of heroes and Gods with the real human world. This poem belongs to Homer as much as it does to the folkloric myths. The poem is based on myths connected to a single thematic and ideal function. The poem is distinguished for a narrative style, less pathetic and figurative compared to the other Homer’s poem “Iliad”. The descriptions are full of thoughts and feelings for the surrounding world, that is why he turns this work into a rich asset of moral and spiritual values, which still today holds freshness, beauty, and fascinating brilliance.

### **Stylistic features of the poem**

The virtuosity of the word and the thematic and idea variability constitutes the powerful strength of Homer, which are attached to the originality of narration, power of thought, and powerful support of genius folk. Reading the “Odyssey” means to open the heart and mind, as this poem enriches and increases the love for mythology. According to Lloshi, Xh., (1981), the highest goal of each poet is the beauty of the world, finding the right words, the best touching features for the description of the environments, or the characterization of the characters. To understand the linguistic means that Homer used to achieve this beauty and language production, one should read the poem in its original version, as this is the only way to understand its real stylistic and linguistic values. Since we are not able to do this, we have analyzed its Albanian translated version. Even though the geography of the theme distribution is small (a part of the Greek-speaking areas), the variety of selection is huge. The poet gets help from folk mythology, which continues to be a feeding generator with plenty of values for literature even today. The way the poem is constructed, its richness, and full expression are powerful in all the poetry forms presented. Some of the most distinguishing features of his style are:

The power of thought is based strongly on the strength of the noun syntagma such as: *luan kreshtëmadhështor* (magnificent lion crest), *vigan truphedhur* (humongous giant body), *valë perçeshkumë* (foamy wave), *flota rremgjtë* (long rowing float), *agim gishtatrëndafil* (rosy finger dawn), *gratë mandilbukura* (magnificent headdress woman), *mbretit gjakhyjnor* (god-blooded king), *hyu rrezedritë* (light wavy God), *gurra ujëllirë* (pure water fountain), *Zeusi rrezear* (golden wave Zeus), *fatziu kreshnik* (bad lucked knight), *mendjemprehti Uliks* (smarty Ulix), *dhelëkundësi Poseidon*, (the ground shaker Poseidon) *kuajt kripëgjtë* (long harness horses), *Atena syqjellorja* (sky eyed Athene), *Nausika llërëbardhoshja* (white-skinned Nausika), *Zeus rrufeflakëruesi* (lightning bolt Zeus), etc. The composite word plays an important semantic and constructive role in all these noun syntaxes, which helps the noun and adjective functions, in certain linguistic contexts according to their use. **PS: the Albanian descriptions are left to better show the translation effect.**

In all the songs of the poem, the poet can show the lexicon expression through the frequent use of certain lexemes, which often take stylistic features thus becoming key words in the development of the event for example: in song 10 the most frequently used words are: *urti* (wise), *dinakëri* (mischief), *fatzi* (unlucky), *Odise* (Odyssey), *Zeus* (Zeus), *Itakë* (Ithaca), *det* (sea), and all these words are part of the events.

Another important part of the stylistic presentations is the use of phraseology. Only in the second song we are found almost 46 phraseological expressions used as phrases such as:

*na rrente mendja* (we were lied to), *na hodhi hi syve* (we were deceived), *t'i vësh frerin* (to stop), *u mbeti në duar* (dead on their hands), *i lypi zemrën* (stole her heart), *po i pjell mendja* (make up ideas), *s'e zinte vendi* (couldn't stay in one place), *ia fiku derën* (none alive), *ia kam frikën* (terrified by), *e marrtë lumi* (hope it gets lost), *vëria veshin fjalës* (listen to me), *i gjentë e zeza* (I condemn you), etc., but also with sentence value: *mbash mend sa të jesh gjallë* (do not forget till death); *tjetër ka në gojë e tjetër ndyn në zemër* (different says and different does), etc. (Song II).

These expressions fit perfectly in his pure speech, express social ideas, give feeling to the narration, and strengthen thinking about the close relations of Homer to the folk genius. Phraseology can not be translated word for word, that is why their frequent proper use also shows the skills of the translator.

The poem "Odyssey" is of great importance because of the powerful act which draws vivid and real scenes, where legendary humans move around, so real and convincing, feelings, joy, and misfortune which are so rare to the beauty of the world literature. Examples are: *Në shpirt flakën nuk mundën me ma shue/ botën me sy unë doja me përpi,/ vese e vlerë njerëzore me hetue./ Me varkë iu futa detit pa kufi* (in my spirit they could not wipe off the fire, the world I wanted to see, human features to notice, to the boundless sea I floated with a boat ... (Odyssey, Song X)

The Homeric poem is distinguished for a strong epic character, for pictures with a fine lyricism, for agile dialogue, powerful conflicts, and the attractive way to develop the events realized with the word master for example (*the unbelievable singer with whom the muse shared its worst and best even though blind, it had a priceless gift, a touching voice....* (Odyssey, song VIII).

The features of Homer style is the way how he analyzes the inner world of the characters, with the oral power and the magnificent speech in their characterization such as *Nobody do I love as much as I love Telemac, nobody dares to touch him* (The force of

parents' love), (*Odyssey*, song VI).

He is a master of some literature descriptions, found within the poem: dialogue, description, monologue, travel up to roaming of the psychologic analyses within the verse such as: (monologue) *be patient my heart, you have seen more than this when the giant took my friends, you were patient for many tricks, you came out of that dying cave,,,*) (*Odyssey*, song XX)

Nouns are vivid reflections of the life of ancient people. They give irreplaceable data on ethnicity, social, cultural, economic, and historical development. It is very important to be studied the use of nouns of places and people which give the localized event, and also characterize the human or god characters. Some of the vents happen in Ithaca and the other part in Ogiçje, Skeria Island, seas and areas of the Mediterranean, Ionian coast, Egeus Islands, up to Asia, while the Gods are situated in Olympus. There are lots and various characters, but each with their own individual personalities such as *Odyssey*, *Penelope*, *Telemac*, *Eumeu*, *Zeus*, *Poseidon*, *Calypso*, *Circe*, *Medusa*, etc.

### The history of composites

Kostallari, A., (1972) noted that *“Two-part words formed from the joint of more than two themes in one word, in one structurally closed lexical-semantic unit, formed as an independent phonetic-morphologic unit, which has its own potential characteristics, word-forming, semantically developing which has its syntax functions always as a whole word. Despite the phonetic and lexical-grammar features of its components are called composites or compound words.”*

According to Cipo, K., (1948), these *“casual expressions or fine language use”*, which are labeled according to their sentence function are encountered since the beginning of Albanian writing, even in onomastics and toponomastics we find documentation even more ancient of the composites in the written language for example *buzëgjanë da Raguza* (1304); *black bread “bucceseos”* (1304); *big man “Paulus Burmad”* (1335); *goodbread “Alessio Buchemir”* (1416-1417); *bigfoot “Jon Kammadi”* (1416-1417); *hairyfeet “Nikola Gambalessa”* (1416); *bigmouth, spikyhair, “Benco Goglimandi”* (1417), etc., and later in *Buzuku*, *Budi*, *Barleti*, *Bogdani*, *Variboba* present other forms of composites such as *fatmire* (*lucky*), *fatmarrë* (*bad luck*), *buzëgjarpër* (*snake lips*), (XV century).

Later are noticed composites in the works of *Kristoforidhi*, *Naim Frasheri*, *Sami Frasheri*, continuing with *Noli* and modern writers who contributed to the creation of composites that are part of **Albanian Language Dictionary** which includes more than 2000 compositions with clear structure or about 6% of the general number of the words it contains.

The presentation of the composites is relatively late in the grammar of the Albanian language, even though they are found early, are used in the folk slang and written forms. Their use has started since the middle of the 19<sup>th</sup> century, mainly from foreign authors such as *Hahn*, *Dozon*, and *Veigand*, but is skeptically treated up to full denial of the real Albanian composite existence. Meanwhile, Albanian authors *Kristoforidh* and *Sami Frasheri*, provide a more objective reflection of the compound words based on the folk slang. Unfortunately, only this; survey and not a study, not a classification of composites.

A new period of study, evaluation, treatment, and classification of Albanian

language composites started with the articles of Fan Noli “**Naim Bey Frasher and the enrichment of the Albanian language**” (1925 IN Graz, Austria), and later with K. Cipo and A. Xhuvani. Lately, the great professor of the Albanian language A. Kostallari studied in detail the full way of the Albanian composites, types, formation, and classification, giving an extraordinary contribution in this area and other areas of Albanian lexicology. According to K. Cipo, (1948) in Albanian, we have connecting composites which in Sanskrit means “*dvandva*”. Neologisms; *veshmbathje* (clothing), *shitblerje* (buying), *shitblerës* (buyers) are real *dvandva*. According to the nature of the formation, the composites are classified into six genders states Cipo, K., (1948) too.

1. The same verb in both ends but the tense changes for example *thashethem* (*chitchat*).
2. Two verbs connected with a joiner and have opposite meanings for example *ecejak* (*wander*).
3. Two verbs with similar meanings for example *shkeleshko* (*careless*), *foleqesh* (*smiley*).
4. From two nouns that are totally different from each other: *këmbëkokë* (*head to toe*),
5. *Natëeditë* (*day and night*).
6. From a repeated noun for example *ujëra-ujëra* (*colors*).
7. Composites *sui generis*. These are the composites that if we take them apart both parts do not have a meaning for example *shatra-patra* (*carelessly*), *kap-kap* (*get as much as you can*), *gëk-mëk* (*shut up*).

K.Cipo also analyses the determinative composites divided into two groups:

- a. **Compositions with two parts:** the first serves to determine the second such as *krye + qytet* (*capital*), *Shën + Gjergj* (*Saint George*), *gjysma + gjel* (*half hen*). The second part is an additive to the first or as an attribute *buzëburbuqe* (*poppy lips*), *shtatselvi* (*cypress body*), *lulelakër* (*cauliflower*) etc;
- b. **Dependent:** Composites that the first one determines the second as it can be found in any declensions except the denominative one.
  1. Genitive declension in the first part: **a) noun + noun:** *botëkuptim* (*world understanding*), *dorëshkrim* (*manuscript*), *buzagaz* (*smiley face*), etc. **b) noun +verbal noun:** *udhërrëfjenjës* (*guideman*).
  2. Accusative declension in the first part: **a) noun +verbal noun:** *bishtatundës* (*tail shaker*), *oxhakpunues* (*chimney maker*). **c) noun + participle:** *bukëshkalë* (*ungrateful*)
  3. Composite **noun + adjective;** *heartburning* etc.
  4. Composite **preposition + noun;** *ground floor* etc.

There are other attributive composites formed with the word **many** such as *fjalëshumë* (*talkative*), *luleshumë* (*flowery*) but also *gushëkuq* (*redbreast*), *fjalëpak* (*quiet*), *jetëshkurtër* (*short lifer*), etc.

The first who wrote about composites was N. Jokli in his brochure “**Naim Bey Frasher and the enrichment of the Albanian Language**” published in 1925, the second was K. Cipo in The **Bulletin of the Science Institute** in 1948 and the third A. Xhuvani in “**Linguistic Studies**” in 1956 which will be discussed later on.

Professor Xhuvani studies two types of composites in radical view stated by Kostallari, A:

- a. *Composites formed by a verbal noun and vice versa,*  
*Composites formed by two nouns.*

- The first type of composite is divided into three categories:
- The first part of the composites is the determinative acting verb and the second is a determining part that takes on the action such as a noun, adjective, or an adverb for example *dashamir* (good doer), *zanafill* (beginning), etc.
  - The first part of the composites is the determined part that takes on the action such as a noun, and the second part is determining such a verb participle for example *dorëzanë*, *bukëshkalë* (ungrateful), *bukëdhënë* (generous), *pikërenë* (stupid), *trutharë* (dum), *rrënjëdalë* (die-away), *dorështrënguar* (stingy), *buzëplasur* (suffering), etc. If there is a preposition “pa” in the middle of two parts of the composite the negative or denial meaning is clear *fatpadalë* (single girls), *buzëpaqeshur* (sad), *flokëpakrehur* (unclean), etc. composites formed by a noun and a participle are similar to the composites formed by a noun and an adjective, for example, *zemërbardhë* (generous), *derëzi* (bad person), *sykaltër* (blue eyed), etc.
  - The new development of composites started in Renaissance, according to the second category, but the second part is not a participle but an action noun. There are many creations of this type such as *bukëpjekës*, (bread maker), *gurëgdhendës* (stone carver), *udhëheqë* (leader) (in Kristoforidhi); *barngrënës* (grass eater), *rrufeheqës* (lightening rod), *udhërrëfyes* (leader), *shigjethdhës* (caw seller) (found in Naim Frasheri). According to this model there are many neologisms for that time such as *njeridashës* (man lover), *orëndreqës* (watchmaker), *zjarrfikës* (firefighter), *vëllavrasës* (brother murderer), *gjakpirës* (bloodsucker), *ujësjellës* (water supplier), *gjakderdhës* (blood reaper), *liridashës* (freedom lover), *paqedashës* (peace lover), etc.

The second type of composite is the one that comes from joining two nouns without any joining word in the middle. These are divided into four categories:

- The determined part stays close to the determining part for example *mesditë* (midday), *bregdet* (seaside). The composites with the word **Head** are part of this group; *kryeqytet* (capital), *kryemot* (leadyear), *kryepriift* (high priest) *kryeministër* (prime minister), etc. (note: in English, not all the words translate with the part **head**).
- The determined part comes after the determining part, the opposite to the above category for example *drekëherë* (noon), *hekurudhë-railway* (seen in Gurakuqi in 1906 affected from Italian word *ferrovia* . According to the logical formation, there are toponomatics composites such as *Fushëdardha*, *tanabregu*, *Bishtëpallë* etc.
- The same as the second category, but the determined part is a derivate noun that comes from a verb for example *dheshkronjë* (ground letter), *njeritregonjës* (teller), *dorëshkresë* (manuscript), *zëdhënie* (announcements), *dhelëkundje* (ground shakes) (Kristoforidh). Later we see compositions such as *armëpushim* (armistice), *dorëshkrim* (manuscript), *dëmshpërblim* (compensation), *frymëmarrje* (breathing), *dorëheqje* (resignation), *duartrokitje* (clapping), *botëkuptim* (mentality) and much later there are the ones such as *marrëveshje* (deal), *veshmbathje* (clothing), *tejkalim* (excess) etc.
- Composites formed by two nouns in quantitative meaning. If the three groups are formed of composites that show material, master, place, or an abstract meaning, the fourth group includes composites that show quality and are used as adjectives such as *zemërgur*, *gojëshplarë*, *buzëburbuqe*, *bishtgërshtë*, *shpirtkazmë*, *veshllapush*, *sylesh*, *harkergjend* etc. as Kostallari, A. resulted. We should emphasize that with the development of the language and the determinations of Xhuvani’s reasoning, according to whom these adjectives cannot form a noun of the feminine gender



with an abstract meaning such as *fatbardhë* (lucky) is not the same as *fatbardhësi* (luckiness), or from *zemërgjerë* (generous) does not come *zemërgjerësi* (generosity), but in fact have become part of the lexicon, for example, *shpirtmirësi* (good-spirited), *shpirtmadhësi* (magnanimity), *zemërmirësi* (benignity), *zemërgjerësi* (generous), *zemërbutësi* (soft-hearted), etc. All of these are stated by Xhuvani, A., (1952),

A. Duro is one of the greatest researchers that contributed to the study of composites. His studies mostly contribute to the area of technological composites, attributed to his dear professor Aleksander Xhuvani. According to Duro, the determining terminological composites are composed even without the phrase formation:

a. The creation of such composites relates to the tendency of Albanian language to break down the notion for a more synthesized analysis. (preceding of this thinking is A. Kostallari) for example *bletar-bletërritës* (bee raiser), *furrtar- bukëpjekës* (bread maker).

b. These types of composites serve to better adaption of borrowed foreign words such as *barazpeshim-balance*, *barazolefshëm-equivalent*, *dendësimatës-densimeter*, *shumëgjymtyrësh-polinom* etc. The most frequent types of determining composites in the scientific and technical terminology are:

**Noun + verbal noun + ending -ës**, where the first part determines the second for example *gazhedhës*, *gazmatës*, *gazheqës*, *gazsjellës*, *gurthyes*, *këndmatës*, *zhurmëmbytës* etj.;

**Adverb + verbal noun**, such as *parapritje*, *pasveprim*, *bashkëmatje*, **adverb + non verbal noun**; *gjysmëdrejtëz*, *bashkëvariant*; **adverb + adjective**; *barabrinjës*, *i barasfuqishëm*, *i baraslarguar*, *i brendashkruar*, *drejtkëndor* etj.;

**Numeral or the determiner shumë (multi) + noun ending with-sh**; *shumëfaqësh* (multipaged), *katërkëndësh* (rectangle), *katërfaqësh* (cube).

**Pronoun adjectives with self + noun or an adjective**; *vetëbllokuese* (self-blocking), *vetëshkarkues* (self-unloading), *vetëmbushës* (self-loading) etc.

An exceptional contribution in the area of composites, their features, and classification comes from Professor Androkli Kostallari. In his work “*On some features of the compound words of the Albanian language*”, many issues are studied starting from the composites since their investigation and documentation in the unwritten Albanian language. He opposes foreign researchers, by showing with facts the existence of the composites in Albanian, distinguishing them from the joint words. The composites are constructed with word-forming means of the language, are distinguished for clarity and semantic transparency based on word-forming models of the Albanian language itself, then quickly are inculcated in literature, enabling various foreign verses to be translated and easily used in Albanian.

### **Studying of composites of poetry according to their construction**

Studying of poem composites is conducted referring to “**Grammar of Albanian Language**”. Composition is a way of word combinations to create new words. It is one of the most beneficial ways to form words. Having within them two motivating themes, composites usually have a higher semantic charge than other words and directly present the expressive notion. Thus, they are widely used especially in terminology, where are required more appropriate expressions of information and more economical concepts according to A.SH.SH., (2002). Composites are formed from word themes such as nouns, adjectives, verbs, adverbs, numerals, and pronouns.

A.SH.SH., (2002) has also stated that each of the composite parts has a clear and determined lexicon meaning.

If we study the database of the composites in the poems, we notice that most of them are nouns and adjectives and a limiting number of verbs and adverbs such as follow:

Nouns	Adjectives	Verbs
flokëgjatët (longhaired people)	krelbukur (forelocks)	keqkuptoj (misunderstand)
krifëgjatët (long creasts)	zemërplasur (saddened)	udhëheq (lead)
mendjemprehtët (smarties)	kreshtmadhështor (great crest)	dyfishoj (double)
zëmadi (loudest)	pesëmajash (five points)	hakmerrem (revenge)
syqiellorja (sky eyed)	turiqen (dogface)	mikpres (welcome)

Parts of composites may have between them coordination or subordination relations. According to these criteria, there are two types of composites noticed in the documents of A.SH.SH., (2002),

➤ **Composites are composed** of two or more parts with coordinative relations between them. Such examples are: *motmotesh* (from year to year), *atdhe* (fatherland), *shoku-shokun* (friend to friend), *njëri-tjetrin* (each-other), *curril-curril*(spurt-spurt), *verilindje* (north-east), *këmbadoras* (crawling ), *juglindje* (south-east), *veriperëndim* (north-west) etj.

➤ **Determining composites** consist of two parts where one determines the other. The motivating theme is the one that serves as the second part of the composite and is usually the supporting theme that forms the composite and gives it grammar features as seen in A.SH.SH., (2002). The highest part of the composites found in poems belong to this group such as *vdekjeprurës*, *zëmbël*, *leshverdhë*, *gojëmadh*, *fatlumë*, *krifëgjatët*, *zemërflakë*, *gojështhurur*, *gojëleshuar*, *qipëplasur*, *mendjeholli*, *fatzi*, *lulegdhendur*, *rremgjatë*, *mandilebukur*, *zemërorarë*, *rrezedritë*, *rrezear*, *ujëdlirë*, *sybukur*, *kuptimplotë*, *shpirtzi*, *krahëbardha*, *mendjeshumi* etc.

The determining composites are found in some uses serving as the word-formation themes for other compound words, also called fake composites but should be distinguished from the real ones for example *kryegosti-kryegostitës*; *dashamirë - dashamirësi*; *mendjemprehtë - mendjemprehtësi*, etc. There are composites where one of the parts takes the function of an affix. These composites enable the construction of new words and are called affixoids. These types are the first parts of composites such as *kryeperëndi*, *kryehyjni*, *kryeprijës*, *kryegostitës*, *kryeqyqar*, *kryelopçar*, *kryelartësi*, *mikpritës*, *vetëvetes*, *pesëvjeçar* etc.

Another way of generalized study on the poem composites would be according to the classification that Alexander Xhuvani does. So, the composites are divided into:

➤ **Composites formed by two nouns** (noun + noun)

Determined part before the determining part	Determined part after the determining part	Determined part and a noun	Qualitative nouns
kryegostitësi (head feast)	zemërbujari (generous)	dhelëkundësi (ground shaker)	shpirtmizori (cruel spirit)

kryezonjë (head hostess)	motmotet (year to year)	zëkumbonjësi (great sounder)	zemërguri (stony hearted)
kryeqyqari (head wretch)	pamjehyjnori (goddess)	rrufeflakëruesi (light thrower)	shpirtguri (heartless)
kryebari (head shepherd)	veriperëndim (northwest)	çudibërësi (miraculous)	zitrilluesi (forger)
kryevendi (head place)	fatlumë (lucky)	gishtatrëndafili (finger rose)	hakmarrësi (vindictive)

➤ **Composites formed by a noun and a verb or vice versa** (noun + verb, verb + noun).

The determining part is a verb, the determined part is a noun, adjective, or adverb	determined part is a noun +participle	Determining part is a noun, determined part a participle noun
hamendje (conjecture)	buzëqeshur (smiling)	shigjethdhësi (arrow thrower)
shtojvallja (fairy)	truphedhur (giant body)	bukëngrënësi (bread-eater)
dashamir (goodwiller)	hijedendur	vdekjeprurësi (deathbearer)

The formations of the second group are the same as the noun composites, but they change from the lexicon-grammar as the second part (participle) still does not have a label, but is used as the second part of the noun composite. The uses of these composites in the texts are frequent such as *cipëplasur* (shameless), *mendjekullar* (pure-minded), *gojëhapur* (astonished), *shtathedhur* (tall), *zemërvrarë* (saddened), *lulegdhendur* (flower carved), *zemërplasur* (heartbroken), *mallëngjyer* (thrilled), etc.

### Composites formed by a noun and an adjective

These take a big part of the found words. The constitute themes are mainly base words and root words such as *krelbukur*, *leshverdhë*, *zëmadh*, *gjëmëmadh*, *kreshtmadhështor*, *ujëdlirë*, *fatzi*, *fatbardhë*, *faqezinj*, *shpirtmizor*, *këmbëshpejtë*, *heshtgatë*, *mendjemprehtë*, *mendjelehtë*, *duarartë*, *flokëbukur*, *flokëbardhë*, *flokëkaltër*, *ngjyrëkaltër*, *zemërmirë*, *zemërzi*, *zemërbardhë*, *zemërmizor*, *thundërfortë*, *rrezear*, *krahëbardhë*, *kreshtëmadhështor*, *faqepurpurt* etc. (P.S. the translation of these words is given throughout the text).

