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1 THE CONCEPT OF CRIMINAL CHARGE (CRIMINAL CASE)

Dr. Adrian Leka

University of Shkodra “Luigj Gurakuqi”

Faculty of Law

leka-ad@live.com

Abstract

The two concepts of “criminal charge” and “criminal case” differ from one another, so they should be elaborated separately. Both are part of the meaning of the right to due process of law and represent different expressions of the phrase used in Article 6 of the European Convention for Human Rights and Fundamental Freedoms (the Convention); “the credibility of any charge of a criminal nature that is directed to him”, or Article 42/2 of the Albanian Constitution; “accusations brought against him”. The criminal charge has to do with the moment when the right to due process of law starts, namely the determination of the moment when we are dealing with a criminal charge, which forces the body that has filed this charge to provide procedural guarantees arising from a due legal process. Meanwhile, the criminal case has to do with the essence of the charges brought against the persons, which means that it is necessary to determine whether it is criminal or not, and depending on this fact, whether or not it should be adjudicated through a due legal process.

Key words: criminal charge, criminal accusation, criminal case, charge, accusation, criminal.

1. INTRODUCTION

Meaning of criminal charge

The concept of the criminal charge has been defined by the European Court of Human Rights (the ECHR) several times and has been considered together with other concepts that are part of a regular, autonomous vis à vis the domestic law and with a substantial material meaning. In *Deweere v. Belgium* (27 February 1980), the court declared:

“...the prominent place held in a democratic society by the right to a fair trial (see especially the above-mentioned Airey judgment, pp. 12-13, par. 24) prompts the Court to prefer a “substantive”, rather than a “formal”, conception of the “charge” contemplated by Article 6 par. 1 (art. 6-1). The Court is compelled to look behind the appearances and investigate the realities of the procedure in question.”

The court also gave the meaning of the criminal charge:

“The “charge” could, for the purposes of Article 6 par. 1 (art. 6-1), be defined as the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence.”

Yet, not every official notification fulfills the requirements of the Court's reasoning, but only those notices that:

“... that substantially affect the person's situation ... ”

For the Court, it was very important to specify the moment when the accusations were brought, because from this moment, the person is entitled to claim his right to a due legal process and the “reasonable time” referred to in Article 6 of the Convention and Article 42/2 of the Albanian Constitution starts precisely at this moment.

In Albanian law, the concept of “accusation” is closely related to the concept of “prosecution”, both being powers of the prosecution office, under Article 148 of the Constitution:

“The prosecution exercises criminal prosecution, and it represents the accusations in court on behalf of the state.”

Also, under Article 24 of the Code of Criminal Procedure (the CPC):

“The prosecutor exercises criminal prosecution and represents the accusations in court on behalf of the state.”

The wording of the Constitution is complete and leaves no room for misinterpretation as it reflects the fact that the indictment exists from the moment when the person suspected of committing a criminal offense receives notice by an official written act and eventually receives the quality of the defendant. It is a legal obligation for the prosecutor to make such a notification, in accordance with article 34 of the CPC:

“The status of the defendant shall be acquired by the person, to whom the criminal offense is attributed with the act of the notification of charges, which indicates sufficient information for taking him as defendant. Notice of this act is served to the defendant and his defense counsel.”

2. MATERIALS AND METHODS

Moreover, based on the ECHR case law (*Brozicek v. Italy*, 19 January 1989), not only should the accusation be notified, but that notification should be effective and achieve the purpose for which it is made, so that the person becomes aware of the fact that he is charged with the commission of a criminal offense, understands the exact crime he is charged with and what evidence exists against him. Moreover, the person must be aware of these facts in a language that he understands. These obligations derive naturally from the meaning of the first paragraph of Article 6 of the Convention (Article 42/2 of the Constitution), but they are also provided for in a special way as a guarantee to the accused:

Article 6/3 of the Convention:

"Everyone charged with a criminal offence has the following minimum rights:

a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him."

Article 31 of the Constitution:

"During a criminal proceeding, everyone has the right:

a) to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him."

There seem to be differences, between the Constitution and the criminal procedural law, and between the Constitution and the Convention. The CPC allows a time limit between the registrations, i.e.: the knowledge of the name of the person to whom the offense is attributed to (Article 287 of the CPC) and the notification of the indictment by an official act. The code does not specify how long this time can be, but logically it must be reasonable and short, because the deadlines for the completion of investigations start to run from the moment of the registration of the name (Article 323).

The Convention itself speaks of the notification of charges within a short deadline, which means that it allows a deadline, but this should be the shortest possible, while the Constitution has extended the minimum safeguard of the Convention, requiring instant notification of the charges. It is clear that the Constitution, being self-applicable, should direct the prosecution's decision-making in these cases and the notice of the charges should be made as soon as it becomes known that there is evidence for the attribution of the criminal offense to a particular person and a decision is made to register the name of that person.