Starting from the lexical and grammar features of the components of the above composites, the qualitative adjective creates an attributive direct relation with the noun (the second component determines the first). These composites behave as productive themes from adjectives that express physical qualities and may serve as nouns: “*them who make mad a smart/ and give ideas to a vain, (Song XXIII) was hit from the arrow of Apollon, / silver bowed, died without an heir, / he only left Aretne, a much-loved girl*”(Song VII)

**Composites formed with a numeral and a noun or adjective** such as *pesëmajash* (five pointer), *trekëmbësh* (three footed), *katërrotësh* (four wheeled), *njëzetremash* (twenty rowed), *qindojçare* (hundred years), *dykapakësh* (two-lids)

**Composites formed with a pronoun and another labeling word for example** *one-another*, *herself*, *imzot* (my lord), etc.

### Neologism composites

Xhuvani, A., (1973) studied the neologisms and he states that they are not created only by writers, but the translators of the foreign works are always looking for new

words, in order to translate closer to the original. An idea, a thought, a new thing needs new construction, a new syntax so this is a way to form new meanings on the old ones. Neologisms are created by fusing two words and referring to the time that *Odyssey* was written there were lots of these words. **The dictionary of Today Albanian language (1980)** presents neologisms such as *krua fiskaj-argjendtë* (silvery spring), *Uliks mendjekulluari* (Uliks pure-minded), *Antena syqjellorja* (Athene sky-eyed), *Poseidon dhetronditës* (Poseidon ground shaker), *hyjni sandalearta* (golden sandal goddess), *agim gishtatrëndafil* (rosy finger dawn).

These neologism composites are developed as situational creations in need of translations and adaptation of the words in Albanian. Mainly, they are constructed to the need of the poetic verse, to reduce its length, (to keep the same verse length with 12-13 syllables), but also to make use of the language such as lights of arrows "light arrow", Athene with the eyes like the sky "sky eyed", hunger the bringer of death "Death bringer", sight as a God "divine sighted", lightning thrower, etc.

Starting from the detailed analysis of the work material and all the composites that derive from the style of the author, we accept that the composites of the poem bring novelties in word formation because of their way and variety of construction. These composites, constructed with word formation elements of the Albanian language are of various forms and types and are distinguished for clarity and semantic transparency, based on the word-formation models of the Albanian language, thus enabling the wonderful adaptation of these verses in the Albanian language.

## Results

1. Formations with composites collected in the text have in their composition base words and compound words. They emerge, mainly as labels, settings and give a very rich lexical-semantic nuance in the contexts where they are used. Even as an integral part of the syntagma, where the composite is a second part of the word, not only makes the labeling and setting special, but the semantic meaning becomes even more expressive (*foamy waves, rosy finger dawn, pure watery springs*).
2. In the process of forming composites, there are also semantic transformations. Word-forming themes, despite their lexical-grammatical features, when combined in the composition, form a new word, a new asset for the Albanian lexicon (eyes in the color of the sky, sky-colored eyes).
3. The creation of composites, even for situational needs, (so that the translation is as close as possible to the original) is an asset for our language, for the lexical fund of Albanian, for the enrichment of the ambiguity of expression. These composites that express new notions even though they may remain part of the potential lexicon, hold an important place in this fund.
4. The use of double semantic composites, which are numerous in number and which mark at the same time both physical and moral features, constitute very important semantic-structural bases of the poetic verse (*cheeky, big-hearted, hearty*).
5. The study of the compositions of the text leads us to the conclusion that words, such as *sweet-mouthed/talkative, big-bodied/small bodies, happy-hearted/grouchy, generous/heartbroken, heartbroken - heartbroken, lucky/unlucky*, are antonyms and *resounding - big voice, body-giant/ big-body, strong-hearted/steel hearted*, are synonymous. In the composition of antonymous composites, we have antonymous pairs (white - black,

big - small, generous - cruel), which help in the realization of the characterizations of the characters of the poem.

6. In conclusion, we can say that a special place in the language of the poem "Odyssey" is occupied by the composites, which, like all poetic works, sound beautiful, meaningful with their equivalents in Albanian, proving the indisputable values of our language. as well as, showing us once again the great lexical potential we possess.

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# Teaching presupposition from a pragmatic point of view

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## Abstract

Pragmatics is the way we convey the meaning through the communication. The meaning includes verbal and non verbal elements and it varies according to the context, to the relationship between utterers, also to many other social factors. Its dynamic growth makes English an international language that connects people all around the world. As a consequence, English can be regarded as the common focus of all English speakers who do not share a language or a culture. As a matter of fact, English is spoken in different settings and levels of intercommunication. As a result, speakers must know many pragmatic elements in order to avoid inaccuracies and misunderstandings during communication. Such a great usage of English language requires a pragmatic competence which will help all those who speak or learn English as a second language. Thomas defined pragmatic competence as "... the ability to analyze language in a conscious manner." (cited in Holmes & Brown, 2007:524).

Pragmatic competence refers to the ability to comprehend, construct utterances which are accurate and appropriate to the social and cultural circumstances where the communication occurs. Pragmatic competence should be a leading goal for all those who teach English as a second language, which simultaneously represents a challenging task as well. Consequently, one of such tasks is the notion of presupposition. This paper aims at clarifying crucial arguments in favour of the pragmatic nature of presupposition. Presupposition can be defined as a belief a speaker takes for granted in making an assertion. On this view, a speaker presupposes in uttering a sentence rather than a sentence itself presupposes. Presupposition normally represents given information in one sense or another, and is part of the context, and in particular, the speaker's commitment state in which the sentence is uttered. This is the concept of pragmatic presupposition, also known as conversational, speaker, or utterance presupposition. Teaching presupposition should be the intent of the English teacher because it promotes the critical thinking skills of students and it highlights the attention on text analysis and communicative skills.

**Keywords:** presupposition, illocutionary forces, utterance and assumption.

Field of study: Social sciences.

## Introduction

The field of pragmatics, either philosophically or linguistically, is concerned with logic and communication. Implying and inferring are crucial speech skills for a rationale communication. Although such phenomena were early considered the pragmatic wastebasket; nowadays, they are components of pragmatics. Therefore, pragmatics studies a variety of units, including speech acts, politeness expressions in interaction, linguistic characteristics of speech registers, conversation mechanisms, the control of presupposition, and the creation of coherent discourse (Cutting, 2015). These linguistic, discourse and interactional units serve as components to study appropriate and effective communicative acts in spoken or written communication. Presupposition as a component of study in pragmatics dates back to the tradition of the philosophy of language. The study of presupposition has been an issue in

semantics and pragmatics, both focusing on the study of meaning. According to Yule, pragmatics is the study of the speaker meaning and of how more gets communicated than said. (1996, p.3). Hence, presupposition serves as a pragmatic phenomenon in explaining the way individuals refer and infer while having an interaction.

## 1. Historical background

The German mathematician, logician and philosopher Gottlob Frege is recognized as the first scholar who introduced, in modern times, the philosophical study of presupposition into philosophy and linguistics (Huang, 2014, p.84). In his book *Sense and Reference*, Frege wrote:

If anything is asserted there is always an obvious presupposition that the simple or compound proper names used have a reference. If one therefore asserts 'Kepler died in misery', there is a presupposition that the name 'Kepler' designates something. (1892, p.69).

Hence, the name Kepler designates something is just as much a presupposition of the assertion *Kepler died in misery* as for the contrary *Kepler did not die in misery*. The theory of presupposition, according to Frege, was considered an act of referring which happens by uttering a sentence and its counterpart as well. In order for an assertion or a sentence to be either true or false, its presupposition must be true or satisfied. It is not very clear if Frege held such view of presupposition as being part of the sentence, or being part of the speaker.

Another philosopher entered the scene by opposing Frege's view. Under the principles in the theory of reference, Russell brought up different opinions. One problem he raised was about sentences that lacked proper referents and still were considered meaningful. Here, it is taken into account the famous example; *The King of France is wise*. As described by Levinson, Frege explained it by making use of sense and reference. Thus, such sentences retain their sense or meaning even if they lack referents and therefore fail to have a truth value. However, Russell proposed his theory of description which dominated such inquiries for years. He stated that definite descriptions have nothing like the simple logical translation that one might imagine. They occur in natural languages as subjects, in logical form they are not logical subjects at all, but correspond to conjunctions of proposition (1892, p.171).

In his view, Russell showed that the sentence *The King of France is wise* is meaningful because it is simply false. *The King of France* also asserts the existence of that individual. Actually, such analysis brought up ambiguity. The negative version *The King of France is not wise* either presumes that there is such individual but he is not wise, or what is denied is that it is true that there is both a King of France and that he is wise. This means the following:

*The King of France is not wise because there is no such person.*

Russell's theory remained unchallenged until Strawson proposed a different approach in 1952. He introduced the idea of statements being true or false, sentences are not true or false. Thus, the above statement may be true in a specific year and it may not be true in another. Strawson claimed that there is a relation between the following:

The King of France is wise

There is a King of France

where the second is a precondition for the first to be considered as either true or

false. He called this relation presupposition (1952: 173). He insisted on the fact that presupposition was a special species of pragmatic inference which should be distinct from logical implication or entailment. According to Strawson, a statement A presupposes a statement B if and only if B is a precondition for the truth or falsity of A (1952, p.175).

Strawson and Frege held very similar views in opposition to Russell's approach. When one individual is faced with the statement The King of France is wise, it is linguistically perceived that the individual mentioned is wise; the implication that this individual exists is a background assumption. Russell had no voice on this. As Levinson explains, there is a list of well-established elements which became distinct in the philosophical literature due to the approaches of Frege and Strawson, as the following might confirm:

- a. The distinction between entailment and presupposition.
- b. The contrast between assertion and presupposition.
- c. The issue to consider presupposition as a relation between sentences (Frege did), between statements (Strawson did), or between speakers and assumptions (as Frege did once).
- d. The issue whether the ambiguity of negation between a presupposing-denying sense and a presupposing-preserving sense is to be considered as a structural ambiguity or lexical ambiguity (1952, p.173).

## 2. The phenomenon of presupposition

Huang states that presupposition can be simply defined as a piece of information or a proposition whose truth is taken for granted in the utterance of a sentence. Its main function is to act as a precondition of some sort for the appropriate use of that sentence. This background assumption will remain in force when the sentence that contains it is negated (2014, p.85).

Consequently, three perceptions of presupposition could be identified. Firstly, presupposition is definable as a relation between sentences or statements. This can be considered as the semantic presupposition. Secondly, presupposition can be differently defined as a belief a speaker takes for granted before the moment of uttering their assumption. From this point of view, it is the speaker who presupposes in uttering a sentence, because the sentence itself cannot presuppose. In other words, it is speakers or utterances but not sentences or statements that carry presupposition. Within the concept of pragmatic presupposition, it represents given information in one sense or another, and is part of the context, and particularly, the speaker's commitment state in which the sentence is uttered. It is the American philosopher Robert Stalnaker (1973) who takes the credits of this pragmatic approach to presupposition. Thirdly, in between, there is the idea of presupposition, which involves both linguistic forms and language users. This semantic-pragmatic concept of presupposition is put forward by Kattunen (1973) and Soames (1982).

Presupposition is produced by the use of particular lexical units, or it is triggered by the linguistic construction of the statement. That is why these are known as presupposition triggers. It was Levinson who tried to make a list of such linguistic triggers (1983, p.217). The following are linguistic triggers stated by Levinson which indicate the proposition per each positive and negative version of the case:



a. Definite description

*The king of France is/isn't bald. P: There is a king of France*

b. Factive predicates

*John knows/doesn't know that Baird invented television. P: Baird invented television.*

c. Emotive predicates

*John regrets/doesn't regret that he said the unsayable. P: John has said the unsayable.*

d. Iteratives

*John returned/didn't return to Cambridge. P: John was in Cambridge before.*

*John remarried/never remarried. P: John was married before.*

e. Implicative predicates

*John managed/ didn't manage to give up smoking. P: John tried to give up smoking.*

f. Quantifiers

*The committees interviewed/didn't interview all the candidates for the post. P: There were candidates.*

g. Temporal clauses

*After she shot to stardom in a romance film, Jane married/didn't marry a millionaire. P: Jane shot to stardom in a romance film.*

h. Cleft sentences

*It was/wasn't Baird who invented television. P: Someone invented television.*

i. Counterfactual conditionals

*If an ant was as big as a human being, it could/couldn't run five times faster than an Olympic sprinter. P: An ant is not as big as a human being.*

Within the field of generative semantics, it was assumed that presupposition could be dealt with in syntactic-semantic terms. A favorable point to this perception was the relation it has with entailment. As Huang further explains, to say that one proposition *p* entails another proposition *q* is to say that if *p* is true, then it is necessarily the case that *q* is true. This certainly seems to apply the cases above. But presupposition is a stronger relation than entailment: the fact that presupposition remains unaffected by negation should enable us (following this line of thought) to claim that *p* presupposes *q* is equivalent to: if *p* is true, then *q* is necessarily true; if not-*p* is true, then *q* is necessarily true (2014, p88).

Hence the claim, with respect to the following is that

If "Mary knows that the earth is a planet" is true, then "The earth is planet" is true, and

If "Mary does not know that the earth is a planet" is true, then "The earth is a planet" is still true.

But this is theoretically a too strong definition of presupposition. Since, at a given time, either *p* or its negation not-*p* is true, this definition in fact implies that all presuppositions are always true. Moreover, a presupposition can sometimes be cancelled when the negative sentence is uttered. For instance, it is not self-contradictory to say:

Tom doesn't have a better stamp collection than I have – in fact, I don't have a stamp collection at all.

The fact that, in negative propositions, presuppositions are defeasible, therefore, cancellable by contextual features, it can be treated in a symmetric approach with the defeasibility of conversational implicatures. Such similarity suggests that presupposition cannot be treated as a purely semantic phenomenon: that it shares

some of the characteristics of implicatures.

Such a conclusion had been already suggested by Strawson's treatment of presupposition. He claimed that *a statement A presupposes a statement B if and only if B is a precondition of the truth or falsity of A.*

Another way of making sense of Strawson's position is to assume something like Austin's position on illocutionary acts: that a statement (or assertion) is a kind of illocutionary act, which can only be successfully, performed subject to certain felicity conditions. On this assumption, Strawson's presupposition becomes a pragmatic condition on the performance of speech acts.

In the middle and later 1970s, a number of attempts were made to deal with presupposition within a 'complementarist' framework. Wilson (1975) and Kempson (1975) both rejected 'semanticist' and 'pragmaticist' attempts to give a unitary account of presupposition, arguing that some aspects of presuppositional phenomena need a semantic explanation and others a pragmatic one. One thing that remained unclear was how presupposition was associated with particular grammatical or lexical forms: e.g. with definite noun phrases, and the complements of 'factive' verbs such as *know* and *realise*. It was also unclear how the presuppositions of a whole sentence or utterance could be derived from the presuppositions associated with its various parts. Gazdar's solution to these problems involved deriving from a sentence's form its potential presuppositions, and then deducing the actual presuppositions of the sentence in context with the help of pragmatic factors, including conversational implicatures (1979, p.61).

### 3. Properties of presupposition

Presuppositions exhibit a number of distinctive properties, notably, constancy under negation and defeasibility.

By *constancy under negation* is meant that a presupposition generated by the use of a lexical item or a syntactic structure remains the same when the sentence containing that lexical item or syntactic structure is negated (Atlas, 2004, p.78). Using constancy under negation as diagnostic, presuppositions can be more formally defined as:

An utterance of a sentence S presupposes a proposition p if and only if:

- a. If S is true, then p is true
- b. If S is false, then p is true

In other words, for utterance S to presuppose p, whenever S is true, p is also true, and whenever S is false, p is still true.

However, there are problems at the very heart of this negation test. On the one hand, constancy under negation may not be necessary. For example, there is a class of sentences which is hard, if not impossible, to negate, yet they bear presuppositions as in:

Long live the (present) king of France! (P: There is a (present) king of France.)

On the other hand, constancy under negation may not be sufficient. This is shown by the following cases:

Do/Don't bring the digital camera here. (p: the digital camera is not here)

Will you come this afternoon? (P: the addressee is socially superior to or distant from the speaker.)

Although these cases satisfy the negation test, the pragmatically enriched information in the former is standardly analysed as a felicity condition on the speech act of

requesting, and that the latter, as a conventional implicature.

Defeasibility has generally been taken as the second most important property of presupposition. Like conversational implicatures, but unlike semantic entailments, presuppositions are *defeasible*. They are nullified if they are inconsistent with background assumptions, conversational implicatures and certain discourse contexts. Furthermore, they can also drop out in certain intrasentential contexts, some of which give rise to the projection problem of presupposition.

In first place, presuppositions can disappear in the face of inconsistency with background assumptions or related-world knowledge. Contrast the following cases: John got an assistant professorship before he finished his PhD. (P: John finished his PhD.)

John died before he finished his PhD. (P: John finished his PhD)

While the uttering of the first case presupposes that John finished his PhD by virtue of the temporal clause in the second, it does not carry that presupposition. This is because the supposed presupposition conflicts with our real-world knowledge that after one dies, one cannot do anything. Consequently the presupposition vanishes.

Secondly, presuppositions can be cancelled by inconsistent conversational implicatures. The following case shows it.

If John is organizing a stag night, Mary will be angry that he is doing so. (P: perhaps John is organizing a stag night, perhaps he isn't. John is organizing a stag night.)

The use of the factive predicate angry should generate potential presupposition that John is organizing a stag night. However, there is also a conversational implicature due to the use of the conditional perhaps John is not organizing a stag night. In the face of the contradictory conversational implicature, the putative presupposition here is defeated.

Thirdly, presuppositions are contextually cancellable, that is, they can evaporate if they run contrary to what the immediate discourse context tells us. Consider first, where the supposed presupposition is defeated by the inconsistent proposition that is already established in the immediate discourse background.

There is no (present) king of France. Therefore the (present) king of France isn't bald. (P: there is a present king of France.)

In this case, the use of the second sentence should presuppose that there is a (present) king of France. The reason it does not is because such a putative presupposition is inconsistent with the preceding proposition, already established in the immediate discourse background, namely, there is no (present) king of France. As a result, the unwanted presupposition fails to survive.

#### 4. Conclusion

Throughout this paper, the focus has been the phenomenon of presupposition. The shortly introduced historical background presented the nature of presupposition. Presupposition is part of the human logic and rationale, thus, it plays a great role in everyday communication. Although it was further introduced as a semantic and syntactic phenomenon, it can be stated that it is a pragmatic phenomenon. Presupposition shares a symmetric approach with conversational implicatures of Grice; it belongs to the speaker and listener and not to the sentence; it requires a context, consequently it should accommodate some felicity conditions to happen;

the speaker uses the speech act of referring and the listener uses the speech act of inferring as long as they presuppose. Furthermore, the properties of presupposition, constancy under negation and defeasibility, give other credits to the pragmatic nature of presupposition.

In such terms, presupposition should be considered as an important element to be integrated in communicative language teaching. As long as it is important to the meaning of the interaction, presupposition will clarify the learner to analyze successfully the inference or the intended meaning of the spoken or written text he/she is dealing with. The knowledge about presupposition will help the English language learners to develop their pragmatic competence and it can expand their skills in communicative aspects.

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# Page Rang Problem - Comparative Application in Algebraic, Numerical Method and Optimization Technique

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## Abstract

Page rank is an algorithm used by Google search engine for ranking web pages. This algorithm is used to solve many problems that are modeled as an oriented graph. The purpose of the algorithm is to calculate a relative importance score of each web page. By using this algorithm, we study the connection between the Departments of the Faculty of Natural Sciences of Tirana University. We solve the problem in algebraic way and in Numerical Methods as the solution of a linear system with Power Method and Gauss-Seidel. On the other hand, the proposed problem is seen as an optimization problem, which will be solved with the Particle Swarm Optimization (PSO) technique. After solving the problem with different methods, we make a comparison of the obtained solutions, in order to distinguish the most efficient method.

**Keywords:** Page rank, eigenvalues, eigenvectors, PSO algorithm, numerical methods.

## 1. Introduction

Page rank is a powerful algorithm for calculating the importance score of each web page. This algorithm was proposed by K. Bryan and T. Leise (2006) "The \$25,000,000,000 eigenvector: the linear algebra behind Google". The page's score is derived from the links made to that page from other webpages. The web is modeled as a directed graph, where the nodes are the web pages and the directed edges are the hyperlinks. Ranking algorithm and treatment of Page Rank are studied by different authors as B. Jaganathan and Kalyani Desikan (2017) "Penalty Matrix-based PageRank Algorithm", A.N. Langville, C.D. Meyer (2005) "A survey of eigenvector methods of web information retrieve", Andrei Bourchtein and Ludmila Bourchtain (2013) "On some analytical properties of a general PageRank algorithm", R. S. Wills (2006) "Google's PageRank: "The math behind the search engine" ect.

The page rank algorithm is studied and applied in different fields, Laurie Zack, Ron Lamb and Sarah Ball (2012) have studied the ranking of football teams in "An application of Google's PageRank to NFL rankings", Engstrom, C (2016) has studied "PageRank in Evolving Networks and Applications of Graphs in Natural Language Processing and Biology" and T. Simonite identified sources of hospital infections in "Google tool could search out hospital superbugs" (2008)

The motivation for this paper steams from the role of Linear Algebra behind Google page rank. By using Page Rank algorithm as K. Bryan and T. Leise (2006), we study the connection between the Departments of the Faculty of Natural Sciences of Tirana University in Bachelor program and present a ranking of this departments. We present the problem algebraically in the form  $AX = X$  and then we solve algebraically

the matrix equation that we obtained. Since the proposed problem is of considerable size and the matrix's elements are decimal numbers, then we use the rounding error. This leads to the fact that even the exact methods are used to solve the problem then the rounding error appears which we are not able to measure in the case of the exact method. Another way for finding the solution of linear system are Numerical Methods as Power Method and Gauss-Seidel. On the other hand, the proposed problem is seen as an optimization problem which will be solved with the Particle Swarm Optimization (PSO) technique. After solving the problem with different methods, we make a comparison of the obtained solutions, in order to distinguish the most efficient method.

## 2. The problem

Kurt Bryan and Tanya Leise (2006) proposed the linear algebra behind Google PageRank algorithm. We show how Google calculate the Page rank. Suppose that we have a connected web with  $n$  pages  $N_i$  where  $i = 1, \dots, n$ . Denote  $x_i$  the importance score of web page  $N_i$ . Denote  $L_i \subseteq \{1, \dots, n\}$  the set of pages with a link to page  $i$ . If page  $N_j$  contains  $n_j$  links (the number of outgoing links from page  $j$ ), one of which links to page  $N_i$ , then page  $N_j$  contribute for the importance score of page  $N_i$  with  $\frac{x_j}{n_j}$ . So for each  $i = 1, \dots, n$  we have

$$x_i = \sum_{j \in L_i} \frac{x_j}{n_j} \quad \text{for } i = 1, \dots, n \quad (1)$$

Using matrix notation, the system of linear equations can be written as  $AX = X$  where

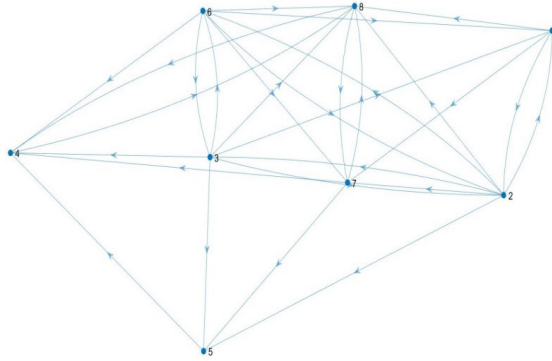
$$A = (a_{ij})_{i,j=1,\dots,n}; X = (x_i)_{i=1,\dots,n} \text{ and}$$

$$a_{ij} = \begin{cases} \frac{1}{n_j} & \text{if } N_j \text{ links to } N_i \\ 0 & \text{otherwise} \end{cases}$$

The matrix  $A$  is called the link matrix for this web. The Web page rank problem has been transformed into a linear algebra problem of finding the eigenvector that corresponds to the eigenvalue 1. Thus the matrix equation  $AX = X$  has nonzero solution. Since the matrix  $A$  is a column stochastic matrix, than exists the largest eigenvalue of this matrix  $\lambda = 1$ , C. D. Meyer, "Matrix Analysis and Applied Linear Algebra" (2000).

In this paper we present and study the connection between the Departments of the Faculty of Natural Sciences of Tirana University by using this algorithm. First we present an oriented graph where the nodes of the graph are the departments of the faculty. They are in total 8, where  $N_1$  is Mathematics Department,  $N_2$  is Informatics' Department,  $N_3$  is Applied Mathematics,  $N_4$  is Biotechnologies Department,  $N_5$  is Biology Department,  $N_6$  is Physic Department,  $N_7$  is Chemistry Department and  $N_8$  is Industrial and food Chemistry Department. In the figure below we have the connected graph where vertices represent departments and branches represent the

existence of a link from node  $i$  to node  $j$  if department  $i$  teach at least one subject at the department  $j$ .



**Figure 1.** The oriented graph where vertices represent departments and branches represent the existence of a link from node  $i$  to node  $j$  if department  $i$  teach at least one subject at the department  $j$ .

Applying formula (1) for the graph on Figure 1 we get the following linear system

$$(2) \quad \left\{ \begin{array}{l} x_1 = \frac{x_2}{6} + \frac{x_3}{6} + \frac{x_6}{7} \\ x_2 = \frac{x_1}{5} + \frac{x_3}{6} \\ x_3 = \frac{x_1}{5} + \frac{x_2}{6} + \frac{x_6}{7} \\ x_4 = \frac{x_3}{6} + \frac{x_5}{1} + \frac{x_6}{7} + \frac{x_7}{3} + \frac{x_8}{2} \\ x_5 = \frac{x_3}{6} + \frac{x_6}{7} + \frac{x_7}{3} \\ x_6 = \frac{x_1}{5} + \frac{x_2}{6} + \frac{x_3}{6} \\ x_7 = \frac{x_1}{5} + \frac{x_2}{6} + \frac{x_6}{7} + \frac{x_8}{2} \\ x_8 = \frac{x_1}{5} + \frac{x_2}{6} + \frac{x_3}{6} + \frac{x_4}{1} + \frac{x_6}{7} + \frac{x_7}{3} \end{array} \right.$$

which is equivalent with matrix equation  $AX = X$  where

$$A = \begin{bmatrix} 0 & \frac{1}{6} & \frac{1}{6} & 0 & 0 & \frac{1}{7} & 0 & 0 \\ \frac{1}{5} & 0 & \frac{1}{6} & 0 & 0 & 0 & 0 & 0 \\ \frac{1}{5} & \frac{1}{6} & 0 & 0 & 0 & \frac{1}{7} & 0 & 0 \\ 0 & 0 & \frac{1}{6} & 0 & 1 & \frac{1}{7} & \frac{1}{3} & \frac{1}{2} \\ 0 & 0 & \frac{1}{6} & 0 & 0 & \frac{1}{7} & \frac{1}{3} & 0 \\ \frac{1}{5} & \frac{1}{6} & \frac{1}{6} & 0 & 0 & 0 & 0 & 0 \\ \frac{1}{5} & \frac{1}{6} & 0 & 0 & 0 & \frac{1}{7} & 0 & \frac{1}{2} \\ \frac{1}{5} & \frac{1}{6} & \frac{1}{6} & 1 & 0 & \frac{1}{7} & \frac{1}{3} & 0 \end{bmatrix}$$

is the link matrix and  $X = (x_1, x_2, x_3, x_4, x_5, x_6, x_7, x_8)^T$  is the page rank vector. Here, the components of the eigenvector give the importance scores (ranks) of the corresponding departments. The Web page ranking problem is transformed into the problem of finding the eigenvector for the largest eigenvalue 1 because the link matrix  $A$  is a column stochastic matrix.

### 3. Methodology

The solution to the proposed problem can be obtained by looking at our problem in several aspects. First we solve problem by using linear algebra. Second, we look at it as a problem of finding the dominant eigenvalue and the corresponding eigenvector. Third, since we are dealing with a column stochastic matrix (the sum of the elements of its columns is equal to 1) we know that the maximum eigenvalue is 1. So we can return the problem in finding the solution of the system  $AX = X$ , to find the corresponding eigenvector. Fourth, we can look for the corresponding eigenvector of eigenvalue 1, minimizing the sum of the squares of the linear equations of the system  $AX = X$ .

We used numerical methods to find the solution in the second and third cases, namely the Power Method for the second case and the Gauss Seidel method for the third case. In the fourth case the solution is found by using evolutionary methods to solve a nonlinear optimization problem.

**Algebraic Method** This method is based only on the concept of eigenspaces and eigenvectors of the stochastic matrix  $A$  of the linear system (2) C. D. Meyer, "Matrix Analysis and Applied Linear Algebra" (2000). We have that 1 is the spectral eigenvalue of the column stochastic matrix  $A$ , so the system has nonzero solution. The dimension of the eigenspace, that corresponds to the eigenvalue 1, is one.

From above, we take as the solution the vector  $v = \frac{1}{\sum_{i=1}^8 x_i} (x_1, x_2, x_3, x_4, x_5, x_6, x_7, x_8)^T$ , such that the sum of its components are equal to 1 and the vector  $x = (x_1, x_2, x_3, x_4, x_5, x_6, x_7, x_8)^T$  is a base of the eigenspace that corresponds to the



eigenvalue 1.

**Power Method** is an iterative method used to find the dominant eigenvalue and his corresponding eigenvector. First we choose an approximation a nonzero vector  $X_0$  in

the case of page range problems, the initial vector are proposed  $X_0 = [\frac{1}{n}, \frac{1}{n}, \dots, \frac{1}{n}]^T$ . The iterative formula of power method is

$$X_k = Ax_{k-1} = A^k X_0$$

For the large power of  $k$  and by properly scaling this sequence we will have a good approximation of the dominant eigenvalue and eigenvector of  $A$ .

**Gauss-Seidel** is an efficient iterative method for solving linear system. Gauss-Seidel is a fixed point method for solving matrix equations. So, this method converges if the matrix of the system is dominant diagonal. The steps of this method are as follow: First we see if the system matrix is with dominant diagonal, if not we transform the matrix in dominant diagonal.

We find the fixed point transformation of matrix equations  $X = TX + d$ , where each components is given

$$x_i = \frac{1}{a_{ii}} (b_i - \sum_{k=1 \text{ and } k \neq i}^n a_{ik} x_k) \text{ for } i = 1, \dots, n$$

The initial vector is chosen  $X^0 = (1, \dots, 1)^T$

The iterative formula in  $kk$ -th iteration is

$$x_2^k = \frac{1}{a_{22}} (b_2 - a_{21}x_1^k - \dots - a_{2n}x_n^{k-1})$$

.....

$$x_n^k = \frac{1}{a_{nn}} (b_n - a_{n1}x_1^k - \dots - a_{nn-1}x_{n-1}^k)$$

In our case we will solve a homogeneous linear equation  $(A - \lambda I)X = 0$  to obtain the corresponding eigenvector of dominant eigenvalue.

**Optimization problem.** A system of linear equations  $Ax = b$  ( $A \in \mathbb{R}^{n \times n}, x, b \in \mathbb{R}^n$ ) can be expressed as follows

$$F(x) = [f_1(x), f_2(x), \dots, f_n(x)]^T = 0$$

Where  $x = (x_1, x_2, \dots, x_n)$

and  $f_i(x) = a_{i1}x_1 + a_{i2}x_2 + \dots + a_{in}x_n - b_i = 0, i = 1, \dots, n$ . So we can construct the function

$$G(x) = |f_1(x)| + |f_2(x)| + \dots + |f_n(x)|.$$

Then the problem of solving linear equations is transformed to an optimization problem. So we won't to minimize the value of  $\odot$ , and we now that the best value of  $\odot$  is zero from R.J. Kuo and C.C. Huang: "Application of particle swarm optimization algorithm for solving bi-level linear programming problem" (2010)

PSO algorithm is employed to solve the optimization problem ( R. K. Sahu, S. Panda, and G. T. C. Sekhar, (2015)\_

**Particle swarm optimization** (PSO) algorithm is a stochastic optimization technique

proposed by Kennedy and Eberhart (1995). A population based search method with position of particle is representing solution and swarm of particles as searching agent. PSO is a robust evolutionary optimization technique based on the movement and intelligence of swarms. Each particle “*i*” in the *d*- dimensional space, has velocity vector  $V_i = (v_{i1}, v_{i2}, \dots, v_{id})$  and position  $X_i = (x_{i1}, x_{i2}, \dots, x_{id})$ . The best position of the particle “*i*” is  $Pbest_i = (Pbest_{i1}, Pbest_{i2}, \dots, Pbest_{id})$  and the best position for all the particles is  $Gbest_d$ . Each particle modifies its position and velocity according to the formula

$$V_{id}^{k+1} = w \times V_{id}^k + C_1 \times rand_1(\ ) \times (Pbest_{id} - X_{id}^k) + C_2 \times rand_2(\ ) \times (Gbest_{id} - X_{id}^k)$$

$$X_{id}^{k+1} = X_{id}^k + V_{id}^{k+1}$$

$V_{id}^k$  is the speed of particle *i* at period of time *d*, *w* is the inertia weight, *C*<sub>1</sub> and *C*<sub>2</sub> are non-negative constants, called cognitive learning rate or the acceleration coefficients and play an important role in the algorithm process and  $rand_1(\ )$ ,  $rand_2(\ )$  are uniformly distributed numbers in U[0,1].( Kamal K. Mandal, Niladri Chakraborty (2011)).

The acceleration coefficient *C*<sub>1</sub> and *C*<sub>2</sub> pull each particle towards *Pbest* and *Gbest* positions. The inertia weight *w* keeps the control of the particle and is given as follows:

$$w = w_{max} - \frac{w_{max} - w_{min}}{iter_{max}}$$

where  $w_{max}$  and  $w_{min}$  are maximum and minimum value of weighting factor;  $iter_{max}$  maximum number of iterations; *iter* current number of iteration (Y.-Z. Hsieh, M.-C. Su, and P.-C. Wang (2014)).

*Outline of the Particle Swarm Optimization Technique* [M. Khalilzadeh, F. Kianfar, A. S. Chaleshtari, S. Shadrokh, and M. Ranjbar (2012)] are:

1. Initialize velocity, position, and the size of the swarm in a random way.
2. Every choice should be within the controlled restrictions as they will be checked.
3. The evaluated function for each  $P_i$  is calculated on the swarm by using the function  $F(P_i)$
4. Each *Pbest* value is compared against the swarm *Pbest* values. The best value of the *Pbest* values is marked as *Gbest*.
5. Modified velocity of each particle
$$V_{id}^{k+1} = w \times V_{id}^k + C_1 \times rand_1(\ ) \times (Pbest_{id} - X_{id}^k) + C_2 \times rand_2(\ ) \times (Gbest_{id} - X_{id}^k)$$
6. Check speed limits for each member.
7. Modify the position of each particle  $X_{id}^{k+1} = X_{id}^k + V_{id}^{k+1}$
8. If the value of each particle is better than the previous *Pbest* value, the actual value will become *Pbest*. Otherwise if *Pbest* is better than *Gbest*, the value will become *Gbest*.
9. Repeat from step 2 until the maximum number of iterations is achieved.

## 4. Results and Conclusions

We present here the results according to the above methods. Programming languages R and MATLAB are used for the implementation of algebraic and numerical solutions.

**Algebraic method:** For finding the eigenvalues and the eigenvectors of the matrix  $A$ , we find the results by using R language. First we use the package matlib. The function is

```
algebraicfunction <- function(A) {
  E <- eigen(A)
  stable - stage <- E$vector[1]/sum(E$vector[.1]),
  print(round(stable - stage,4))
}
```

**Arguments:**

$A$  the matrix of the linear system

$E <- \text{eigen}(A)$  calculate eigenvalue and the right eigenvectors

$\text{stable} - \text{stage} <- E\$vector[1]/$

$\text{sum}(E\$vector[.1])$

give the normalized eigenvector dividing by the sum of its components.

$\text{print}(\text{round}(\text{stable} - \text{stage}, 4))$  give the result rounding up to four digits after the decimal point.

### Power Method and Gauss Seidel program in MATLAB

MATLAB code, Power Method:

```
M=input('Put matrix M:'); [m,n]=size(M);
if m==n
  eps = 1.0;
  tol = 0.00005;
  %begin from steps number of steps = 0;
  u=input('initial approximation: '); ure=ones(n, 1);
  while eps > tol V = M * u;
    value = norm(V, Inf); unew = V / value;
    eps = max(abs(ure-u)); u = unew;
    %we go to the next step number of steps = number of steps + 1;
  end
  vector = u;
  disp('Eigen value is =') disp(value)
  disp('Eigen vektor is =') disp(unew)
  disp('error =') disp(eps)
  disp('number of steps:') disp(nr_steps)
else
  error('Matrix not square!')
```

MATLAB code Gauss Seidel

```
M = input('Input matrix A:');
b = input('Input matrix b: ');
x = [1/8;1/8;1/8;1/8;1/8;1/8;1/8;1/8];
itr = 0; error = Inf;
errormax = 1e-5;
while error > errormax
  x_old = x;
  for i=1:size(M,1)
    sum=0;
    for j=1:i-1
      sum=sum+M(i,j)*x(j);
    end
    for j=i+1:size(M,1)
      sum=sum+M(i,j)*x_old(j);
    end
    x(i)=(1/M(i,i))*(b(i)-sum);
  end
  error = (1/M(i,i))*(b(i)-sum);
end
disp('the solution is: ')
disp(x)
disp('error is:')
disp(error)
disp('Method converges in iteration = ')
disp(itr)
```

The PSO algorithm needs to define their parameters and limits. We have used the values given in the table below. The algorithm is executed in MATLAB

Evolutionary method	Parameters	Value
PSO	Number of particle	40
	Vmax (max velocity)	0.9
	Vmin (min velocity)	0.4
	c1 ( cognitive coefficient)	2
	c2 ( social coefficient)	2
	Maxiter (maximum number of iteration)	1000

**Table 1:** Value of parameters in PSO algorithm

The results obtained in this work are presented in the following table, where we have present eigenvalue (which is expected to be 1.0000), dominant eigenvector, the error and the number of steps.

Method	Algebraic Method	Power Method	Gauss Seidel Method	PSO Method
$\lambda_{max}$	1.0000	1.0000	1.0000	1.0000
$X_{max}$	[0.0000; 0.0000 0.0000; 0.0000] [0.0000; 0.0000] [0.0000; 0.0000] [0.0000; 0.0000; 0.0000; 0.0000; 0.3333 0.8334; 0.1667; 0.2531; 0.05] [0.8188; 0.0010; 0.0000; 0.0667; 0.0000 0.5000; 1.0000] [0.1518; 0.3000; 0.4881; 1.0000] [0.2000; 0.4000]			
<b>error</b>		4.4714e-05	1.0e-03	1.0e-12
$n_{steps}$		47	8	100

**Table 2.** Results obtained from each method.

According to PageRank algorithm the departments are ordered from most important to least important. We have this rank departments:  $(N_8, N_4, N_7, N_5, N_2, N_1, N_3, N_6)$ . We observed that the ranking of the departments from the most important to the least important is the same according to all the methods we used to solve the system. From the results obtained for our problem we found that the Power Method finds PageRank vector in 47<sup>th</sup> iterations with an error of order  $10^{-5}$ . The Gauss-Seidel method finds PageRank vector after 8 iterations but with an error of order  $10^{-3}$  and PSO finds this vector in 100<sup>th</sup> iterations with an error of order  $10^{-12}$ . The error of PSO algorithm is smaller than the errors of other methods. Based on our problem and the size of the

matrix, we propose that the method which offers the best solution (with the smallest error) is the PSO method.

Since in our graph the importance of the departments depended simply on whether the department  $i$  gives at least one subject in department  $j$ , in order to get the most accurate ranking of the links between the departments we must also look at the weight of the link between them. In this case the weight is represented by the credits that a department  $i$  covers in a department  $j$ . Thus we propose to analyze the performance of departments using weights and other page rank algorithm in the future work.

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# The effects of the European integration on the constitutional system of the Republic of North Macedonia and the role of the Constitutional Court

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## Abstract

National constitutions play an important role in the process of accession to the European Union. This follows as a logic consequence of the fact that constitutions of the country aspiring the integration determinate the status of international treaties in the rights of this country, the procedure of accession to international organizations. Regarding relations with European Union, particular importance have the provisions that ensure implementation of the principles of the European Union Law. However, it should be noted that in terms of normative choices in the process of accession to the European Union, there is no unified model for constitutional changes, so the European institutions, in their assessment have access in the current state. Constitutional changes of the Republic of North Macedonia in process of accession in European Organization are inevitable. They should be understood as a comprehensive process that will involve all the relevant actors in order to adopt the pertinent amendments with high political legitimacy. In its way towards European integration, the Republic of North Macedonia already made first changes in its constitution affected by the Prespa agreement which led to the change of the country's name, consequently lifting of the Greek veto.

**Keywords:** constitutional system, process of accession, integration, European Union.

## Introduction

In accordance with the Stabilization and Association Agreement, signed on April 9<sup>th</sup>, 2001<sup>1</sup>, the Republic of North Macedonia awaited almost twenty years to change its status from a candidate country to become member state of the European Union to a country waiting to start the accession negotiations.<sup>2</sup> It is a long period of fulfilling the conditions and developing the mutual economical and political relations. In the paper we will try to give our assessments regarding how much the Republic of North Macedonia, respectively its 1991 Constitution, supplemented by constitutional amendments, is able to accept the new reality, or the extent to which its provisions are in line with the normative acts that precede membership towards European integration. Furthermore, we will scrutinize in particular the role played by the Constitutional Court of the Republic of North Macedonia in this very important process for the state, we will see how much in its practice so far, the Constitutional Court has accepted the acts of the European Union, how much is invoked in them when reasoning its decisions, if it has shown resistance to accepting other legal sources outside national sources, if it has maintained a constant stance in its reasoning or has evolved into

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<sup>1</sup> The Stabilisation and Association Agreement entered in force on April 4<sup>th</sup>, 2004.

<sup>2</sup> From 2004 till now, the Commission granted six recommendations to North Macedonia to open accession negotiations, after which the Council decided to open the accession negotiations. For more, please check the link: [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/north-macedonia\\_en](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/north-macedonia_en)

those attitudes as well as other issues which we think will be of interest to the paper. Also, we will pay special attention to the approach of the Constitutional Court to the European Convention on Human Rights, how much has been invoked in its decisions in the Convention and what is its role, as well as and how prepared it is to accept the practice of the European Court of Justice.

National constitutions play an important role in the process of joining the European Union. This follows from the logical consequence of the fact that the constitutions of the country determine the status of international agreements in the law of the country, and in the procedure of accession to international organizations. Whereas, in relation to the European Union, the provisions are of special importance, which ensure the effective implementation of the principles of European Union law.

One of the challenges in the European integration process of the Republic of North Macedonia is the highest legal act - the Constitution which is the basis of political and economic regulation, respectively the Constitution of the Republic of Macedonia of 1991, with the relevant amendments.

One of the topics that open in the EU integration process is also the question of when constitutional changes should take place, before accession or after accession to the structures of the European Union.

We should emphasize a fact that in the practice of development of relations in the Republic of North Macedonia, the legal solutions and actions of the countries that emerged from the former Yugoslav Federation are taken as a basis. This, from the fact of common past and common or similar characteristics. And mainly, as model countries, are taken the Republic of Slovenia, and Croatia.<sup>3</sup>

However, it should be noted that in terms of normative solutions in the process of accession to the European Union, there is no unified model for constitutional changes, therefore the European institutions, in their assessments have access to the respective country.

It is up to the states themselves to assess the need for intervention, to highlight the problems in the national constitutions and present the solutions based on the national regulation of affairs, the solution of nomotechnics, mentality and legal culture. What the European institutions demand is to ensure unimpeded accession, elimination of potential constitutional conflicts, providing the legal basis for the effective implementation of the European Union law and the unimpeded realization of the freedoms and rights of its citizens.

Amendments to the Constitution of the Republic of North Macedonia in the process of accession to the European Union are inevitable. They should be understood as a comprehensive process that will involve all relevant actors in order to adopt relevant amendments with high political legitimacy.

The Constitutional Court of the Republic of North Macedonia must also undergo major changes, starting from the way judges are elected, to the expansion of competencies. The Republican Assembly's monopoly on the election of constitutional judges must

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<sup>3</sup> Similar normative solutions of the Constitution of the Republic of North Macedonia with the Constitution of the Republic of Croatia can be noticed, starting from the content and division of the highest legal act, up to the identical provisions that exist in the Constitution. An example is the provision from Article 2, point 1 of the Constitution of Croatia which states that "the sovereignty of the Republic of Croatia is indivisible, inalienable and can not be transferred." The same goes for Article 2, point 1 of the Constitution of Macedonia, which states that "the sovereignty of the Republic of North Macedonia is indivisible, inalienable and cannot be transferred."

be abandoned, and to accept the possibility for other branches of governance to participate in their election. The Constitutional Court should be given the competence to interpret the Constitution of the Republic of Macedonia. Without recognizing this right to the Constitutional Court, North Macedonia's Europeanization will be much more difficult and slower, and with more contradictions and conflicts in the field of law. The constitutional courts of the member states of the European Union have the right to interpret the Constitution, as well as the Court of Justice when it comes to the interpretation of the founding acts of the European Union. It is necessary to make changes and additions to the material and formal sources of constitutional law in the Republic of North Macedonia. In terms of material resources, the jurisdiction of the European Court of Human Rights and the Court of Justice of the European Union must be broadly accepted, as well as the general principles of European law established by the Court of Justice in Luxembourg.<sup>4</sup>

During the preparation of constitutional amendments for the purpose of accession to the European Union, the constitutional provisions governing the procedure for amending the Constitution, in part VIII, must obviously be taken into account. In relation to the changes, the Constitution contains only three articles, which specify that the changes are made with constitutional amendments, and authorized proposers for changes are determined. Also, the procedure for amending Article 131 is defined, for taking a decision to amend the Constitution. determining the draft proposal, making the decision for changes and announcing the changes, making the decision for changes and announcing the changes.<sup>5</sup>

For full membership in the European Union, changes must be made to the Constitution of the Republic of North Macedonia. Definitely, the provisions related to sovereignty, citizenship, organization of state power and procedures for membership of the Republic of North Macedonia in the European Union needs do be changed. The constitutional basis for the transfer of sovereignty over the organs of the European Union must be created, the issue of European citizenship, as well as to determine the procedures for membership in the European Union must be regulated.