This regulation comes as a result of the ECHR established principle that we can talk about charges when the person's situation has changed substantially, because it is a premise for the fact that investigative actions will be undertaken against him and he will become subject to a decision, whether it is only for the dismissal of the case. Therefore, from the moment of the registration of the name, there is a charge against him and all the guarantees provided by the Constitution and the Convention on due process of law must be ensured.

Meanwhile, effective notification has also to do with the fact that the person should be notified *"in a detailed manner."* This phrase shows that all circumstances and all the evidence against him must be made known to him. But the CPC has made a regulation that in general does not match its spirit. Article 279 provides:

"Investigation documents are secret until the defendant has not received any information about them. When it is necessary for the continuation of the investigations, the prosecutor may order that particular documents be kept secret until the conclusion of the investigation."

3. RESULTS

In its entirety, the CPC secures the defendant's ability to be represented by the defense attorney in conducting investigative actions and creates the prosecution's obligation to submit the file at its disposal, so it remains to be seen from judicial practice what purpose this article embodies. Another element of effective notification is the use of a language that is understood by the defendant. The ECHR in several decisions (*Brozicek*, or *Kamasinski v. Austria*, 19 December 1989) emphasized the need for the translation, whether verbally or in writing, of the act of notification of the indictment, so that the person and his defense counsel become effectively aware of the fact and its legal base, and can build their defense without being placed in an unfavorable position. The CPC has established in Article 123 that obligation for the proceeding authority:

"A defendant who does not know Albanian language, is entitled to be assisted by an interpreter, free of charge, to understand the charge and follow actions where he takes part."

However, the expression used by the Convention is “*in a language that he understands and in detail*”, which must be understood as also imposing the obligation that the notification of the indictment be made clear and comprehensible, at least for an average intellect.

It is interesting to see some special ways of bringing criminal charges, as provided by the CPC:

1) Article 59 of this Code recognizes the right of victims of a number of criminal offenses file a direct request with the court for the criminal prosecution of the perpetrator and seek punishment for him. In this case, the notice of the charge is made by the court, through notification of the claim, according to the general rules on the notices.

2) Article 284 recognizes the right of the victim of a number of criminal offenses to file a criminal claim with the prosecutor or the judicial police. This claim is not a referral, as it is not mandatory and essentially represents the complainant's wish to prosecute the perpetrator. A claim must be notified promptly to the person to whom it is attributed, but the complainant may withdraw it at any time and automatically the charges are dropped. This means that the charge exists from the moment the claim is filed.

3) Article 375 provides for the power of the court that is examining the merits of a criminal charge, to give the facts a different legal definition from the one that the prosecutor has provided. The Constitutional Court, by Decision no. 50, dated 30 July 1999, found that this legal arrangement does not give the court powers of prosecution and does not place it in the position of the prosecutor. Rather, it gives them the opportunity to apply the law correctly, by making the qualification that is appropriate and by giving the defendant the opportunity to defend himself in regard to this new qualification. These considerations are not very important because it is clear that the notification of the different qualification is made when the court announces that it has come to a different conclusion. From this moment, all the guarantees of the regular process must be re-established.

4. DISCUSSIONS

Understanding the criminal case.

Let's go back to the concept of “*criminal case*”, which has to do with the nature of the charge that has been filed. The ECHR has repeatedly emphasized the autonomy of this concept. In *Engel and Others v. Netherlands* (8 June 1976) it makes the following summary:

“The Convention without any doubt allows the States... to maintain or establish a distinction between criminal law and disciplinary law, and to draw the dividing line, but only subject to certain conditions. The Convention leaves the States free to designate as a criminal offence an act or omission not constituting the normal exercise of one of the rights that it protects... Such a choice, which has the effect of rendering applicable Articles 6 and 7 (art. 6, art. 7), in principle escapes supervision by the Court.

The converse choice, for its part, is subject to stricter rules. If the Contracting States were able at their discretion to classify an offence as disciplinary instead of criminal, or to prosecute the author of a “mixed” offence on the disciplinary rather than on the criminal plane, the operation of the fundamental clauses of Articles 6 and 7 (art. 6, art. 7) would be subordinated to their sovereign will. A latitude extending thus far might lead to results incompatible with the purpose and object of the Convention.

In short, the “autonomy” of the concept of “criminal” operates, as it were, one way only.”

In this judgment, but especially in the judgment *Weber v. Switzerland* (22 March 1990), the ECHR has emphasized the criteria to be used in qualifying a criminal offense:

1. The classification of the offense according to the legal system of the respective country, but only as a relative criterion and serves only as a starting point;
2. The nature of the act itself;
3. The type of punishment, the amount, and the purpose for which it is given.