## **1. Experience of the Constitutional Court of the Republic of Macedonia in the application of international law**

The relationship that an international agreement creates with the national law of states, depends on the Constitution of each state that has agreed to accede to it. The Vienna Convention on the Law of Treaties of May 23<sup>rd</sup>, 1969, Konventa e

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<sup>4</sup> Svetomir Shkariq, "Evropskoto ustavno pravo i evropizacija na makedonskoto ustavno pravo", Evolucija na ustavniot sistem na Republika Makedonija vo presret na usvojuvanjeto na ustavniot dogovor na Evropskata unija, Book 1, MASA, Skopje, 2008, pp 59.

<sup>5</sup> Article 129 of the Constitution of the Republic of North Macedonia states: "The Stipitation of the Republic of Macedonia is amended and supplemented with constitutional amendments."

Article 130 provides: "The proposal for amendments to the Constitution of the Republic of North Macedonia may be submitted by the President of the Republic, the Government, at least 30 deputies or 150,000 voters."

Article 131 provides: "the decision to amend the Constitution is made by the Assembly by a two-thirds majority of the total number. The draft proposal for the amendment of the Constitution is brought by the Assembly with a majority of votes from the total number and is put up for public discussion. The decision to amend the Constitution is made by the Assembly by a two-thirds majority of the total number. The change of the constitution is announced by the Assembly".



Vjenës për të Drejtën e Traktateve, e 23 majit 1969, sets out two main criteria in the field of implementation of international treaties: *principle pactum sunt servanda* (Article 26), according to which any treaty in force is binding on the parties and must be implemented by them in good faith and, the principle that a party can not use the provisions of national law, as a justification for its inability to implement a treaty (Article 27 of the Convention). Particular attention should be paid to the state report on the European Convention on Human Rights. In relation to the member states of the Council of Europe, the position of the Convention is dependent on whether or not it has a direct effect on the national law of fundamental rights and freedoms protected by it, but also from the obligation that states have to obey the protection measures that come as a result of the violations committed. There are states that recognize the direct effect of the Convention on national law, as there are states, which offer in their legal system a greater protection of human rights than the Convention itself.

From the constitutional definition of international law in the legal order of the Republic of North Macedonia, together with the provisions defining the jurisdiction of the Constitutional Court, turn out to be problematic in many aspects. First, from the report of the Constitutional Court in determining the assessment of the constitutionality of international agreements, then in assessing the compliance of laws and bylaws with ratified international agreements and, finally, with the sources of international law, which were taken into account during the decision, by all courts in the Republic of Macedonia.

However, development progress can be noticed in the approach of the Constitutional Court. In the first years of parliamentary democracy, the most frequent criticisms about the Constitutional Court were of reasoning which often referred only to international instruments, which was assessed as “insufficient reasoning technique”. Therefore, call only on a few provisions without consultation, e.g. of the decisions of the European Charter of Human Rights or in the scientific works of the relevant authorities in certain fields. In response to criticism from professional opinion, it began in further decisions to show readiness for direct application of international law in assessing constitutionality and legality.<sup>6</sup>

Nevertheless, the question arises as to whether all international agreements adopted in accordance with the constitution to be implemented directly by the courts. The court in the above-mentioned judgment no. 40/98, citing Article 23 of the Law on the Entering into, Ratification and Enforcement of International Agreements, stressed that in the legal order of the Republic of North Macedonia, nonetheless there are international agreements for the execution of which prior acts must be brought.

The evolutionary attitude of the Constitutional Court towards international law, is emphasized in the last ten years. If we analyze the decision no. 59/2004, we will see that there is a “resistance” to international law. With the decision rejecting the initiative for the assessment of constitutionality, the Constitutional Court states that, “the European Convention on Human Rights is an integral part of the national legal order. Yet its ranking is below the Constitution and, it can not represent a direct legal basis on which the Court would have based its decisions on the assessment of the constitutionality of the law. Indeed, the provisions of the European Convention on Human Rights as well as the practice of the European Court of Human Rights, may

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<sup>6</sup> See decision u.nr 40/38, “decision to reject the initiative to initiate the procedure for assessing the constitutionality and legality of the Government Recommendations, filed by JSC. Makpetrol).

present only supplementary arguments in interpretations of constitutional provisions, which the court uses when assessing the constitutionality of legal provisions".<sup>7</sup>

Two years later, the Constitutional Court, with its Decision no. 31/2006, states "the importance of the European Convention on Human Rights not only as an internal part of the legal order of the Republic of Macedonia, but due to the general principles on which it is based and promoted". With this reasoning, the Constitutional Court annulled part of the provisions of the Law on Public Assemblies, stressing that it "does not comply with the Constitution, in relation to the European Convention on Human Rights".<sup>8</sup> From the content of point 2 of Article 11 of the European Convention on Human Rights and from the practice of the European Court of Justice, it follows that the Convention allows the realization of the right to public assembly which can be restricted only by law and only if it is necessary in a democratic society, in the interest of national security or public safety, for the prevention of riots or criminal offenses, or for the protection of the freedoms and rights of the citizen. In subsequent practice, the Constitutional Court states that "the interpretation of the relevant constitutional provisions must be based on those general principles contained in the Convention on Human Rights and are interpreted in the working practice of the Strasbourg Court of Human Rights, which in fact represents the expressed position of the Court with the above-mentioned judgments u.nr.31 / 06 dated 1 November 2006 and decisions u.nr.28 / 2008, dated 23 April 2008.

In the reasoning stated on the one hand, the acceptance of the practice of the Court of Human Rights in Strasbourg is clearly confirmed as a source of law. On the other hand, referring to the positions presented in the above-mentioned decision, the continuity in the work of the Constitutional Court and the determination to continue with that practice is emphasized

Anyhow, the above decision brings a new stage in the evolutionary development of the work practice of the Constitutional Court of the Republic of North Macedonia.

It is worth mentioning the Judgment no. 104/2009 of the Constitutional Court, of 2010, which repeals the provisions of the law on the legal position of the church, religious communities and religious groups, which states that "the interpretation of the provisions of the European Convention on Human Rights, do not make it a member state according to their own views, but the European Court, according to its practice and the judgments it brings".<sup>9</sup> With this decision, the Constitutional Court very clearly acknowledges a very advanced position of implementation of the European Convention on Human Rights in accordance with unique and uniform standards of its implementation<sup>10</sup>. Otherwise, the opposite approach would leave the

<sup>7</sup> Decision u.no 59/2004 and u.no 39/2004 dated 21.04.2004.

<sup>8</sup> See decision 31/2006 dated 1.11.2006. Judgment on the abrogation of Article 1 of the Law on Public Assemblies, (Official Gazette of the Republic of Macedonia, no. 55/1995 and 19/2006).

<sup>9</sup> See Decision u.no.104 / 2009 dated 22.09.2010.

<sup>10</sup> Recommendation REC (2004) 6 of the Committee of Ministers of the Council of Europe to member states "On improving the internal means of appeal" among other things it says: " The Convention has already become an integral part of the national legal framework in all States Parties. This evolution has brought about improvements in the validity of effective appeal tools. For more, This new development is also supported by the fact that the courts and the executive authorities increasingly respect the jurisprudence of the Court in the process of implementing national legislation and are aware that they have the obligation to act in accordance with the decisions of the Court in matters directly related to their States (Article 46 of the Convention). This trend has been further strengthened by the improvement, in line with Recommendation REC (2000) 2, of the possibilities that the competent national authorities have to review or reopen certain proceedings which have been the main cause of the violations observed by

possibility of giving different meanings for the same provisions, and consequently, non-unified implementation of the Convention on Human Rights. Such wording gives us to understand that the effective implementation of international agreements, implies the application of case law that does not lead to the expansion of the scope of sources of law, if we adhere to the textual wording of the constitutional provisions. With the above wording, the Constitutional Court justifies the need for its execution, emerging from a passive position and taking the position of the main factor in the Europeanization of the legal system of the Republic of North Macedonia. Of particular importance in reviewing the practice of the Constitutional Court is the decision no. 104/2009 for not initiating the procedure for constitutional review. The Applicant challenges the provisions of the Law on Courts, which provided for a new legal remedy – the determination of the violation of the right to a trial within a reasonable time, while in essence, the right of precedent of the Court of Justice in Strasbourg was also ascertained, as a source of law in the Republic of North Macedonia, the Constitutional Court, in its reasoning, uses a mild source of law – recommendations of the Committee of Ministers. But, more important is the highlighting of the Constitutional Court that “The text of the Convention is inextricably linked to the interpretation by the European Court of Human Rights”.<sup>11</sup> The Supreme Court of the Republic of North Macedonia, in the implementation of the European Convention on Human Rights, will not achieve its actual implementation, if it relates only to the context of the text and its interpretation outside the jurisprudence of the Strasbourg court. This means that if the national court interprets the provision of the Convention as it is written, without regard to the practice of the Court of Human Rights and principled attitudes of interpretation, it will not be able to ensure the protection of the right. Even with this decision, the Constitutional Court clearly shows its role in accepting the practice of the European Court of Human Rights in the domestic legal system, which also means the prohibition and interpretation, otherwise of the Convention in the sense that it can be given by the Strasbourg Court. The interpretation of the Constitutional Court in this case is clear and instructive for the courts, especially for the Supreme Court of the Republic of Macedonia, that the implementation of this part of international law – The European Convention on Human Rights implies the use of the Strasbourg practice. In this way, the Constitutional Court with its decision clearly shows the position for the effective protection of the rights guaranteed by the European Convention on Human Rights.

## **2. Practice of the Constitutional Court of the Republic of North Macedonia with the European Union law**

The Constitutional Court of the Republic of North Macedonia is consistently declared incompetent for assessing the compliance of laws and bylaws with ratified international agreements, with the exception of Judgment u.nr140 / 2001, dated 04.12.2002, in the so-called OKTA case.<sup>12</sup> Such a passive position of the Constitutional Court.”

<sup>11</sup> Decision u.nr.104 / 2008 dated 20.11.2008, of the Constitutional Court of the Republic of North Macedonia

<sup>12</sup> For more details see Judgment u.nr 140/2001 dated 04.12.2001, “1. The Law on Ratification of the Bilateral Agreement between the Republic of Macedonia and the Hellenic Republic on the Construction and Management of the Oil Pipeline is Repealed, (Official Gazette of the Republic of Macedonia, no. 622/99)... point 6. Having regard to the constitutional provisions, respectively Article 108, which is a

Court of the Republic of North Macedonia is in a way in favor of the European integration processes. By analogy, with the view that the European Convention on Human Rights can only be interpreted by the Court in Strasbourg, through the practice,<sup>13</sup> respectively with the decision in question is accepted the final authority of the “international court”,<sup>14</sup> thus minimizing the possibility of dual competence conflict and thus paving the way for the acceptance of European Union law in the legal order of the Republic of North Macedonia after membership in the European Union.

Today, at this stage in which the Republic of Macedonia is, in the position from a candidate country for membership in the European Union to a country with recommendation to start negotiations, it is important to consider the Constitutional Court’s approach to European Union law, based on the Stabilization and Association Agreement, as well as the fact of harmonization with the legislation of the European Union, which is developing with high dynamics in recent years.

The first case where the European Union law is mentioned dates back to 2004, one month after the entry into force of the Stabilization and Association Agreement.<sup>15</sup> In its judgment, number u.nr 203/2003 dated 12.05.2004, the Constitutional Court finds that the legal regime foreseen by the legislator “complies with the insurance regime defined in European Union law, respectively in Directive 2002/83 / EC” dated 5. November 2002, dealing with life insurance.

Later, Judgment unr. 190/2004 dated 19.10.2005, which initiates the procedure for constitutional review, the Constitutional Court builds its arguments, invoking the concrete provisions of the Stabilization and Association Agreement and in addition, refers to legal acts of the *acquis* (in regulations and directives),<sup>16</sup> approaching also in their clarification and content. In Judgment unr. 30/2005, dated 09.11.2005, the Constitutional Court highlights that “Such a defined position of the directorate, as a separate and independent institution, with the status of a legal entity, with certain competencies and procedure, are also compatible with the content of Directives 94

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general provision for the competence of the Court and Article 110, according to which the Constitutional Court, among other things, decides on the compatibility of laws with the constitution, which article actually represents the operationalization of the previous provision, The Court ruled that the Constitution allows the Court to assess both the formal and the material side of the Law on Ratification of the Bilateral Agreement concluded between the Republic of Macedonia and the Hellenic Republic on the construction and management of the oil pipeline.

International agreements with the act of ratification become part of the legal order of the Republic of Macedonia and as such they have a position over the laws, but must be in accordance with the Constitution of the Republic of Macedonia. Given that the investment agreement is part of the Bilateral Agreement, it is actually an integral part of it and as such must be in accordance with the Constitution of the Republic of Macedonia.

<sup>13</sup> Judgment u.no.104 / 2009, dated 22.09.2010, “The Court emphasizes that the interpretation of the provisions of the European Convention on Human Rights is not made by the member states according to their approach, but by the European Court through its practice and the judgments it brings”

<sup>14</sup> In this case the term “international” is used as such, because after accession to the European Union, the European Convention on Human Rights should not be treated as an international act, because European law should be treated as the national law of the country.

<sup>15</sup> See Judgment unr.203 / 2003, dated 12.05.2004.

<sup>16</sup> In the decision unr.26 / 2009 dated 15.04.2009, The Constitutional Court states “that although the directives of the European Union, as a supranational right are not part of the legal order, respectively are not a source of law of the Republic of Macedonia and as such are not subject to assessment by the Constitutional Court, however, in arguing its legal opinion, the Court took into account Directive 2002/21 / EU of the European Parliament and of the Council of 7 March 2002”.

/ EC and 95 / EC of the European Parliament and of the Council of Ministers of the European Union, relating to the protection of personal data, in terms of personal data processing”<sup>17</sup>.

The Constitutional Court, with its decisions, unr. 132/2005, unr.168 / 2004, unr. 5/2005, rejected initiatives to assess the compliance of the law and bylaws with the Stabilization and Association Agreement. In this case the court was declared incompetent for their validity, in relation to the Stabilization and Association Agreement.

Analyzing the practice of the Constitutional Court, we can conclude that, when the procedure for assessing the constitutionality of ratified international agreements is initiated or the assessment of the compliance of laws or bylaws with ratified international agreements, the Court is declared incompetent. On the other hand, in all other decisions and judgments, the Constitutional Court uses, or takes into account, the international agreements ratified in its argumentation and gives them treatment of the internal legal order. Also, concrete acts from European Union law, such as regulations and directives, are used as a subsidiary source of law.

In 2007, the Constitutional Court issued decision unr. 85/2007,<sup>18</sup> for not initiating the procedure for the review of the constitutionality and legality of the Regulation in the field of civil flights. The Court bases its argument on the position that the sub-legal act was adopted on the basis of a ratified international agreement which is part of the national legal order, therefore international standards and European Union law defined in the provisions mentioned in the agreement are also an internal part. Then, it is accepted that “the international standard is part of the internal legal order” to finally assess that the regulation is not in conflict with the Constitution and the law.

It is worth noting that the interesting moment that attracted attention is the opinion divided in Judgment unr. 134/2008 dated 17.12.2008, by which the bylaws were repealed, respectively internal regulations, due to non-compliance with the Constitution and the law on registration of cash payments. Judge Igor Spirovski, although agreeing with the mentioned abrogation, shares his opinion, due to the position that, the Court had to make this decision not only because of the incompatibility of the regulations with the Constitution and laws, but also due to their incompatibility with the provisions of the Stabilization and Association Agreement. The separate decision confirms the Court’s practice of declaring itself incompetent to decide on the compatibility of bylaws with ratified international agreements and emphasizes that ratified international agreements “should be subject to assessment in terms of compliance with the Constitution and be the basis for assessing the legality of bylaws.” Whereas, the concrete competence of the Constitutional Court in principle, in the context of this, can be found in Article 110 of the Constitution, although it is not stated explicitly. At the same time, in its separate decision, the judge states that the repealed provisions of the regulations are not in accordance with the Stabilization and Association Agreement. Special attention deserves the final assessment of judge Igor Spirovski that “another opportunity was missed for the Constitutional Court to deal with the Stabilization and Association Agreement as a source of the effect of national law... and with it the possibility for the Constitutional Court to strengthen its role as a decisive factor in the “Europeanization” of the legal order of the Republic of North Macedonia.”<sup>19</sup>

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<sup>17</sup> See Judgment unr.30 / 2005, dated 09.11.2005.

<sup>18</sup> For more details see decision unr.85 / 2007 dated 12.09. 2007.

<sup>19</sup> For more details, see the dissenting opinion of Judge Igor Spirovski on the judgment, unr 134/2008, dated 17.12.2008.

## Summary

We should point out that as regards the normative solutions in the process of accession to the European Union, there is not a unified model for constitutional changes. That is why European institutions assess and evaluate each country separately. Countries themselves should assess the need of intervention, in order for them to point out problems within their own national constitutions and present solutions based on their national context. What the European institutions are seeking is the accession of candidate countries without any problems, the elimination of potential constitutional issues, the provision of legal grounds for efficient implementation of EU laws and obstacle-free observation of the rights and freedoms of their own citizens. The experiences of other countries are indispensable to making a fair decision, given the general social-political circumstances. This is to ensure stability within the state itself, as a precondition for integration into the great European family.

For the full membership in the European Union, changes to the Constitution of the Republic of North Macedonia need to be made. It is necessary to amend the provisions relating to the sovereignty, citizenship, organization of the state power and the procedures for the accession of the Republic of North Macedonia to the European Union. Constitutional bases for transferring the sovereignty over the bodies of the European Union should be established, the issue of European citizenship should be regulated, and procedures for membership in the European Union should be determined.

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# Developing IT terminology through syntactical approach phraseological units and their lexical-grammatical structure

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## Abstract

The aim of this research paper is developing IT terms through syntactical approach of phraseological units and their grammatical and lexical structure. There are several ways for developing IT terms. They can be created through semantics, grammar [morphology & syntax], through borrowings, abbreviations and Albanian transliteration of these terms.

The creation of phraseological units through syntactical way is of study interest as most of the IT terms are developed through this approach. This happens because it is impossible for the specialized language to express all existing innumerable/unlimited concepts in the related field. For this reason the language itself, exploring its tools/means develops terms – stable phraseological units. These new phraseological units with their structure, represent the concept more clearly and more obviously/transparent. The terms represented by phraseological units mainly develop from one-word terms in combination with other one-word terms, for instance: *drajver i printerit* [printer drive]. Another way is the combination of words of general lexis, for instance: *akses i drejtpërdrejtë* [direct access]. The use of terminological phraseological units gives to IT terminology and any other terminology as well systemic, related and hierarchic character. For instance: from the term *segment* [segment] it is developed: *segment i fajlit* [file segment]; *segment i rrjetit* [network segment]; *segment i të dhënave* [data segment]; *segment i kodit* [code segment]. With the help of induction and deduction methods, as well as with the descriptive analysis, this work tries to come to some concrete conclusions. For reader's convenience, examples are presented both in Albanian and English.

**Keywords:** term, terminology, phraseological units, syntactical approach, lexical-grammatical structure.

## Introduction

Beside creation of IT terms from the point of view of morphological aspect, the majority of such terms is created through collocations, i.e. through syntax means. This is also due to the fact that specialized language cannot express all the infinite existing concepts from all fields. In this respect, the language itself with its means realizes them through set phrases. These phrases, through their form, express the concept in a clearer and transparent way. The phrase terms mainly consist of one-word terms; in a combination with other one-word terms; or in a combination with words of general lexicon (Duro & Vrapit, 2015. p.20).

## Theoretical framework

The majority of terminological phrases consist of two, three or more elements. Based on its consideration as a defined elements it is a key term, whereas around it are grouped other elements that define the key elements, as long as they are an essential part of many phrases. (Duro. 1998. p.12).

Use of terminological phrases gives the IT terminology, as well as any other



terminology a system-like character, connected hierarchically, e.g: from the term *segment* [*segment*] we can have: *segment i fajlit* [*file segment*]; *segment i rrjetit* [*network segment*]; *segment i të dhënave* [*data segment*]; *segment i kodit* [*code segment*].

In the Informatics Vocabulary a part of the set phrases exist in the form of terminological expressions, e.g: *bazë e të dhënave inteligjente* [*intelligent database*]; *bazë e të dhënave paralele* [*parallel database*]; *bazë hierarkike e të dhënave* [*hierarchy database*]; *bazë relacionale e të dhënave* [*relational database*]; *bazë shumë e madhe e të dhënave* [*very large database*] etc., (Caka, Dika & Rodiqi. 2005).

Some terms have a considerable ability to create phrases, i.e. two-parts of speech phrases and many-parts of speech phrases. In general, the terms that form more phrases are those terms that are distinguished as such in informatics, i.e. those that express specific concepts of the field and are one-word units, such as : *kod* [*code*]; *kompjuter* [*computer*]; *adresë* [*address*]; *fajl* [*file*]; *sistem* [*system*]; *procesor* [*processor*] etc.

Only with the term *kod* [*code*] are formed about 53 two-parts of speech phrases:

*kod absolut* [*absolute code*]; *kod binar* [*binary code*]; *kod blloku* [*block code*]; *kod burimor* [*source code*]; *kod dhjetor* [*decimal code*]; *kod digjital* [*digjital code*]; *kod i aksesit* [*access code*]; *kod i karakterit* [*character code*]; *kod i kartës* [*card code*]; *kod i makinës* [*machine code*]; *kod i objektit* [*object code*]; *kod i shtetit* [*country code*]; *kod i të dhënave* [*data code*]; *kod i vdekur* [*dead code*] etc.

Beside two-parts of speech units, there are also the three-parts of speech phrases, whereas phrases consisting of more than three parts of speech are limited.

Three-parts of speech phrases: *kod binar ciklik* [*cyclic binary code*]; *kod i gjuhës së makinës* [*machine language code*]; *kod i identifikimit të mesazhit* [*identification code of the message*]; *kod i pavarur nga pozicioni* [*independent of the position code*]; *kod i segmentimit të të dhënave* [*code segmentation data*] etc.

Four-parts of speech phrases: *kod i identifikimit të rrjetit të të dhënave* [*identification code data network*] etc.

Therefore, there exist also a series of words with which are created a big number of set terminological phrases, such as: *algoritëm* [*algorithm*]; *kohë* [*time*]; *kodim* [*coding*]; *njësi* [*unit*]; *regjistër* [*register*]; *protokoll* [*protocol*]; *program* [*program*]; *pikë* [*points*]; *numër* [*number*]; *memorie* [*memory*]; *kontroll* [*control*]; *hapësirë* [*space*]; *format* [*format*]; *formë* [*form*]; *disk* [*disc*]; *bllok* [*block*] etc.

## Methodology

This scientific work reviews these linguistic phenomena based on respective international and Albanian references, accompanied with concrete examples extracted from informatics vocabularies published in Albanian speaking countries.

With the help of induction and deduction method, as well as with the descriptive analysis, this work tries to come to some concrete conclusions.

## Analysis

### Relations between parts of speech

Parts of speech in terminological phrases create different conceptual relations, which give this terminology a system-like, connected and hierarchic character. (Duro. 2009. p.56).

These relations can be as following:

1. Between a part and the whole: *fajl i adresave* [*address file*]; *fajl i objektit* [*object*

*file*; *fajl i kontabilitetit* [accounting file]; *faqe e kodit* [code page]; *segment i kodit* [code segment] etc.

2. Between the object and process performed in it: *makinë për përpunimin e të dhënave* [machine for processing data]; *modem përgjigjës-nisës* [answer-boot modem]; *modem përgjigjës-pranues* [answer-receiver modem]; *operator për fshirje* [operator for deletion] etc.
3. Between the object and its attribute: *hapësirë virtuale* [virtual space]; *calendar elektronik*, [electronic calendar]; *kartelë grafike* [graphics card]; *numërues digjital* [digital counters]; *pemë logjike* [logical tree]; *operacion logjik* [logical operational] etc.
4. Gender and type from angle is formed: *kënd i ngushtë* [acute angle]; *kënd i rënies* [angle of fall]; *kënd i thyerjes* [angle of refraction] etc.
5. Between the object and function: *port komunikimi* [communication port]; *pikë hyrëse* [entry point]; *pikë kontrolli* [check point]; *pikë kontrolluese* [control point]; *pikë ndërprerëse* [breakpoint] etc.
6. Between process and object: *përpunim i të dhënave* [data processing]; *përpunim i tekstit* [word processing]; *shpërndarje e të dhënave* [data allocation]; *transferim i fajlit* [file transfer]; *trasmetim i të dhënave* [data transmission] etc.

In the terminology of informatics, we can notice also the inclusion of a series of common words, such as: *pemë* [tree]; *pikë* [point] etc., which relate to other words or terms by showing special sides of various objects and concepts in the field of informatics, such as: *pemë binominale* [binominal tree]; *pemë dinamike* [dynamic tree]; *pemë harduerike* [hardware tree]; *pikë e aksesit* [access point]; *pikë e kodit* [code point]; *pikë hyrëse* [entry point]; *pikë kontrolli* [check point]; *pikë kontrolluese* [control point]; *pikë ndërprerëse* [breakpoint] etc.

### **Lexical-grammatical composition of IT terms**

Phrases can be also analysed from the point of view of composition of their elements as a lexical-grammatical category. The most important component of the terminological phrase is the noun (Duro. 2012. p.35).

There are several relations:

1. noun + noun: *abstraksion i të dhënave* [data abstraction]; *administrues dritaresh* [window manager]; *adresë e qelizës* [cell address]; *pemë e shprehjes* [expression tree]; *pemë e vendimit* [decision tree]; *pemë kërkimi* [search tree] etc.
2. noun + adjective: *adresë absolute* [absolute address]; *adresë aktuale* [aktual address]; *adresë e drejtpërdrejtë* [direkt address]; *akses i largët* [accesso remote]; *bit i papastër* [dirty bit]; *bufër i përbashkët* [common buffer] etc.
3. noun + preposition + noun: *kode me kusht* [condition codes]; *kuti për kontroll* [checkbox]; *pemë me rrënjë* [rooted tree]; *softuer pa pagesë* [free software]; *sulm në përsëritje* [replay attack]; *modulim në amplitudë* [amplitude modulation] etc..
4. noun + noun + adjective: *bazë e të dhënave inteligjente* [intelligenti database]; *bazë e të dhënave paralele* [parallel database]; *klient i postës elektronike* [e-mail klient]; *pjesëtim i numrave të plotë* [integer divizion]; *proces në kohë reale* [real-time task]; *sistem në kohë reale* [real-time sistem] etc.
5. noun + adjective + noun: *bazë aktive e të dhënave* [aktive database]; *bazë hierarkike e të dhënave* [hierarchy database]; *bazë relacionale e të dhënave* [database relational]; *këmbim elektronik i të dhënave* [interchange]; *pajisje memorike ndihmëse* [auxiliary storage]; *vendi i fshehtë i bllokut* [block cache] etc.

6. noun + noun: *video digjital i regjistrueshëm* [digital video registration]; *shtresë e hollë magnetike* [thin magnetic layer]; *shpejtësi lineare konstante* [konstant linear speed]; *qark logjik kombinatorik* [combinational logic circuit]; *qark logjik sekuencial* [sequential logical circuit] etc.

### Lexical content of IT terms

The composition of phrases can be seen from the lexical point of view of their components, i.e. if they consist of terms or non-terms themselves, i.e. common or general words.

1. word + word: Cases of combination of two words from general lexicon, which in their whole do not consist of a term, do not often come across in this terminology, even though it is not happen very often, such as: *afrim i pamjes* [zoom in]; *burim drite* [light source]; *burim i hapur* [open source]; *derë e fshehtë* [backdoor]; *fillim i ftohtë* [cold boot]; *fjalë çelës* [password]; *grilë e plotë* [complete lattice]; *kanal brezgjërë* [broadband channel]; *kthim prapa* [ascent] etc.
2. word + term [or a word turned into term + term]. This case is also used in this terminology even though not very often such as: *pemë harduerike* [hardware tree]; *pikë e aksesit* [access point]; *pikë e kodit* [code point]; *fushë e mausit* [field mouse]; *gjurmë e auditimit* [audit trail]; *grumbull binar* [binary heap]; *shteg i aksesit* [access path]; *varg bitesh* [bit string] etc.
3. term + word: Such combination is noted more often because it consists of a term that carries the main conceptual burden, which serves also for creation of many other phrases, such as: *akses i drejtpërdrejtë* [direct access]; *akses i largët* [remote access]; *bit i papastër* [dirty bit]; *bufer i përbashkët* [common buffer]; *bufer i thellësisë* [depth buffer]; *buferim i dyfishtë* [double buffering]; *disk i ngurtë* [hard disc]; *disk i ndërrueshëm* [removable disc] etc.
4. term + term: Such unit composed of two terminological elements comes out as a specific of informatics terminology. A defined element of the phrase is in general a key term that gathers around it other terms such as: *bus asikron* [asynchronous bus]; *drajvër i printerit* [printer driver]; *kompilues i bajtkodit* [bytecode compiler]; *kompjuter digjital* [digital computer]; *memorie e diskut* [disc memory]; *memorie virtuale* [virtual memory]; *server i aksesit* [access server]; *server i printerit* [printer server] etc.

### Source origin of IT terms

As long as Albanian language can not cover all the concepts of IT terms with its lexical composition regarding one-word concepts, borrows foreign terms into its system. Among terms are created various relations: foreign + foreign; Albanian + foreign; Albanian + Albanian. The most used types of phrases regarding combination of elements is the structure Albanian-foreign and vice-versa. (Duro & Vrapit, 2015. p.45).

1. Albanian + Albanian: *burim drite* [light source]; *burim i hapur* [open source]; *pemë e prejardhjes* [derivation tree]; *pemë e shprehjes* [expression tree]; *pemë e vendimit*, [decision tree]; *pemë kërkimi* [search tree]; *pemë me rrënjë* [rooted tree]; *radhë e shtypjes* [print queue]; *shërbim i largët* [remote servile] etc.
2. Albanian + foreign: *drejtues i fajlit* [file lock]; *emër i fajlit* [filename]; *emër i donimit* [domain name]; *fajl binar* [binary file]; *fushë e mausit* [field mouse]; *gjuhë asamble* [assembly language]; *gjurmë e auditimit* [audit trial]; *grumbull binar* [binary heap]; *shteg*

*i aksesit [access path], varg bitesh [bit string] etc.*

3. foreign + Albanian: *akses i drejtpërdrejtë [direct access]; akses i kontrolluar [controlled access]; akses i largët [remote access]; bit i papastër [dirty bit]; bufer i përbashkët [common buffer]; bufer i thellësisë [depth buffer]; buferim i dyfishtë [double buffering]; disk i ngurtë [hard disc]; disk i ndërrueshëm [removable disc] etc.*
4. foreign + foreign: *bus asikron [asynchronous bus]; drajver i printerit [printer driver]; kompilues i bajkodit [bytecode compiler]; kompjuter digjital [digital computer]; memorie e diskut [disc memory]; memorie virtuale [virtual memory]; server i aksesit [access server]; server i printerit [printer server] etc.*

## Origin of defining elements of IT terms

Phrases can be analyzed from the morphological word-building composition of their elements: their components can be divided into nouns, adjectives, frontal and derivate adjectives. (Caka. 2005. p.47).

1. noun + derivate noun: *adresë e qelizës [cell address]; afrim i pamjes [zoom in]; burim drite [light source]; bufer i bllokut [block buffer]; cikël i makinës [machine cycle]; emër i shtegut [pathname]; gjatësi e fjalës [word size]; grilë e klasës [class lattice] etc.*
2. noun + derivate noun: *bllokim i paramemories [cache block]; kontroll i mbipopullimit [congestion control]; rrjet i telekomunikacionit [rete di comunicazione]; fajl i nënshkrimit [signature file]; njohje e dorëshkrimit [handwriting file]; kartelë për përhapje [card to spread]; kartelë e përshpejtuesit [accelerator card]; pikë degëzimi [bifurcation point] etc.*
3. noun + frontal adjective: *grilë e plotë [complete lattice]; mi optik [optimal mouse]; nivel i jashtëm [external level]; pemë e zbrazët [empty tree]; përpunim paralel [parallel processing]; urdhër i rremë [dummy instruction] etc.*
1. noun + derivate adjective: *kanal brezgjërë [broadband channel]; klient i pangarkuar [cliente sottile]; logjikë e shumëkuptimshme [fuzzy logical]; pemë e baraspeshuar [balance tree]; program ndërveprues [interactive program]; rrugë e nënkuptuar [default route] etc. Elements of phrases that are more common are mainly words part of the vocabulary of this field: mi [mouse]; disk [disc]; disketë [disco floppy]; informacion [information]; internet [internet]; printer [printer]; kamera [camera]; tastier [keyboard]; imejl [email] etc.*

## Conclusions

In conclusion, we can underline that through syntax features can be created a big number of terms in the field of informatics, which do express respective concepts. From the lexical grammatical point of view, the main component of a phrase is the noun. Among terms are created various relations: foreign + foreign; Albanian + foreign; Albanian + Albanian, as long as the majority of Albanian are borrowed from English. From the morphological point of view, the parts of speech in terms can be nouns, adjectives, frontal and derivate adjectives.

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# Allomorphy in the verbal system of the Albanian language

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## Abstract

The phenomenon of allomorphy is relatively wide in the morphological system of the Albanian language. It has not only affected the opposite epitmal morphemes, but also the theme of the word itself. Allomorphy appears both within an elective paradigm of particular grammatical meanings, but also outside the paradigms of these meanings.

In the morphological structure of Albanian, allomorphy is extended to the composition of verb word root. Changes in the word root, due to grammatical semantic changes, which may be a consequence of historical or contemporary developments, are of different types. They can be presented as changes of vowels and consonants within the topic or at the end of it can be presented as extensions or even as reductions.

The phenomenon of paradigmatic change of verbal word root in the Albanian language is not a rare phenomenon, the Albanian speaker tends to detach from the historical-phonetic processes and to be a word root of the influence of the general morphological system of unified verbal word root. The consequence of this influence is the process of returning verbs, such as: insert, suffocate etc. in unified topics insert, suffocate etc. This cyclical return of the word root of these verbs should not be seen merely as a return to the original word root, but as a conceptual return to a unified theme.

**Keywords:** allomorphs, conjugation, verbal system.

## 1. Allomorphy in the system of terminations in active conjugation

Today's system of personal terminations, represented in several elections, generally derives from the same system of terminations. Source elections were distinguished by the termination of the first person singular. The Indo-European choice for the first person singular had the terminations *-iō / -ō* and *-mi*, while in the other persons the initial terminations were the same, next to which the secondary terminations stood. (Brügger 2002 p. 94) (Luraghi, 2007, p.169)

Today's conjunctive differences are the result of later phonetic-analogous developments. Thus, both in the verbal system, as well as in the noun system, special series of allomorphs are distinguished according to the mood, verb tense and person, as follows:

			<i>In demonstrative manner</i>					
			<i>Present simple</i>					
			<b>Plural</b>					
<i>Veta I</i>	<i>puno</i>	<i>-jmë</i>	<i>hap</i>	<i>-im</i>	<i>vë</i>	<i>-më</i>	<i>shtie</i>	<i>-m</i>
<i>[Engl. Person I]</i>								

Veta III puno -jnë hap -in vë -në shtie -n

[Engl. Person III]

The allomorphy observed in the first and third person plural in the respective series: *-jm*, *-im*, *-më* and *-m*, for the first person and *-një*, *-in*, *-në* and *-n*, for the third person, is consequence of the association of the early termination component *-m* with the nature of the phonetic composition of the topic or word form. The nucleus of the Indo-European termination *-m-*, respectively *-n-*, has sometimes been expanded with new supporting sounds, sometimes reduced. Sounds that have expanded the corresponding nucleus do not have the same character and the same source. The phoneme *-j-* in the composition of the morphemes *-jm*, for the first person plural and *-nj*, for the third person plural, is detached from the word form of the first person plural *we work* and *work* of the third person plural in the new morphematic division *puno- jmë*, respectively *work*. Whereas in other verbs, which end with consonants, the sound appears in the composition of the morphemes *-im*, respectively *-in*, as a very distinct supporting sound, in comparison with the previous *ë*, which appears in the works of our old authors. (in *Buzuku* etc. we find the form *hap - ëmë*, respectively. *hap - ënë*); so the exchange of *ë* in *i* was made in modern Albanian. In the other two morpheme pairs, first-person and third-person plural, respectively *-m* and *-m* and *-in* and *-n*, morpheme developments are more pronounced: the first allomorphs (*-m* and *-n*) retain more forms early, whereas the second allomorphs (*-m* and *-n*) were later reduced due to phonetic reasons. (Likaj & Hadaj, 2019, p.20)

Past simple tense

Singular

Veta I [Engl. Person I]		<i>-va</i>		<i>-a</i>
Veta II [Engl. Person II]	<i>puno</i>	<i>-ve</i>	<i>hap</i>	<i>-e</i>
Veta III [Engl. Person III]		<i>-i</i>		<i>-i</i>

Plural

Veta I [Engl. Person I]		<i>-m</i>		<i>-ëm</i>		<i>-më</i>
Veta II [Engl. Person II]	<i>punua</i>	<i>-t</i>	<i>hap</i>	<i>-ët</i>	<i>pi</i>	<i>-të</i>
Veta III [Engl. Person III]		<i>-n</i>		<i>-ën</i>		<i>-në</i>

For the simple past tense, as seen, the morphemes of the allomorphs in the plural in the first person are represented by the allomorphs *-m*, *-ëm* and *-më*; in the second person with the allomorphs *-t*, *-ët* and *-të* and in the third person with the allomorphs *-n*, *-ën* and *-në*, which as a whole have followed almost the same phonetic developments as those of the present tense, but the terminations have been, in general, different, because of the two circumstances. First, in many cases the word root of these two verb tenses have been different; and second, for two different verb tenses two series of different terminations had to be distinguished.

In the singular, unlike the plural, allomorphy does not appear with three morphemes, but only with two, because the terminations of the singular are vowels. In general, in the verbal system, vowel morphemes or thematic vowels have influenced the composition of the word form, mainly changing the structure of the representative form. So too, for example the thematic termination or vowel *i* (maybe even the vowel *e*) in many groups of verbs, such as:

*marr ~ merr* (\**marr* (i)*si*), *dal ~ del* (\**dal* (i)*si*, *sjell ~ sillni* (\**sjell* (n)*i*) etc.

In the third person singular the influence occurs in opposite directions; in this itself it is the nature of the termination of the root that has changed the nature of the

termination, turning it from -i to -u (*prek-u, lag-u, pre-u* etc.)

Connective mood

Present simple

Veta I [Engl. Person I]	<i>të puno</i>	-sh	<i>të hap</i>	-ësh
Veta II [Engl. Person II]	<i>të puno</i>	-jë	<i>të hap</i>	-ë

The acquisition of the second-person morpheme through the expansion of the -sh morpheme with the supporting sound -ë- is evident. Here we have an extension for phonetic reasons. For the third person, to work, we have a different explanation from the explanation given so far. (Demiraj, 2002, p.375).

In the form of work, the morpheme -jë should not be an extension of -ë with an antihiatic -j-, but one is preserved from the form of the first person to work, which has served as a root for the third person singular, then taking the simple termination of the third person singular -ë, which appears in all word root verbs in consonants. So, the third person is built on the basis of the new root (the form of the first person singular) to work and the termination -ë: *të punoj* -ë *të punojë*; or rather the older form *të punonjë* is constructed according to the thematic form *të punonj* and termination -ë, which has emerged in the present *të punojë*. Today's morpheme division is word root to the new conception *të puno-jë*. This explanation can also be supported by the older forms of the conjunction used by Buzuku, Matrënga and other early authors.

The third person of the conjunction in all of them comes out with the morpheme -one (Buzuku: *të banjë*; Matrënga: *të shtrëngonjë, të gjukonjë* etc). So, it is clear that the form of the third person singular is built on the basis of the form of the first person of the *të banj* and with the general termination -ë of this person. So it seems clear that the third person singular form is built on the basis of the first person form *të banj* and with the general termination -ë of this.

The generalization of a conjunctive form, its transformation into a common theme in the paradigm of the present and the imperfect, is a proven phenomenon, therefore it is not impossible that even verbs termination in consonants have a third person singular constructed from the first person form followed by the characteristic termination -ë. So also the forms of the third person singular *të vrasë, të presë, të vjelë* ect must be constructed from the corresponding forms of the first person singular *të vras, të pres, të vjel* etc., followed by terminations -ë: *të vras -ë, të pres -ë, të vjel -ë* etc. (Domi, p.72)

This interpretation is also based on the other linguistic fact that, in general, in the verbal formative system, the sounds *v* and *h* appear as antihiatizing sounds. The *j* also appears as an anti-hiatus sound in the verbal system, but only in the phonetic contexts of the *sandhi* (*pije kafënë*). The sound *j* as an antihypertensive comes mainly in the nominative system. (Demiraj, 1986, p.822-826)

Causative mood

Present Simple

Veta II [Engl. Person II]	<i>puno</i>	-fsh	<i>hap</i>	-sh
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Here, in this pair of allomorphs, the morpheme -fsh- is obtained in verbs termination with a word root in vowels, as a further development of the respective word form, where the -v antihiatizing of the word root of the simple performer of the demonstrative (*fillo - v - a*) is connected by the termination of the second person of the conjunction -sh (*fillo-sh*): (te *fillo - v - sh* an altogether, shrinking to -v- under influence



*-sh-*, have given today *-fsh-*. (Bopp, 1954, p.474).(Pedersen, 1895, p.17)

But it is not impossible for this morpheme to have been obtained also through the developments that the form of the second singular person of the conjunction has undergone, which has served as a theme for the construction of the paradigm of the present optative.(Likaj, 2015, p.211-212)

These series of allomorphs in the system of verbal terminations would be even more reduced, if the phonetic factors had influenced less. The structure of the personal terminations in the plural number, in general, has followed the path of shrinking. Since the plural personal terminations for the present tense in Indo-European differed from those of the past only by the presence of a final *i*, their further development has been approximate, hence the exchanges and transformations have been continuous. (Likaj, 2015, p.161)

But despite the phonetic conditioning of these transformations, the tendency has been and is for the plural source terminations to generally preserve or require syllable structures. In the course of time these terminations have been supplemented with new sounds; in some cases they are expanded, taking in finite constituents of representative forms and incorporating them into their composition.

## 2. Allomorphy in the system of terminations in passive conjugation

In passive conjugation, the series of allomorphs is very limited. If we exclude the allomorph that are seen within the 'word root', which will be addressed on its own, in this conjugation the allomorph appears in every pronoun in the present tense and the 'e pakryer' tense and is conditioned by the termination of the word root of the word. A series appears in the paradigm that end the 'word root' in a vowel and another series appears in the paradigm of verbs termination in consonants. For every pronoun of both conjugations, we have a pair of morphs of the corresponding allomorph.

		<i>Indicativ mode</i>	
		<i>Present Simple</i>	
<i>Word root verbs in consonants</i>		<i>Word root verbs in vowel</i>	
	<i>-em</i>		<i>-hem</i>
	<i>-esh</i>		<i>-hesh</i>
	<i>-et</i>		<i>-het</i>
<i>hap</i>		<i>ngre</i>	<i>ngri</i>
	<i>-emi</i>		<i>-hemi</i>
	<i>-eni</i>		<i>-heni</i>
	<i>-en</i>		<i>-hen</i>
<i>Undone mode</i>			
	<i>-esha</i>		<i>-hesha</i>
	<i>-eshe</i>		<i>-heshe</i>
	<i>-ej</i>		<i>-hej</i>
<i>hap</i>		<i>ngre</i>	<i>ngri</i>
	<i>-eshim</i>		<i>-heshim</i>
	<i>-eshit</i>		<i>-heshit</i>
	<i>-eshin</i>		<i>-heshin</i>

### 3. Allomorphy in word root

In the morphological structure of Albanian, allomorph is extended even to the composition of the 'word root' of the verbs. The changes that have occurred and are occurring within the 'word root' of the verbs, are of different kinds. They can be presented as changes of vowels and consonants within or at the end of the 'word root' of the verb, they can be presented as extensions or even as reductions of vowels and consonants. However, this new form within the respective paradigm appears as a morph of the respective morpheme, in other words, as an allomorph. The appearance of this allomorph find a very wide reach in the verbal system of the Albanian language, we encounter this morphological phenomenon in verbs termination in vowels and consonants. Morphological changes occur in the phonetic or consonant phonemes of the word root of the verbs.

### 4. Allomorphs in verbs that end in vowels

Allomorphs in these kinds of verbs is constructed by either a vowel change, or by extensions of the corresponding morphemes. In the verbal paradigm it can appear within the paradigm of a number, in verb forms of different numbers or in different tenses:

In word root verbs in *-o* allomorphs appears with two morphemes through the return of the 'word root' vowel *-o* in *-ua* in the opposition of three singular persons with the three persons of the present plural and of the past simple tense of the active conjugation:

Allomorphs of the verb *punoj* (work): *puno-* dhe *-punua-*

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>
<i>puno</i>	-j -n -n -m	<i>puno</i>
		-va -ve -i -m -t -n
<i>punua</i>		<i>punua</i>
		-t -n

The same phonetic process is observed in verbs termination in *-e*. Here, too, morphes appear through the return of the word root vowel *-e* to *-ye* in the present tense and in the simple past tense in the singular ~ sum opposition:

Allomorphs of the verb *kthej* (return): *kthe-* dhe *kthye-*

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>
<i>kthe</i>	-j -n -n -m	<i>kthe</i>
		-va -ve -u -m -t -n
<i>kthye</i>	-t -n	<i>kthye</i>
		-t -n

In verbs termination in 'togzanor' *-ua* and *-ye* in the word root, the opposite phonetic process occurs; the morpheme opposition is realized through the addition of the 'togzanorëve' *-ua* and *-ye* in the simple vowels *o* and *e* in the simple performance of the demonstrative; whereas in the plural number the morphs of the simple perpetrator

are also distinguished within the paradigm in the singular ~ sum opposition:

Allomorphs of the verb *bluaj* (grind): **blua-** dhe **blo-**

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>	
	-j		-va
<b>blua</b>	-n	<b>blo</b>	-ve
	-n		-i
			-m
		<b>blua</b>	-t
			-n

Other verbs, termination in vowels, express allomorphy by expanding the word root of the simple performer with a consonant. This group includes the verbs: find, keep, save, know, etc.:

Allomorphs of the verb *gjej* (find): **gje-** dhe **gjet-**

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>	
	-j		-a
	-n		-e
	-n		-i
<b>gje</b>		<b>gjet</b>	
	-jmë		-ëm
	-ni		-ët
	-jnë		-ën

Allomorphs of the verb *mbaj* (keep): **mba-** dhe **mbajt-**

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>	
	-j		-a
	-n		-e
	-n		-i
<b>mba</b>		<b>mbajt</b>	
	-jmë		-ëm
	-ni		-ët
	-jnë		-ën

Another group of verbs that also end with vowels, such as: got, put, bring, etc., express the morphological opposition by changing the vowel of the word root and adding a consonant:

Allomorphs of the verb *zë* (got): **zë-**, **zi-**, **zur-** and **zu-**

	-ø		-a
	-ø	<b>zur</b>	-e
	-ø		-i
<b>zë ~ zi</b>	-ni		
	-më		-më
		<b>zu</b>	-të
	-në		-në

Allomorphs of the verb *shpie* (bring): **shpie-**, **shpi-**, **shpur-** and **shpu-**

	- ø		-a
	- ø	<i>shpur</i>	-e
	- ø		-i
<i>shpie ~ shpi</i>	-ni		-më
	-m	<i>shpu</i>	-të
	-n		-në

## 5. Allomorpha of verbs termination in consonants

Allomorpha appears in the word root of relatively wide number of verbs termination in consonants. Allomorphs are encountered in different numbers and times. The character of these verbs does not allow us to distinguish allomorphine according to their particular structural types. Generally, it is observed in the word root of simple verbs and less in the word root of derivation.

As groups with special morphological characteristics are distinguished:

**a.** The group of verbs that end in the word root with *-as, -es*, si: *flas* (speak), *bërtas* (shout), *shkas, vras* (kill), *pres* (cut), *shes* (sell), *zbres* etc.

These verbs express allomorphy with the largest number of morphemes; they come in five or four morphemes:

*Five-morpheme allomorphs:*

Allomorphs of the verb 'shkas': *shkas, shket, shkit-, shka-* and *shkis-*

Allomorphs of the verb *vras* (kill): *vras, vret, vrit-, vra-* dhe *vrís-*

Allomorphs of the verb *flas* (speak): *flas, flet, flit-, fol-* dhe *flis-*.

*In demonstrative manner*

<i>Present simple</i>		<i>Past simple tense</i>		<i>Undone mode</i>
	<i>flas</i>		-a	
	<i>flet</i>		-e	
	<i>flet</i>		-i	
<i>flas</i>		<i>fol</i>		<i>flis</i> -te
	<i>flas-im</i>		-ëm	
	<i>flit-ni</i>		-ët	
	<i>flas-in</i>		-ën	

*Allomorphs with four morphemes:*

Allomorphs of the verb *buças* (scream): *buças, buçet, buçit-* dhe *buçís-*

Allomorphs of the verb *trokas* (knock): *trokas, troket, trokit-* dhe *trokis-*

Allomorphs of the verb *bërtas* (shout): *bërtas, bërtet, bërtit-* dhe *bërtís-* etj.

Allomorphs of the verb *brohoras* (acclaim): *brohoras, brohoret, brohorit-* dhe *brohorís-*.

	<i>Present simple</i>		<i>Undone mode</i>
	<i>brohoras</i>		
	<i>brohoret</i>		
	<i>brohoret</i>		
<i>brohoras</i>		<i>brohorís</i>	-te
	<i>brohoras -im</i>		
	<i>brohorit -ni</i>		
	<i>brohoras -in</i>		

**b.** The group of verbs termination in *-it/ -is*, such as: *godit* (hit), *ujis* (water), *zgjat* (extend), *mat* (measure), *rrit* (grow) etj.

The allomorphic morphemes in this verb, but also in the other verbs of this group, appear in the paradigm of the present of present simple, in both numbers, as well as in the simple past tense.

Allomorphs of the verb *ujit* (water): **ujis** dhe **ujit-**

Allomorphs of the verb *zgjat* (extend): **zgjas** dhe **zgjat-**

Allomorphs of the verb *mat* (measure): **mas** dhe **mat-** etj.

Allomorphs of the verb *godit* (hit): **godit** dhe **godis-**

Present simple

Undone mode

Singular

third person

**godit**

**godis**

**-te**

c. The group of verbs: *njoh* (recognize), *shoh* (see), *jap* (give), *rrah* (beat) come out with three allomorphic morphemes.

Allomorphs of the verb *njoh* (recognize): **njoh**, **njeh** dhe **njih-**

Allomorphs of the verb *shoh* (see): **shoh**, **sheh** dhe **shih-**

Allomorphs of the verb *jap* (give): **jap**, **jep** dhe **jip-**

Allomorphs of the verb *rrah* (beat): **rrah**, **rreh** dhe **rrih-**

**rrah**

**rreh**

**rreh**

**rrah**

**rrah-im**

**rrih-ni**

**rrah-in**

For the verbs *jap* (give), *shoh* (see), *jam* (am) etc. in the past simple tense the complementary form can also be added as a fourth morpheme.

Apophonic verbs, such as: *marr* (take), *heq* (remove), *pjek* (bake), *sjell* (bring) etc., come with three allomorphic morphemes.

Allomorphs of the verb *heq* (remove): **heq**, **hiq-** dhe **hoq-**

Allomorphs of the verb *pjek* (bake): **pjek**, **piq-** dhe **poq-**

Allomorphs of the verb *sjell* (bring): **sjell**, **sill-** dhe **soll-**

Allomorphs of the verb *marr* (take): **marr**, **merr** dhe **mor-**

Present simple

Past simple tense

**marr**

**-a**

**merr**

**-e**

**merr**

**-i**

**marr**

**mor**

**-im**

**-ëm**

**merr -ni**

**-ët**

**-in**

**-ën**

The line of change within word root has not followed only one direction. In the course of changes of word root, there are also recycling, returns to the previous unified state. With the exception of supplementalism, the variety of 'word root' within the same

verb is a consequence of the influence of phonetic or analogical factors. Nevertheless, any change of this kind has also adapted a certain grammatical meaning. For a group of verbs, the new state of 'word root', which, through changes, also expresses certain grammatical meanings, contradicts the general structural system of 'word root'. Notwithstanding, the phenomenon of paradigmatic change of verbal word root in the Albanian language is not a rare phenomenon, the Albanian speaker tends to detach himself from the historical-phonetic processes and to submit to the influence of the general morphological system of unified verbal 'word root'. The consequence of this influence is the process of returning verbs, such as: *fus (shove)*, *mbys (drown)* etc. in unified word root. This cyclical return of the 'word root' of these verbs should not be seen merely as a return to the original 'word root', but as a conceptual return to a unified 'word root'. (Likaj & Hadaj, 2019, p.30)

If the structure of new verbal 'word root' has recently, generally, followed the line of simplifications, in the sense of units, in the system of terminations the opposite process has occurred. This system has generally been expanded through allomorphy. These different conclusions are also related to different operating factors. In verbal 'word root' analogous influences are proved, while in personal terminations - phonetic influences.

## 6. Conclusions

In the morphological structure of Albanian, allomorphy is extended to the composition of verb 'word root'. Changes 'word root', due to grammatical semantic changes, which may be a consequence of historical or contemporary developments, are of different types. They can be presented as changes of vowels and consonants within the topic or at the end of it can be presented as extensions or even as reductions. Nevertheless, this new form within the respective paradigm appears as a morpheme of the respective morpheme, i.e., as an allomorph. Manifestations of this allomorphy find a fairly wide extension in the verbal system; we encounter this morphological phenomenon in verbs termination in vowels and consonants. Morphological changes occur in the phonetic or consonant phonemes of verbal 'word root'; but can also occur in vowel and consonant changes at the same time.

The line of change within 'word root' has not followed only one direction. In the course of changes of 'word root', there are also recycling, returns to the previous unified state. With the exception of supplementalism, the variety of 'word root' within the same verb is a consequence of the influence of phonetic or analogical factors. However, any change of this kind has also been adapted to a certain grammatical meaning. The phenomenon of paradigmatic change of verbal 'word root' in the Albanian language is not a rare phenomenon, the Albanian speaker tends to detach from the historical-phonetic processes and to be word root to the influence of the general morphological system of unified verbal 'word root'. The consequence of this influence is the process of returning verbs, such as: *fus (shove)*, *mbys (drown)* etc. in unified 'word root' *fus (shove)*, *mbys (drown)* etc. This cyclical return of 'word root' of these verbs should not be seen merely as a return to the original 'word root', but as a conceptual return to a unified 'word root'.

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has occurred. This system has generally been expanded through allomorphy. These different conclusions are also related to different operating factors. In verbal root analogous influences are proved, while in personal terminations - phonetic influences.

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# Status Quo and current research trends in Albanian phraseology in the 21st century amid future challenges and perspectives

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## Abstract

Linguistic scientific research in the field of phraseology has undergone a major boost in the last 50 years since the proclamation of phraseology as an independent linguistic discipline in the early 1970s. We refer here to the scientific study of phrasemes as linguistic signs not only in the formal-structural and semantic-functional aspect but also from the didactic point of view in Foreign Language Teaching (FLT), in the light of cognitive linguistics and in terms of the design of phraseological dictionaries of different types. At the same time, contrastive phraseological studies between two or three languages have increased mainly in terms of translation and finding equivalences between languages, and there have also been used resources offered by the digital age.

Even in the Albanian language, we can say that the in-depth treatment of phraseological issues has increased since the beginning of the 80s of the 20th century. Therefore, the main focus of this paper is the scientific publications on the phraseology of the Albanian language to identify the main methodological approaches that currently dominate the study of phraseological expressions. Based on the analysis of the state of research, an approach to contemporary trends in scientific research at the international level as well as an identification of research gaps is aimed. The main questions we want to answer are: Is the scientific research on the phraseology of Albanian progressing with the pace of time? What are the main research gaps and what are the obstacles or difficulties that have caused these gaps? Is Albanian phraseology benefiting from the digital age? And finally: what are the challenges of the 21st century and where should the phraseological scientific research for the Albanian language be oriented in the coming years? Regarding the last question, we intend to provide some recommendations regarding necessary methodological approaches to fill the research gaps of Albanian phraseology and phraseography.

**Keywords:** Status Quo, current research trends, Albanian phraseology, 21st century.

## 1. A short history of the development of Albanian phraseology in the 20th century

The theoretical study of phraseological expressions in Albanian linguistics has its beginnings in 1921 with the publication of A. Xhuvani "Mbi thjeshtësinë e gjuhës"<sup>1</sup> (eng. "On the simplicity of language"). But it would take 60 years for a major phraseological work to be published for the first time, which would address the main issues especially in terms of the terminological definition of phraseological expressions, and also to have a proper classification based on their structural features (phrase structure or sentence structure), on the lexical-grammatical value of phrases (noun phrases, verb phrases, etc.) and on the degree of their motivation. We refer here to the monograph of Jani Thomai "Issues of phraseology of the Albanian language"

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<sup>1</sup> Xhuvani, 1921, cited after Thomaj (1981, p. 2).



(alb. Çështje të frazeologjisë së gjuhës shqipe), 1981. In the above-mentioned work, the author offers an insight into Albanian phraseology in historical-contrastive terms. Even in subsequent studies in a smaller size, Thomai emphasizes modeling issues and classificaContrastive phraseological studies between Albanian and other languages are of great interest, which unfortunately until the 1990s were few. However, it is worth mentioning that in these types of studies, the phraseological expressions of the Albanian language have been the object of study from an early age. We might refer to Pericle Papahagi's dissertation in German language (1908) "Parallele Ausdrücke und Redensarten im Rumänischen, Albanesischen, Neugrichischen und Bulgarischen", which compares parallel expressions and phrasemes of the Romanian, Albanian, New Greek and Bulgarian languages. This dissertation in itself does not aim at genuine research in phraseological terms but aims to emphasize the unity of the inner form of language of the peoples of the Balkans and the multiple connections between them. The comparison of Albanian with the Balkan languages, mostly with Bulgarian (see Vasileva-Bejleri 1994; Hristova 1995, 1996) and Greek is one of the most interesting topics in the contrastive field, an approach that continues in the 21st century<sup>2</sup>.

In the last years of the 20th century, the semantic issues of phraseological expressions such as polysemia, homonymy, synonymy, and antonymy (see Gjocaj 1998) have also been considered. Gjocaj has the merit for treating phraseology from the stylistic point of view in a series of his works published mainly in the 90s<sup>3</sup>, treating later also the poetic phraseology of Lasgush Poradeci and Ndre Mjeda in the twenty-first century. A great achievement for Albanian phraseology at the end of the 20th century was the publication of the first largest phraseological dictionary of the Albanian language by Jani Thomai in 1999. This dictionary with 11,000 units comprises most of the Albanian phraseological units. There had been other publications of abridged phraseological dictionaries<sup>4</sup> before this one, but not in the same size and quality.

It should be noted that a special contribution to the compilation of phraseological dictionaries has been given by Albanian scholars in the field of English, German, French or Italian language. Thus, before Thomai's monolingual dictionary, bilingual phraseological dictionaries were published, such as "English-Albanian phraseological dictionary" (Stefanllari 1981 and 1998), "German-Albanian phraseological dictionary" (Doku 1998). At the beginning of the twenty-first century, they were followed by even larger bilingual dictionaries: French-Albanian, Italian-Albanian, and English-Albanian.

## 2. Current trends and approaches to scientific research at the international level

Initially, the issues of phraseology were treated in the context of lexical studies. But over time, in-depth scientific studies and the treatment of phraseological expressions as linguistic signs of special importance in a series of publications at the international level have already established phraseology as an independent linguistic discipline since the 1970s. In addition to structural and semantic approaches, stylistic approaches and contrastive studies between different languages dominated at that time, mainly in order to identify semantic and structural common features between languages, but

<sup>2</sup> See Miçoni (2013) and Delijorgji (2009).

<sup>3</sup> See Gjocaj, Z. (1997). *Struktura leksiko-semantike e stilistike e frazeologjisë shqipe*. Dissertation. Prishtinë.

<sup>4</sup> See Gjevori (1968) and Ballamçi (1994).

also with a focus on facilitating the practice of written translation. High awareness of the expressive potential and value of phrases has also led to their inclusion in foreign language textbooks and to the consideration of defining didactic criteria for the inclusion of phraseological expressions in foreign language teaching. So a new subdiscipline has emerged, that of phraseodidactics. Phraseodidactics is even considered important in the acquisition of the mother tongue in the pre-university school system, starting in primary education. There are also numerous studies on the teaching of phraseological units through children's literature at an early age. So the phraseological competence of native speakers of a language is enhanced at an early age through books of fairy tales and short stories. Since the phraseological fund of each language is closely related to the cultural-folklore heritage of the nation that speaks that language and since it is a direct expression of the worldview and mentality of the people, it is a "task" of the authors of texts and publishing houses to cultivate this precious heritage with great expressive potential. In the phraseological studies of the German language, the issues of most interest have been those of identifying the most frequent phraseological units in the present-day language, i.e. units that are part of what we would call the core fund and which should be considered by authors of German textbooks to be included in their teaching practices. There are a number of studies on the frequency and relevance of phrases (even at the stylistic level) in order to determine a collection of phrases that must necessarily be conveyed through language teaching<sup>5</sup>.

In the last 30 years, there have been a series of interesting phraseological studies from a cognitive point of view. Cognitive linguistics focuses on the study of mental structures and processes important to human linguistic ability (cf. Baldauf, 1997, p. 30). Human language ability is a specific part of cognition and in the context of the cognitive approach, language is considered both as a cognitive instrument and as a result of dealing with the outside world (cf. Roos, 2001, p. 121). In the 1980s the cognitive metaphor theory founded by George Lakoff and Mark Johnson became widespread. According to this theory, the whole cognitive and linguistic perception of reality is metaphorically structured by the human mind. Since phraseological expressions are non-arbitrary linguistic signs, but for the most part they are motivated and often constructed on the basis of a metaphor, they have been studied in depth from a cognitive point of view. This new approach of the late 20th and early 21st centuries was reflected in a large number of contrastive studies between different languages. They focused on the identification of similarities and differences between languages in terms of metaphorical conceptualization of reality through phraseological units. Research work on similarities leads to finding and identifying universal metaphorical concepts. In the 21st century, under the light of cognitive linguistics, a new discipline has come into being, that of emotion linguistics. In this aspect, too, there have been numerous studies not only on particular languages but also as a contrasting approach between different languages, where phrases have always been the object of study as means of expressing emotions, especially phrases with body parts (somatic idioms), as somatic idioms have a high degree of anthropocentrism and because emotions, whether positive or negative, directly affect the limbs and organs of the human body. Research in the above-mentioned areas could not have been carried out on a significant scale if they had not relied on a wide phraseological corpus, mostly phraseological

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<sup>5</sup> See Kühn (1987), Ettinger (2007, 2019), Hallsteinsdottir et.al. (2006).

/ idiomatic dictionaries. The range and typology of phraseological dictionaries for major European languages are very rich. Thus, for the German language there are not only semasiological dictionaries (in alphabetical order) but also onomasiological dictionaries that group the phrases according to their semantics according to the main semantic fields and thus serve at the same time as synonymous dictionaries.

We might mention the synonymous dictionary of German phrases by Hans Schemann, 1992, which ranks the phrases according to major semantic fields such as Time, Space, Movement, Senses, Life, Death, Human Physiognomy, Attitude to the World, Attitude to the people around you, Power, Property, Risk, Debate, Conflicts, Preferences, Relationships, etc. For each semantic field, there are even more precise subdivisions.

But European and world phraseology benefit not only from major lexicographical works but also from the research instruments offered by the digital age. Thus, electronic language corpora make a great contribution to scientific research, from which the discipline of phraseology also benefits using quantitative and qualitative data.

Also, the existence of online phraseology sites could be useful to interested persons, be they students of a language or mostly teachers, who find online ready-made teaching materials in the form of various interactive exercises. Multilingual digital instructional materials have also been developed for many European languages, online or recorded in CDs, to facilitate the process of acquisition of phrases<sup>6</sup>.

### 3. State of research and current trends in Albanian phraseology

In the twenty-first century, publications on Albanian phraseological units focused mostly on the contrastive approach, making comparisons not only with the Balkan languages<sup>7</sup> but also with major European languages such as English<sup>8</sup>, German<sup>9</sup>, French<sup>10</sup>, etc. Some of these papers focus on structural and semantic common features between the two languages (Vora 2012; Vora & Subashi 2013; Bajrami 2006; Miçoni 2013), while other authors deal with issues of translation of phraseological units such as between Albanian and Polish (Szymanski 2007), between Albanian and English and German (Dhrimo 2008), between Albanian and German (Sadiku 2012; Sadiku/Rexhepi 2016). Issues of the stylistic features of phraseological units are systematically addressed by the scholar Zenun Gjocaj (2005, 2006 etc.).

The study of the use of phrases in the language for specific purposes, such as in online medical textbooks (see Bajrami 2015) and in the dialectal varieties of Albanian, such as in the Gegh dialect of Postriba (see Bushaj 2019) has started recently. However, unfortunately, studies of this type remain scarce and limited, although research in language for specific purposes and in dialects is important and of great interest in enriching the standard language.

Another underestimated aspect which has been treated as “an orphan child” is that of phraseodidactics, i.e. the issue of mediating Albanian phrases in Albanian language

<sup>6</sup> See EPHRAS. Ein mehrsprachiges phraseologisches Lernmaterial. 2006. (EU-Projekt, Socrates Lingua 2).

<sup>7</sup> See Miçoni (2013), Delijorgji (2009).

<sup>8</sup> See Vora (2012, 2021), Vora & Subashi (2013).

<sup>9</sup> See Dhrimo (2008), Sadikaj (2010, 2021), Sadikaj & Nasufi (2013). Sadiku (2011a, 2011b, 2012, 2013, 2014), Sadiku/Hamiti/Rexhepi (2018), Sadiku/Hamiti (2021).

<sup>10</sup> See Bajrami (2006).

textbooks for foreigners but also in textbooks for Albanian pupils. Trajkovic (2017) addresses in her study issues of Albanian phraseodidactics for Serbian students at the University of Belgrade, but still this remains a modest work that should be reinforced and supported by more in-depth studies.

A positive trend has been noted in the last 13 years in terms of the semantic approach to the research of phrases by analyzing them referring to cognitive linguistics, more precisely from the cognitive semantics point of view. The largest number of studies in this field belongs to two researchers specialized in the field of Germanic studies (Sadikaj. S.; Sadiku. M.), who in the German tradition of “conceptual metaphor theory” and “cognitive semantics” have contributed qualitatively and quantitatively by comparing the semantic fields of Albanian and German in terms of their expression through phrases, or by comparing metaphorical symbolism and concepts in phrases with different components such as with body parts (see Sadikaj 2010; Sadikaj/Nasufi 2013), with components from the field of agriculture (see Sadikaj 2021), or with names of animals (see Sadiku 2012 etc.) for German-Albanian languages or even Albanian and Balkan languages (see Sadiku/Hamiti 2021).

In addition to differences between languages, these studies aim at presenting common elements in the metaphorical conceptualization of extralinguistic reality through phrases, i.e. to highlight the universal features of conceptual mechanisms and the formation of idioms. Aspects of emotions in linguistics have also found expression in particular studies. Thus, Sadiku (2013) investigates how the emotion of fear is expressed in Albanian and German phrases, while Cilka (2012) studies in depth the expression of love and fear for the same language pair. The comparative study of Vora (2021) deals with the expression of positive and negative connotations in English and Albanian verbal phraseological units.

In the 21st century, Albanian phraseology has had great achievements in terms of compiling and publishing bilingual dictionaries: English-Albanian (Ymeri 2019), French-Albanian (Ymeri 2021), Italian-Albanian (Balla/Ymeri/Ndoci 2007) and Russian-Albanian (Ymeri 2015). These are large semasiological dictionaries (in alphabetical order) by professional and dedicated researchers.

The compilation of these major lexicographical works helps not only those who learn a foreign language, but primarily teachers, translators, and especially language scholars, who can use these dictionaries as a corpus on which to base their scientific observations, alongside corpora of monolingual dictionaries.

#### **4. Current research gaps and some recommendations to overcome them**

As mentioned above, one of the main gaps in phraseological scientific research consists in the field of phraseodidactics. Albanian phraseologists and didactic experts should promote the phraseological competence of young Albanian speakers in pre-university education and of foreigners learning the Albanian language. But while native speakers still find it easier to master phrases, because it often happens by itself, for teaching Albanian as a foreign language, clear strategies must be defined regarding the transmission of phrases. This requires, firstly, the awareness of the compilers of Albanian language textbooks and secondly, contemporary didactic concepts.

a) The phraseological minimum and maximum for Albanian language textbooks, starting from the initial level (A1) to the advanced levels (B2 and C1), has not been

defined yet,

b) There have been compiled or published no collections of exercises about Albanian phraseology.

c) Due to the lack of didactic concepts, as a result, electronic resources are not yet used for the preparation of didactic materials. There is no online portal for Albanian phraseology, different from other European languages, consequently Albanian phraseology is unfortunately not taking advantage of the digital age. Portals and online didactic materials would have a much lower cost compared to traditional printed publications. Moreover, online phraseology could be updated at a very low cost. But the usefulness of online phraseology portals for users would be greater if we considered the wide access it offers and the speed of finding information.

Another area in which to invest is that of monolingual phraseological lexicography. We might refer to the compilation of an onomasiological phraseological dictionary, i.e. based on the main semantic fields. This dictionary would serve as the basis and starting point of many contrastive studies between Albanian and other languages, but also as a phraseological corpus that would be useful in the teaching process of Albanian as a foreign language. The onomasiological dictionary, which at the same time would function as a dictionary of synonyms, would serve quite well to young writers and poets, journalists, and scholars of linguistic stylistics.

Albanian linguistics and phraseology have lagged behind other European languages in terms of the use of electronic language corpora, both in practical terms and in terms of scientific research based on and guided by the methods of Corpus Linguistics. The reasons are obvious. The design and compilation of electronic corpora require teams of trained specialists and is associated with major costs. The very first language corpus was that of Brown University for the Present-Day American Language with 1 million words, compiled in 1961. While the British National Corpus prepared 20 years later, contained 100 million words of written and spoken British English. Corpus size is very important when quantitative data is needed. For example, the "DeReKo" German electronic corpus (Das Deutsche Referenzkorpus) currently contains about 50 billion words from written language texts.

For a decade now we can feel proud that the Albanian language has an electronic corpus with about 30 million words from contemporary written texts (from 1970 to the present) and from old Albanian language texts<sup>11</sup>. The corpus was designed by Russian specialists from the University of St. Petersburg and the University of Moscow in cooperation with two Albanian specialists from Munich and Pristina. And yet scientific research is rarely based on corpus linguistics methods. If in the future the Albanian corpus will continue to be enriched with new texts, Albanian phraseology could benefit greatly, mainly to identify which phrases are frequent in today's language and which of them are "outdated". Corpora offer the ability to identify different variants of particular phrases and the ad hoc variations they undergo in authentic texts. Even the stylistic features of phraseological expressions can and should be studied based on corpus data.

Of course, the search for phraseological expressions in an electronic corpus is associated with special difficulties, because there are no precise research algorithms to distinguish them as stable units, and often in the findings we will find results that contain the components of a phrase, but that it is not about the phrase we are

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<sup>11</sup> Albanian National Corpus: <http://albanian.web-corpora.net/>

looking for. So “fake” results must be filtered by the human hand, a phenomenon that commonly occurs when working with the corpora of most languages.

## 5. Conclusions and perspectives

In conclusion, we assess that Albanian phraseology has progressed in maintaining the status of an independent linguistic discipline. But phraseological studies need to be furthered to suit current contemporary trends worldwide. A source of enrichment in terms of contemporary research methods and approaches would be the contrastive studies between Albanian and European phraseology, in collaboration with foreign scholars. As an important part of the Albanian lexicon, in which the mentality of the Albanian nation is expressed, the phraseological competence should be inherited and promoted to the new generation of Albanian speakers based on contemporary didactic concepts and methods. This competence should also be conveyed through Albanian textbooks for foreigners. To achieve this goal, projects must be designed which on the other hand would need financial support mainly from state educational institutions. Still, there is a long way to go for Albanian phraseology in order to take advantage of the digital age. Promoting phraseological competence through online resources or through interactive electronic materials in CD-s or DVD-s remains necessary.

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# Differences in Students' Achievements in Foreign Language Course in Public versus Non - Public High Schools in Urban and Rural areas

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## Abstract

English language learning has always been a must in Albania, due to the great importance it has taken throughout the decades and diverse formal educational reforms related to it.

This study aims to investigate the level of achievements of students in the English Language course for three groups of schools: public high schools in urban areas, public high schools in rural areas, and non - public high schools in the capital city of Albania, Tirana. The research paper also studies if there are any significant differences in students' average final grades in foreign language course among these groups of schools by using statistical analysis processed by SPSS 18. The achievements in foreign language are expressed by the final grades in the end of a school year retrieved from the official evaluation forms the English course instructors conform to ethical responsibility with due permission. The sample size subject to this research is N=260 high school students. The data gathered is processed with descriptive statistical analysis for the Mean values and standard deviation, Frequencies (absolute and percentages %) for the variable of 'Grades'. The students' grades in English language course are higher in public high schools in urban area (M=2.34; N=130) compared to students' grades in rural areas high schools (M=2.15, N=80), and to those in non public high schools (M=2, N=50). Also the students' grades in foreign language course are higher in rural schools than in non public schools.

Non parametrical Kruskal Wallis Test for one way between groups analysis of variance found that there is a significant difference of final grades in English language course between the three groups schools included in the study, urban public high schools, rural public high schools and non public high schools:  $\chi^2(2, n=260)=21.70, p<0.001$ .

Keywords: public high schools, non public high schools, urban and rural area, differences in achievement, final grades, English language course.

## Introduction

English language learning is one of the core priorities in the education system in Albania due to its multidimensional importance. Even though the process of formal language learning has undergone many reforms over the past two decades, one pillar remains stable, the one of emphasizing and enhancing the beneficial outcome as related to the students achievements and competence in English language. Basically, this is explained for a historic reason, Albania has been a country under transition for many years in many fields of life and also has always been and still is in search of European integration support. Due to a major attention to English language learning from the parties involved in this process be it either high instances like law makers or policy makers related to formal education in Albania to the daily active community like researchers in foreign language, teachers and instructors, parents and students, English language is by far the subject in school that is mostly promoted for achievements both in public an non public education system, in rural and urban

areas in Albania.

Learning a foreign language involves a number of factors, such as: Quality of teaching-teacher, curricula and lesson plans; 2. Opportunities to use the language; 3. Socio-cultural context and expectations towards it. 4. Affective factors, attitudes, motivation and anxiety. From the description of these factors it is noticed that the first three factors are characteristics of the environment or context where the language is learned and the last factor is related to the learner himself (Gardner, R. 2005, p.5-6).

This paper`s objective is to investigate the overall level of achievement of high school students in the English Language course and the differences for three groups of schools: public high schools in urban areas, public high schools in rural areas, and non - public high schools in Tirana, the capital city of Albania. It will be based on statistical analysis processed with SPSS 18 to find average final grades of high school students in English language course in three groups of schools and will compare the findings and show if there is a significance result by specific statistical analysis, such as descriptive statistics for the mean values, frequencies and non parametrical test analysis to find the differences and the significance.

### **Literature Review**

The earliest tracks of the studies for language learning competence and achievement date back in 1958 when it was thought that linguistic intelligence and aptitude were the single most important variables, which stood as predictors of variance of success in the language learning process, (Gardner R.C., L, W., 1958 ). Gardner R.C. (1960), developed his theory at a time when it was still believed that learning foreign languages was a sign of an educated man (Kelly, 1969, cited in Gardner RC, 2005, p.1) and the definition of success in this context was the level of intelligence of the individual, which was historically measured by the prognosis tests of foreign languages Henmon, (1929) and Symonds, (1929). Research by Gardner R.C. (2004), in the psychosocial field, approach to foreign language learning, break the belief that language aptitude is a skill or habit independent of other factors such as motivation, personality, the environment in which a foreign language and it is an innate ability to influence language learning independently", (Carrol, 1981, cited in Stansfield C., 2004, p. 48).

For these studies, findings have been published which show consistent results in empirical research of the theory of motivation and attitudes towards foreign language learning, regarding the factors that most influence students' achievement in language and their motivation to learn the language ( Gardner R.C., 1960; Gardner et al. 1975, 1985, 2001). Even in later studies, it was found that motivation to learn a foreign language had the strongest correlation with students' success in the foreign language, while the integrative role had an equally strong correlation with attitudes towards the context where the language is taught (Gardner RC, Masgoret, 2003). Research by Gardner RC, Lambert (1959), Gardner RC (1960), Gardner, RC & Lambert, WE (1972), Gardner R., Smythe PC (1975), Gardner, RC, Lalonde, RN & Moorcroft, R. (1985), Gardner RC (2004), in the psychosocial field, as well as Robert C., Gardner (1985a) socio-educational approach to foreign language learning, break the belief that language aptitude is a skill or habit independent of other factors such as motivation, personality, environment where the foreign language is taught and

it is an innate ability, which independently influences language learning "(Carroll, 1981, cit. in Stansfield C., 2004, p.48 ). Consistently, Gardner et.al found stable links of socio-educational variables with achievements in the foreign language, Masgoret and Gardner R.C. (2003).

Many school psychologists such as Carroll (1963), Bruner (1966) and Glazer (1976) have proposed that the two most important factors related to student achievement in school are skills and motivation (cited in Gardner R. 2005, p.5). Unsuccessful students, who generally had positive feelings about learning foreign languages (i.e. were motivated interactively); attribute the lack of language success to non-motivational classroom practices, especially assessment, concentration on form, and memorization. The participants in the study showed that, despite the persistence and intensive work with the foreign language, the factors of motivation, enthusiasm and aptitude of the language are the predictors of their success in the foreign language, factors that these students lacked (quoted in Nikolov M ., p.167)

## **Methodology**

### Objective of the study

This paper addresses the differences in achievement in English language course for three different groups of high school students: urban public high school, rural public high school and non public high school. This study analyses the mean values of the average final grade in English language course for these different groups of high school students and also aims to investigate the influence that the different school groups have on the achievements of the students in the foreign language expressed with the final grade in the subject of English language.

Research question no. 1.

What is the average grade in English language course for high school students in Tirana, capital of Albania?

Research question no. 2.

Are there significant differences between groups of students in urban public high schools, rural public high schools and non-public schools in terms of their achievement in the course of English language?

Variables included in the study

1. `Grades` in English course is a dependent variable. They are coded from 1-3 based on the system: code 1 for the average final grades 5-6 , code 2 for grades 7-8 and 3 for grades 9-10

2. `School groups` is an independent variable coded as 1. Urban public high schools, 2.rural public high schools and 3. non-public schools

In order to analyze these variables, the research is based on Robert C. Gardner's theory and studies (2005) that students' achievements in learning a foreign language are defined by final grades in the language course.

## **Procedures**

### Sample size

Two methods were used to select the sample in this study: the first, that of random

selection, with the names of all districts in Albania providing public and non public education were placed in a container and the district of Tirana was selected; the sample of this district that served as a population, was  $N = 814$ , the sub-sample was determined by means of the sample size calculation system 'Raosoft Samplesize Calculator'. Based on the calculation of the representation power by means of the Roarsoft Sample size` calculation, with the level of 95% reliability, th eacceptance of error coefficient 5% and the response of distribution (50%) it resulted that the total sample size was 260, spread in subsamples according to school type , public urban high school  $n=130$  students, public rural high school  $n=130$  students, and non public high schools  $n= 50$ . See table 1.

Table 1. Descriptive Statisticcs for the variable `grade` according to school groups

	School groups	N
Grade	Public urban high school	130
	Public rural high school	80
	Non public high school	50
	Total	260

### Statistical Analysis

Two types of analysis were processed in this research 1. The descriptive statistics to determine the mean value and the frequencies (absolute and percentages %) for the variable of FINAL GRADES in English language course and Non-parametric Kruskall - Wallis test to search for differences in groups of schools and their significances. For the comparison of groups (independent variable) and effect on the dependent variable `Final Grades`, (dependent variable), non-parametric Cruskall - Wallis test was used , since for the grade variable there was a break of the condition of homogeneity of variance. The homogeneity test of the variances, Levene Statistic test showed a significant result at the value  $p < .05$  which means unequal variances. The grade variable has been recoded and turned into a categorical variable in order to perform comparative analysis of the averages for the school groups. Student scores expressed with grades 5 and 6 are coded with a value of 1, scores expressed with grades 7 and 8 are coded with a value of 2 and scores 9-10 are coded with a value of 3.

## Results

Research question no. 1. : *What is the average grade in English language course for high school students in Tirana, capital of Albania?*

As it can be seen from Table 2, the mean value for the variable `grade` for students in urban public high schools for the district of Tirana, is  $M = 2.34$ ,  $DS = ,053$ ; for students in rural public high schools is  $M = 2, 15$ ,  $DS = .031$  and in non-public high schools the mean value is  $M = 2.02$ ,  $DS = ,079$ .

Table 2.Descriptive data for the final grades in English language course according to school groups

School groups	Mean value	Standard Deviation
Grades		
Urban public high school	2,3445	,05398

Rural public high school	2,1553	,03119
Non Public high school	2,0225	,07986

As it is graphically expressed the mean values for the variable of 'Grade', according to school groups vary in the range between the lowest value (2) and the highest (2.34), which stand for the codification of the grades 7-8.

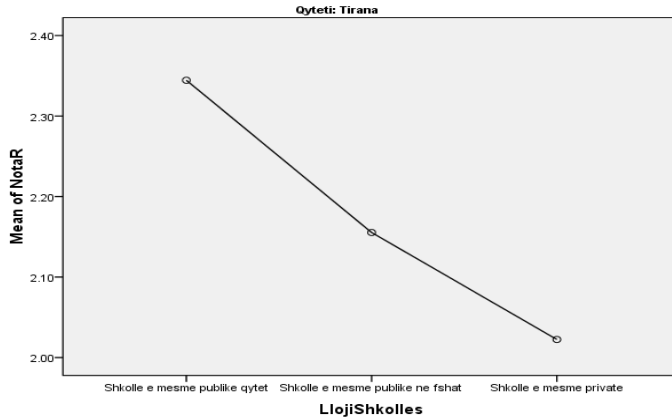


Figure 1. Graphic representation of final grade's mean values according to school groups

The graph in Figure 1 shows that the grades of students in public high schools in the city, for the district of Tirana, are higher than the grades of students in rural public high schools and the grades of students in non-public high schools. Also, the graph shows that the grades of students in the course of foreign language in public high schools in rural areas are higher than the grades of students in non-public high schools.

Despite the fact that this type of graph shows very significant differences in the grade average in relation to the school, these differences are not large (cited in Pallant, J. 2010, p. 219). This result is also confirmed by the ranking of grade average compared to school groups, as well as statistical significance by the Cruskal Wallis Test (see Table 6 in results section for research question 2).

Tables 3, 4 and 5 show the frequencies for the variable 'grades' in the foreign language course according to school groups

Table 3. Frequencies (absolute and in%) of student's final grades in urban public high schools

		Frequencies	Percentages	Valid Percentages	Cumulative percentages
Valid	1.00	21	16.3	16.3	16.3
	2.00	42	32.9	32.9	49.2
	3.00	67	50.8	50.8	100.0
	Total	130	100.0	100.0	

a. District = Tirana, Group of School = Urban Public high school

Table 4. Frequencies (absolute and in%) of students` final grades in rural public high schools

		Frequencies	Percentages	Valid Percentages	Cumulative percentages
Valid	1.00	20	23.3	23.3	23.3
	2.00	29	37.9	37.9	61.2
	3.00	31	38.8	38.8	100.0
	Total	80	100.0	100.0	

b. District = Tirana, Group of School = Rural Public high school

Table 5. Frequencies (absolute and in%) of students` final grades in non-public high schools

Valid		Frequencies	Percentages	Valid Percentages	Cumulative percentages
	1.00	13	27.0	27.0	27.0
	2.00	22	43.8	43.8	70.8
	3.00	15	29.2	29.2	100.0
Total		50	100.0	100.0	

a. District = Tirana, Group of School = non-public high schools

Research question no. 2. : Are there significant differences between groups of students in urban public high schools, rural public high schools and non-public schools in terms of their achievement (Grades) in the course of English language?

The variable of `Grade` in foreign language course for which the homogeneity test showed that the condition for homogeneous variance was not met,  $p = .03$  so  $p < .05$ , nonparametric analysis of Kruskal-Wallis test for school group differences was used. Table 6 shows the differences of grades mean values between groups of schools. The grades in urban public high schools have a higher average ranking ( $M= 299$ ) than rural public high schools ( $M= 168$ ) and non-public high schools in the district of Tirana. The lowest ranked group of schools for the variable of grade in English course is non public high school ( $M= 101$ ).

Table 6. Kruskal - Wallis Test for the differences of grades means for school groups

Group of schools		N	Mean ranking
Grades	Urban public high schools	130	299
	Rural high schools	80	168
	Non public high schools	50	101
	Total	260	

The results of the Kruskal Wallis test for the differences of the grade variable according to the type of school are presented in table 7. Kruskal Wallis test results show that there is a statistically significant difference for the students grade in urban public school, rural high schools and non public high schools in the district of Tirana:  $\chi^2(2, n = 260) = 21.70, p < 0.001$ . The results found in this analysis, about significant

differences among the groups of schools for the variable of grade are in line with the empirical research researches of Gardner R.C. (2006) in Poland and the study of Nikolaou A. (2007) in Greece, who both found significant differences among the groups of schools for the variable of grade.

Table 7. Cruskal Wallis test for differences in grade variable by school groups

	Nota
Chi-Square	21.70
df	2
Asymp. Sig.	.000

### Conclusions

Students' achievements in English language course in three different groups of schools, urban public high school, rural public high schools and non public high school vary at an average of marks 7-8 according to formal Albanian system of evaluation. The highest mean ranking for the final grade in English language course is for the students who attend urban high schools, followed by those in rural high schools and the last classified group in the ranking is non public high school. This study found that students who study in public high schools in urban areas have better achievements in English language referring to their grades than those who study in rural areas and in non public high schools. Also, the students in rural public high school have better performance in English language compared to those in non public high schools. All of these findings are statistically significant tested by Kruskal Wallis procedure at the result:  $\chi^2 (2, n = 260) = 21.701, p < 0.001$ . The differences among the school groups in relation to student's achievements in English language course are valid and reliable. Overall, the students' achievements in language course expressed by the final grade are influenced by the school type, public/non public and location, rural/urban high schools.

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## Picture books - An important element in strengthening language competence in preschool children

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### Introduction

Children's language acquisition is an argument that has affected many foreign scholars but we can say that recently Albanian scholars have been interested on the topic as well. I have chosen to bring this issue to attention, considering that language has its origins in the early childhood and it develops and perfects with the growth of the individual. The aim of this theoretical and practical survey is to convey the didactic side of language acquisition through picture books, which encourage children to articulate and perfect the lexicon. Also the visual side and the colorful figures intertwined as inseparable parts of the word, are quite effective in the language acquisition in preschoolers, even in early childhood when each individual starts using language for the first time. The following approach provides a brief overview of how naturally the little ones learn to speak.

"**First lessons**" is the package used by us as a didactic material to help language acquisition in early and preschool childhood. It contains:

- Numbers,
  - Colors,
  - Forms,
  - Time
- The opposite.

These are all elements which become part of a child lexicon in their early childhood, but over time, their knowledge about these elements is expanded through perceptions, as researchers call this age, the "age of perceptions". M. Montessori emphasizes: "The development of spoken language occurs from the age of two to five years: the age of perception, in which the child's attention is sparkling, directed to external objects and memory is particularly strong."

During the second year of life babies develop their vocabulary by enriching it with one word at a time. At this stage they use a lexeme to express the meaning of an entire sentence (holophrastic speech). In addition, the same author emphasizes that at the age of 3-4 the sentences of the little ones become longer and more complex. At this age they begin to use the past tense and all sorts of words, until their vocabulary grows rapidly, and by the time they enter school, at the age of five, they generally have a vocabulary of several thousand words. According to researchers, the individual is not born knowing that the speaker is actually asking the listener to do something and not just articulating words associated or not with others. The person who is speaking

demands for and expects an action. This is the eternal drive of man that pushes him towards understanding the message of the broadcaster and the same action is done by the recipient. On the other hand, babies, who communicate sentences through single words, can achieve different goals; thus, with the word "mama" they express: call, attention, a request, hunger, etc. ; the mother is what sets her apart, thanks to the regime she applies to the little one and the perfect recognition she has achieved. Accelerating or slowing down the acquisition of language at a certain stage, for example, during the holophrastic stage, proves neither mental progress nor mental retardation of the individual; according to the data, it seems that the genius physicist Albert Einstein started talking only at the age of 3-4!

All these descriptions which are part of our survey have been collected from children (subjects of our study) who under the care of the parent and the help of educators acquire and develop language from one stage of their life to another.

Similar researches in this field can be shaped in different study levels based on the achievements of foreign linguistics, belonging to different linguistic schools, in which for years have been done and are doing detailed scientific experiments, as well as observations, not only on many individuals, regarding their linguistic benefit in infancy and childhood, but also with homogeneous groups, divided on the evolutionary, social, cultural, origin development in accordance with the children's age. Surely, various linguistic and psychological directions have achieved recognized results in well-known Institutes and Research Centers headed by specialists. However, even in the field of the Albanian linguistics, no matter how young, it is created a tradition for such research. Less than a few years ago, it is indicated that such topics can be treated even by the Albanian science, in the field of language acquisition by children, especially in terms of acquiring and enriching the lexicon of early infantile children. We have distinguished, among the many authors that exist nowadays, those that are notorious for these topics. We have divided them in two groups:

a. Researchers, psychologists, and linguists who have made the object of their work younger's language acquisition

b. Researchers, psychologists and lecturers who have also studied the evolutionary disorders during the acquisition process at this age

Generally, it should be stated that the literature compiled by the Albanian authors has, mostly, scientific knowledge of this field. That is the reason why those few researchers, who we will mention below, should be estimated mainly for the feeds they introduced from the western science, even when they introduced many investigation examples from the long overviews in the Albanian-speaking environment. On the one hand, in the literary review of this field, we have many books translated from selected famous European and world known authors, mostly American, who we consulted and cited in line with the arguments presented.

1. We can mention many foreign researchers that we will refer to from time to time, through our paper, but I am also bringing the attention to the lecturer and didactic researcher Ali Shashai, who took the first safe steps in this difficult and unexplored path. His book "Speaking of preschool children and the work for its development", introduces us to the process of speech development, which, as the author describes it, goes through three stages:

a) word acquisition,

b) practical acquisition of grammatical constructions,

c) development of connected speech.

On the other hand, profesor Shashai emphasizes: "Speech development, at an early age, is realized through listening and speaking, while, partly, in the adult preschool age group and widely the young age even through reading and writing." (Shashai, A., *Speech of preschool children and work for its development*, Onufri, Elbasan, 1996, p.4.)

In this book we are also introduced to accurate data of the author regarding language knowledge that children of this age have. He points out that preschool children know a considerable number of words, phraseological expressions, greetings, etc., which they listen to and use in everyday life: in the family, while playing with friends of the same age and those of age difference as well as in various active and passive situations with the elders. *There are published up to 3600 words that preschool children, six years old, know and use: of these 2500 are known and used by four and five years children.* (Shashai, A., *Speaking of preschool children and work for its development*, Onufri, Elbasan, 1996, p.18)

The language of children is a touchable argument by many foreign scholars, but we can say that it has recently aroused the interest even of the Albanian scholars. We are part of these scholars that frequently treat materials belonging to preschool mice. We chose to address this argument considering that language is born early, develops and improves with the growth of the individual. Through this short paper we aim to convey the didactic side of language acquisition through some picture books that encourage children to articulate and perfect their lexicon. Moreover, visually and colorful images, integral parts of the word, are very fruitful in preschoolers' language acquisition, not only in early childhood where language begins to come to life in every individual.

We thought of making part of our work the child who knows the numbers and colors early, always accompanied by relevant images, which are offered by the books of the preschool package, containing the "First Lessons", where we will get acquainted with:

- Words
- Numbers
- Colors
- Forms,
- Time
- The opposites.

These are all elements that entered the lexicon of children early, but, over time, expand their knowledge about them through perceptions, given that researchers call this age as the "age of perceptions". M. Montessori highlights: "The development of spoken language occurs from the age of two to five: the age of perception, where the child's attention is directed toward outside objects, while memory is strong." (Montesori, M., **child's intelligence**, Plejad, 2009, p. 256)

All these descriptions, part of our work, are collected from children, who under the care of parents and educators, derive and develop language from one life stage to another.

The well-known American generative linguist Chomsky, while delving into his studies regarding the acquisition of language by the individual, has underlined that while young children get the language, the linguistic act occurs to the degree of

accuracy that the child imitates the discourse of his own models (family members, other children, or whoever). He writes that the accuracy of phonetic detail goes far beyond what an adult can perceive without special preparation and therefore may not be the result of some form of exercise (besides, language apprehension generally continues on its way, without any disturbance from the models and perhaps quite independently of such interest, in case 3 appears with minor exceptions. It is clear that the child hears, certainly not consciously, the details of phonetic coloring, which will embrace as part of language knowledge, but in his life, as an adult, he will no longer be able to distinguish them. "(Chomsky, N., Language and Cognition Problems (Managua Lectures), Bot. TOENA, Tirana, 2007, p. 27).

We can say that the most advanced thought today about this generativist linguist is that his work, in the profile presented here by us, marks one of the first stages which soon took the name cognitive revolution. Jackendoff writes that *in the face of cognitive psychology and artificial intelligence, Chomsky's generative linguistics takes on new powers for the study of the mind / brain, a leading force present in cognitive science and neuroscience.* (Jackendoff, R., Linguaggio e natura umana, il Mulino, Collezione di Testi e di Studi, Bologna, 1998, p. 8)

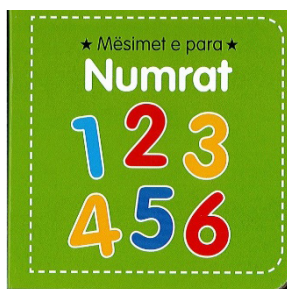
Noam Chomsky has entered the cognitive sciences, first in the linguistic plan, in terms of such lapidary definitions related to the biological conditions of the individual to acquire language, which, summarized, we find in the following statement: *Over the kindergarten years, preschool children learn new words very quickly, doubling their vocabulary at about every six months between the ages of 2 and 4. During this time, they may like the formation of sentences. Since their thinking is egocentric, they may assume that you know exactly what they mean. They also tend to focus on the meaning of a word.* (Çomski, N., Language and problems of cognition (Managua Lectures), Bot. TOENA, Tirana, 2007, p. 188).

*Therefore, the need arises to use these didactic books to help acquire and know the mother tongue.*

The preschool book package starts with the book containing the first words. This small book includes a small number of words that the child uses in his daily life.

Didactic package "First lessons"





As we know from the age of one to two years, the child continues to remain closely dependent, on the affective level, with his mother. He likes to be with her, to show her everything he does, to have her admiration. He shares with her all his joys and sorrows. (Myriam, D. "0-2 years old Affective life and family problems", "kumi", Tirana, 2002, p.65)

At the age of two, it is noticed that the child communicates with prepositions, but not infrequently, in the two-year-old lexicon, derived words are also encountered. His vocabulary expands from the easiest to the most difficult ones. Therefore, he also needs some didactic elements that serve in the gradual perfection of the language. Without a doubt, the parents', educators' help and communication with people of all ages is important.

The academician Shkurtaç defines the child's language in this way: "Child language or as it is called by the English term "Baby talk", presupposes the analytical examination of the entirety of linguistic means (lexical, morphological structures and phonetic, morphosyntactic processes, phrasal allocative structures) used by speakers of a certain community to communicate with young children." (Shkurtaç, Gjovalin Sociolinguistics, Tirana, 2003, ShBLU, p. 287)

The child becomes aware of what he can do, he is able to master well his motor skills. Furthermore, he can understand everything that happens around him, knows how to predict the consequences of some of his actions, and understands better the language. All these possibilities give birth to the desire to "do" and "to do alone" (Myriam, D. 0-2 years old Affective life and family problems, kumi, Tirana, 2002, p.65)

At this age it is necessary for the child to touch with his hands all the objects and to name them. Thus, they help him discover the world around naming each object with the appropriate name. In this way his vocabulary becomes richer.

We notice that the lexicon obtained regarding the numbers does not start parallel to the first words, but when the child possesses a certain linguistic level, mainly of naming the objects that surround him (always in the form of concentric circles). Finally, even numbers, for the child, name items and objects, games he has around; thus it is passed from the naming "1 ball" to "2 balls" - when the object in question (the ball) is presented.

Even in terms of numbers and the counting process, in other words, their notion, psychologists have paid attention to the attitude and reaction of the little ones, always linking them to concrete objects, previously known as denominations by children. When we want to know that the little child tries to express, for example, "2 apples", "two bananas", "two dolls", etc., he must first have named them, or on the contrary, it cannot pass to the numerical side.

M. Shatz, in his research on the acquisition and development of the concept of number (and counting), writes among others that during this process, children also rely on adults, who not only can guide them in the conceptual acquisition of this issue, but also exercise them in practice, in quite natural life situations. (M. Shatz, *Diario dei primi passi*, il Mulino, Bologna, 1998, p. 62.)

The before mentioned psychological researcher describes a dialogue scene when a child named Ricky, 2 years old, wants to go out of the house and must put on his shoes. He does this action by himself and, at this moment, his mother asks him " How many shoes does Ricky have? "

Through this format the little ones face the color element which they have perceived during growth. The images these books contain are fascinating material both for the attention of the children and the enrichment of their language. In our case children up to 3 years old are able to make the right descriptions with the tools they encounter every day, as in our case, the family car helps the little ones to describe and label the main elements of the object presented in the image. Therefore, researchers claim that from the age of 3 the child uses the language creatively.

In conclusion, we can say that the didactic games offered today are so rich and become a separate source for the development of children's thinking at certain ages, as well as in increasing the input of speech in individuals of this age. The little ones slowly explore and discover everything around them, setting in motion the senses, the mind to reach the acquisition of vocabulary and then spoken language up to the process of generating sentences. Visual cognition enables the little ones to increase their communication ability through direct contact with the first books. The books of this package contain a small number of words where suitable conditions are created to expand the vocabulary step by step. Therefore, language is born and develops with the individual himself.

# Action Plan for the Fight against Human Trafficking, Elbasan Region

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## Abstract

The National Action Plan for the Fight against Human Trafficking is a document which was approved for the first time in the Republic of Albania in 2001. Today, 20 years later, this document contains many achievements for the target group of victims of trafficking (VT) and potential victims of trafficking (PVT). The involvement of as many central and local structures, in order to stop this phenomenon, put Albania on a par with international countries. Specifically, this inclusion is reflected in the content of this paper which will have in main focus: 1. the analysis of DCM no. 770, dated 26.12.2018 for the approval of the national action plan for the fight against Human Trafficking for the years 2018–2020. 2. analysis of the Action Plan for the Fight against Human Trafficking of the Elbasan Region for 2021, through the reflection of the activities that take place in its three main pillars which are protection, prevention and coordination. This region has always done a good job compared to the other 11 remaining regions in the territory of Albania. For this reason, the purpose of this paper is to help in the following as a good example, all other structures and actors public, non-public, central and local, who are engaged in preventing and combating trafficking in human beings in Albania. Finally, attention will be paid to what needs to be further improved, in relation to the future Anti-Trafficking Action Plan of the Elbasan region for 2022, in order to prevent, reduce and support trafficked in this region. The paper develops in terms of a theoretical, analytical, and legal approach. The two methods used in this paper are comparative and empirical. The research about the reality on the subject in question, has been done by interpreting it as objectively as possible.

**Keywords:** national anti-trafficking action plan; regional anti-trafficking action plan; protection; prevention; coordination; Elbasan district.

## 1. Introduction

The National Action Plan for the Fight against Human Trafficking is a document which was first approved in the country in 2001. Today, 20 years later, this document contains many achievements for the target group of VT\PVTs. One of these achievements is the reduction of the number of VT\PVTs that were trafficked abroad. This has come as a result of increased cooperation with all national\international\regional partners, in order to fight and prevent the international exploitation of persons, by signing various cooperation agreements, exchange of information between relevant state agencies, etc. Another achievement is that today trafficking is condemned as a serious crime. For the investigation, prosecution and trial of this crime in the competent institutions, the commitment is maximal by the relevant structures and employees. Also, the reintegration of VT\PVTs today, according to statistics, in most cases is successful. The four public\non-public reception centers and reintegration of VT\ VMTs that provide services in the country are as follows: - "Tjetër Vizion" Association located in Elbasan; - Association "Të ndryshëm të Barabartë" located in Tirana; - Association "Vatra" located in Vlora; - "Qendra Kombëtare" located in Linza.

The involvement of as many central and local structures, in order to stop this phenomenon, put Albania on a par with international countries. Specifically, this inclusion is reflected in the content of this paper, where after the analysis of the National Action Plan (NAP) For the Fight against Human Trafficking 2018–2020, the analysis of the Action Plan for the Fight against Human Trafficking of the Elbasan Region 2021 (PRV) continues. This region has always done a good job in these 20 years compared to the other 11 regions left in the territory of Albania. For this reason, i wish this paper that contains the analysis of the Action Plan for Combating Human Trafficking of Elbasan Region, to come to your aid as a good example, all other structures and actors public, non-public, central and local, who are engaged in preventing and combating trafficking in human beings.

## **2. National Action Plan for the Fight against Human Trafficking 2018–2020**

This document according to DCM no. 770, dated 26.12.2018, is built on a detailed analysis: - of the implementation of the previous national action plan 2015-2017; - its challenges and achievements; - socio-political context; - domestic and international dynamics and trends, which directly affect the situation with human trafficking.

The plan also expresses the commitment of government, state, non-state, public and non-public structures, to minimize trafficking. Specifically, the 2 types of mechanisms for the fight against trafficking in human beings are:

1. “Central Mechanisms against Trafficking” consisting of: - State Committee for Combating Human Trafficking; - National Anti-Trafficking Task Force; - Office of the National Coordinator for Combating Human Trafficking; - Responsible Authority for the National Referral Mechanism for Victims of Trafficking.

2. “Regional Anti-Trafficking Mechanisms” consisting of: - Regional Committees for Combating Human Trafficking and Technical Tables; - “Local mechanisms for children” such as. CPU, Sector for the Protection of Minors and Domestic Violence.

The cooperating institutions are as follows: - Prefecture; - Municipality and Administrative Units; - County Council; - State Social Service; - Police; - Regional Employment Directorate; - State Intelligence Service; - Regional Employment Directorate; - Directorate of Public Health and Regional Directorate of Education.

The national action plan for the fight against Human Trafficking 2018–2020 is composed of 4 pillars that are as follows: 1. criminal prosecution; 2. protection; 3. prevention; 4. coordination.

*Prosecution:* this NAP contains activities that include all relevant structures for the proper implementation of applicable laws, all necessary mechanisms and training of relevant staff, in order to minimize trafficking.

The strategic goal of this pillar is: to increase the number of successful criminal cases of trafficking in human beings and to restore the rights of victims.

*Protection:* this NAP contains activities that include the protection and assistance of all VT \ PVTs who cooperate or not with justice. At this stage a lot of importance is given to the identification and referral of the case, engaging all the necessary structures and also providing the necessary instructions and resources. This is achieved by strengthening the cooperation between the structures that are responsible for identifying and increasing the resources of the service structures.

The strategic goal of this pillar based on standard operating procedures (SOPs) is to



carry out the initial identification and referrals for protection of trafficked persons, and based on their individual needs to immediately refer them to the relevant support services.

*Prevention:* this NAP contains preventive activities that include informing and raising public awareness about national legislation and relevant international conventions. These activities refer to external and internal trafficking, exploitation for forced labor of adults, begging by children, children in street situations, etc., as well as the social consequences that follow.

The strategic goal of this pillar is: to raise public awareness about all types of trafficking in human beings and its consequences.

*Coordination:* this NAP contains activities that involve many public, non-public, central and local institutions operating in this field. If it happens that these institutions do not coordinate and monitor well the planned activities, the analysis for the evaluation and implementation of new activities can't be performed. Coordination and partnership also work together. State institutions need both the support of each other and the support of civil society which meets the obligations of the parties, in the development of many activities. For this reason, the Office of the National Anti-Trafficking Coordinator is fully committed to carry out the most efficient coordination of activities provided in this NAP.

The strategic goal of this pillar is: coordination of all anti-trafficking measures and cooperation between all relevant institutions mentioned above and in particular cooperation with domestic violence structures and child protection structures at central and local level.

### **3. Action Plan for the Fight against Human Trafficking, Elbasan Region**

The Action Plan for the Fight against Human Trafficking of the Elbasan Region of 2021, contains the analysis of the achievements so far as well as the orientation and coordination regarding the challenges that still need to be won. This plan is based on the needs and specifics of the region and in accordance with the National Action Plan for the Fight against Human Trafficking 2018–2020 approved by DCM no.770\2018. The Albanian government has not yet approved the new NAP for the years 2021-2023, and for this reason PRV Elbasan is based on the NAP 2018-2020. The PRV for 2021 is based on three areas that are as follows: 1. Protection of VT and PVT; 2. Prevention; 3. Coordination.

#### **1. Protection of VTs and PVTs**

Victim protection and assistance is one of the main areas of this plan, where much importance is given to the identification and referral of the case, engaging all the necessary structures and also providing the necessary instructions and resources. This is achieved by strengthening the cooperation between the structures that are responsible for identifying and increasing the resources of the service structures. In relation to this pillar PRV Elbasan 2021 provides as follows:

- For training activities with KRAT members and Technical Roundtables related to SOPs, the responsible structures are KRAT and NGOs. The deadline for carrying out these activities is 2021 and the aim of the latter is the SOPs distributed to individual actors.

- For the activities of exchange of experiences between service providers in the region of Elbasan, the responsible structures are KRAT and NGOs. The deadline for carrying out these activities is 2021 and the aim of the latter is to hold periodic meetings of local actors at the regional level.
- For victim identification activities at the local level, the responsible structures are KRAT, CPU, Municipal Social Services and NGOs. The deadline for carrying out these activities is ongoing and the aim of the latter is to determine the number of cases identified by the mobile NGO units as well as by the coordination groups at the local level.
- For the initial identification activities of victims by institutions at the local level, the responsible structures are KRAT, CPU, Municipalities, SSSSHEL and NGOs. The deadline for carrying out these activities is ongoing and the aim of the latter is to determine the number of cases identified by the structures in the municipality.
- For activities related to the implementation of standard operating procedures, in order to reintegrate, including monitoring and long-term support, facilitating access to accommodation, counseling, health and legal services, as well as employment or vocational training, the responsible structures are KRAT, CPU, SHSSSHEL and NGOs. The deadline for carrying out these activities is ongoing and the aim of the latter is to determine the number of relevant institutions that recognize the standard operating procedures, responsibilities they have, trainings organized for this purpose as well as manuals prepared and distributed.
- For activities related to the strengthening of reintegration programs in shelters (as well as centers for domestic violence, community centers), including measures to increase employment opportunities, counseling, employment services and self-employment assistance for victims of trafficking, structures Responsible are SHSSSHEL, shelter "Tjetër Vizion", shelter of the Elbasan Women's Forum, Coordinators of Violence in the Municipality and NGOs. The deadline for carrying out these activities is ongoing and the aim of the latter is to strengthen the shelters in order to provide longer-term support for reintegration and increase employment opportunities for victims.
- For activities related to: - establishing a basic Reintegration Scheme with specialized services for victims at the community level, including housing, counseling, health services, economic assistance, social assistance and vocational training; - piloting the model of community-based reintegration services and victim mentoring; the responsible structures are KRAT, Regional Employment Office, Vocational Training Centers, Municipalities and NGOs. The deadline for carrying out these activities is ongoing and the aim of the latter is to determine the number of victims who benefit from the model packages of the above-mentioned reintegration services.
- For activities related to the reintegration of men who are VT \ PVT, the responsible structure is KRAT. The deadline for carrying out this activity is ongoing and the aim of the latter is to determine the number of trafficked men reintegrated.

## **2. Prevention**

Preventive activities that include informing and raising public awareness about relevant national legislation and international conventions. These activities refer to all types of trafficking, as well as the social consequences that follow. In relation to this pillar PRV Elbasan 2021 provides as follows:

- For activities related to awareness meetings in different cities and local media shows,

the responsible structure is KRAT. The deadline for carrying out these activities is October 2021 (known as the anti-trafficking month) and the aim of the latter is to determine the number of information materials that have been distributed to the public.

- For activities related to awareness activities in October 2021 in all 7 municipalities of Elbasan region, the responsible structure is KRAT. The deadline for carrying out these activities is October 2021 and the purpose of the latter is to determine the number of informed persons.

- For activities related to the ongoing training of teaching staff (principals, teachers, psychologists and social workers) and nurses in schools, on trafficking topics, the responsible structures are the KRAT and the Regional Education Directorates. The deadline for carrying out this activity is ongoing and the purpose of the latter is to determine the number of school staff and school-age children (at all levels) who have knowledge of trafficking as well as contacts seeking help.

- For the activities related to the distribution of leaflets with content on trafficking in each health center, the responsible structures are MSHMS, ONAC, NRM, AP, CPU, KRAT and KKSAT. The deadline for carrying out this activity is ongoing and the purpose of the latter is to determine the number of: - leaflets distributed; - informed patients; - prevented cases as well as referred cases.

- For activities related to raising: - awareness and employment opportunities for female\female\male jobseekers who are VT\PVT, as well as awareness of private sector employers for the identification of trafficked persons, based on the law on employment promotion and in active employment programs; - cooperation with administrative units to enable the payment of nurseries and kindergartens for children; the responsible structures are KRAT, Regional Employment Offices, and Municipalities. The deadline for carrying out this activity is ongoing and the purpose of the latter is to determine the number of: - VT\PVTs employed in the private sector or self-employed; - victims of trafficking identified by the private sector.

- For the activities related to providing information on safe migration on the websites of state institutions, as well as their publication to the groups of potential victims, the responsible structures are KRAT, Coordination groups at the local level and NGOs. The deadline for carrying out this activity is ongoing and the purpose of the latter is to define: - Websites with information on legal migration on the Internet; - percentage of "at risk" persons who know how to verify job offers and other ways of protecting themselves before leaving abroad.

- For activities related to the implementation of programs and those aimed at community development and support, which include: - educational, psycho-social and cultural activities in kindergartens and summer camps; - profitable activities for mothers; - personal empowerment programs for women and youth-alternative care options for children who are VT\PVT and children whose parents have VT\PVT, etc., the responsible structures are KRAT, Regional Education Directorate, State Social Service, Social Services of Municipalities and NGOs. The deadline for carrying out this activity is ongoing and the aim of the latter is to include activities for the fight against Human Trafficking in the social plans of the Municipalities.

- For the activities related to the performance by the Municipalities: - of a regional assessment (which describes the social situation within their territory and the identification of vulnerable groups), which serves as a basis for drafting a multi-

sectorial Action Plan for Anti-Trafficking (which includes specific programs for prevention as well as programs\assistance services\rehabilitation for the Anti-Trafficking Assistance Plans (preventive and response\rehabilitation services); - monitoring for the implementation of the Multi-sectorial Action Plan for Anti-trafficking; , State Social Service, Regional Employment Offices and NGOs The deadline for carrying out this activity is ongoing and the purpose of the latter is: - the presence of regional assessments of the situation; - the existence of regular assessments\reports (6- monthly) and annual situation; - Inclusion of anti-trafficking issues in other Strategies at the local level as well as monitoring reports.

### **3. Coordination**

This PRV has in its content activities that include many public, non-public, central and local institutions operating in this field. If it happens that these institutions do not coordinate and monitor well the planned activities, the analysis for the evaluation and implementation of new activities can not be performed. Coordination and partnership also work together. State institutions need both the support of each other and the support of civil society which meets the obligations of the parties, in the development of many activities. In relation to this pillar PRV Elbasan 2021 provides as follows:

- For activities related to the regular exchange of information between all KRAT participants in the meetings that take place at the Technical Roundtable, the responsible structure is KRAT. The deadline for carrying out this activity is ongoing and the purpose of the latter is to update information on the situation in the region.
- For activities related to: - strengthening KRAT in close coordination with other Regional Committees, child protection structures and domestic violence; - cooperation with KRAT of other Regions; the responsible structure is KRAT. The deadline for carrying out this activity is ongoing and the purpose of the latter is: - the existence of annual work plans for each KRAT; - annual reports on KRAT activities; - holding regular KRAT meetings; - determining the number of joint meetings of regional technical roundtables on anti-trafficking, gender issues\domestic violence and child protection; - holding regular regional meetings of contact points\coordination groups.
- For activities related to the preparation twice a year of assessments of the trafficking situation in each region, based on data collected at the regional level and verified by regional anti-trafficking structures, the responsible structures are KRAT in cooperation with municipalities and ONAC- te. The deadline for carrying out this activity is ongoing and the aim of the latter is the existence of situation assessments for each county, as a basis to be used for the review of National Anti-Trafficking Action Plans.

### **4. Conclusions and Recommendations**

Implementation of the Action Plan for the Fight against Human Trafficking of Elbasan Region for 2021, as analyzed in the paragraphs above in this paper, has so far enabled good results, compared to the other 11 remaining regions in the territory of Albania. These good results are from 2001 when this action plan was first approved and to this

day. For this reason, i wish PRV Elbasan to continue to help as a good example, all structures and other public actors, non-public, central and local, who are engaged in preventing and combating trafficking in human beings in Albania.

Leaving aside the analysis of what has been done so far, to enable good management of PRV Elbasan for 2021, the work will continue, paying attention to what needs to be further improved, in relation to the future Regional Anti-Trafficking Action Plan of Elbasan region for 2022, in order to prevent, reduce and support traffickers for this region, as follows:

1. For a more efficient, effective and effective implementation of DCM no. 770\2018, i recommend that anti-trafficking awareness activities provided in the Action Plan for Combating Human Trafficking of Elbasan Region of 2021, in order to prevent trafficking, should begin to be carried out in 2022 even in the most remote areas of this region (mainly areas located within the borders of Elbasan region), by public, non-public, central and local anti-trafficking actors, because so far these awareness-raising activities have been lacking.

2. For a more efficient, effective and effective implementation of DCM no. 770\2018, i recommend that the implementation of all activities provided in the Action Plan for Combating Human Trafficking of Elbasan Region of 2021, in order to prevent, reduce and support trafficked persons for this region, should begin to be supported by very financially from the central and local government for 2022, because for the past years the budget has been insufficient to pay for transport, posters, leaflets, etc.

3. Trafficking in Albania manages to adapt to the dynamics of development and year after year takes different forms, using every legal vacuum or social problem. For this reason, the lack of more than 1 year of approval of the National Anti-Trafficking Action Plan for the years 2021-2023 (there is a delay of 13 months and has not yet been approved), which are based on the Regional Anti-Trafficking Action Plans of each region in the territory of the country, causes an inefficient, efficient and effective compliance of the content of these plans with new (which are different) forms of trafficking. Therefore, i recommend that for a more efficient, effective and effective implementation of the future Anti-Trafficking Action Plan of Elbasan Region for 2022, the National Anti-Trafficking Action Plan for 2021-2023, to be approved as soon as possible by the Albanian government.

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#### **Abbreviations**

*NAP- National Action Plan*

*PRV - Regional Action Plan*

*VT - Victims of Trafficking*

*VMT - Potential Victims of Trafficking*

*DCM - Decision of the Council of Ministers*

*CPU - Child Protection Unit*

*SOP - Standard Operating Procedures*

*KRAT - Regional Anti-Trafficking Committee*

*NGO - Non-Profit Organization*

*SHSSHEL - Elbasan State Social Service*

*MSHMS - Ministry of Health and Social Protection*

*ONAC - Office of the National Coordinator for Combating Human Trafficking*

*NRM - Mechanism for referring cases of domestic violence at the local level*

*AP - Responsible Authority*

*KKSAT - National Coalition of Anti-Trafficking Shelters*