The last two criteria are decisive and, as a rule, when the sentence for a violation is deprivation of liberty, then the court believes it is in front of criminal matters. On the other hand, punishment with fine has not always been considered sufficient to determine the nature of the offense.

In *Lauko v. Slovakia* (2 September 1988), the ECHR found that “*the fine imposed on the unjust appeal of the applicant was intended to penalize and prevent the repetition of the offense ..., so the offense in question had, within the scope of Article 6, a criminal nature.*”

CONCLUSIONS

There may be a discussion here about various Albanian laws that envisage different sanctions for contraventions, such as, for example, the Customs Code, which does not make a clear distinction between customs violations and the criminal offense of smuggling. Although this discussion can be closed with the consideration that any decision of the customs administration that imposes a fine on the offender may be appealed in an administrative way and ultimately with the courtroom. For this reason, the due legal process is guaranteed. Problems may arise if the person is fined for an administrative contravention and, at the same time, prosecution is started for the same fact. I think that these cases should be avoided, especially for customs offenses, as the high value of fines and their punitive goals give offenses a pure criminal character. This is followed by the outcome of two decisions on the same criminal case, which contradicts the important constitutional principle of “*ne bis in idem* (Article 34)”.

In the case of *Dybeku v. Albania* (18 December 2007), the ECHR further argued that:

“The Court reiterates the settled case-law of the Convention institutions to the effect that proceedings concerning the execution of a sentence imposed by a competent court, including proceedings on the granting of conditional release, do not fall within the scope of Article 6 § 1 of the Convention. They concern neither the determination of “a criminal charge” nor the determination of “civil rights and obligations” within the meaning of this provision (see, for example, *Aldrian v. Austria*, no. 16266/90, Commission decision of 7 May 1990, Decisions and Reports (DR) 65, p. 337; *A. B. v. Switzerland*, no. 20872/92, Commission decision of 22 February 1995, DR 80, pp. 66 and 72; *Grava v. Italy* (dec.), no. 43522/98, 5 December 2002; *Husain v. Italy* (dec.), no. 18913/03, 24 February 2005; and *Sannino v. Italy* (dec.), no. 30961/03, 24 February 2005).

It observes that the applicant’s conviction and sentence were upheld by the domestic courts at three levels of jurisdiction. The applicant has been serving the prison sentence imposed on him ever since. The Court is not persuaded that the decision taken by the domestic courts regarding the applicant’s request to serve his sentence in a specialist institution appropriate to his state of health or to be released involved the determination of a “criminal charge” or of “civil rights and obligations” within the meaning of Article 6 § 1. The applicant’s request in practice related to the manner of implementing his sentence.”

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On the multiple notions of ne bis in idem at the European level, see J. Vervaele, op. cit. (n. 1), p. 211–229 [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22deweer%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-57469%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22deweer%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-57469%22]}).

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ACCOUNTING AND ACCURACY OF ACCOUNTING STATEMENTS, ELEMENTS OF ORGANIZATION IN TOURIST DEVELOPMENT IN KOSOVO AND ALBANIA

**Prof.Dr. ALBA DUMI,
Msc NAJADA MURATAJ**

*¹University "Ismael Qemali" Vloa University,
"Department of Finance and Accounting, Vloa University, Albania*

Abstract: Tourism development can produce an inflation effect, especially in the early stages when the supply of goods and services often does not respond to rising demand. Often there is an inequality between the spending power of the tourist and the host population. Likewise, as a result of tourist demand for housing, house prices rise rapidly.

In recent years academic studies have focused on emotions to explain the behavior of investors and the performance of financial markets. It should be noted that "Traditional finance theory" is built on the assumption that investors always make rational decisions having a single objective, maximizing the benefit in a risk environment and insecurity. The application of financial models means that individuals include information in the decision making process using probability rules and statistics in calculations, leaving aside emotions. However, it should be noted that investors experience a series of emotions as they make a decision, and the more important this decision is, the stronger the emotions.

Tourism development exerts direct economic effects on the activity of economic organizations participating in meeting tourism needs. According to Krampf professor, these organizations include: hotels, restaurants, cafe bars, shopping facilities, banks and insurance companies. Professionals such as doctors, lawyers, guides, sports institutions, entertainers etc. can also be involved. Participation of these activities in meeting the tourist needs in different countries is different. The numbers for these budgets are not difficult to handle and most managers will give at least some confidence in their benefit. In the objectives of the paper we will also consider how the internal user is oriented to use the accounting information and to use it straight to it.

Key words: Finance, Accounting, Kosovo touristic outputs, Ministry of Finance in Albania and Kosovo, Empirical Study Accounting Empirical studies, interest, risk , Accountings politics,

JEL Classification: N0, N1, N2, N3, O1, O2, O3.

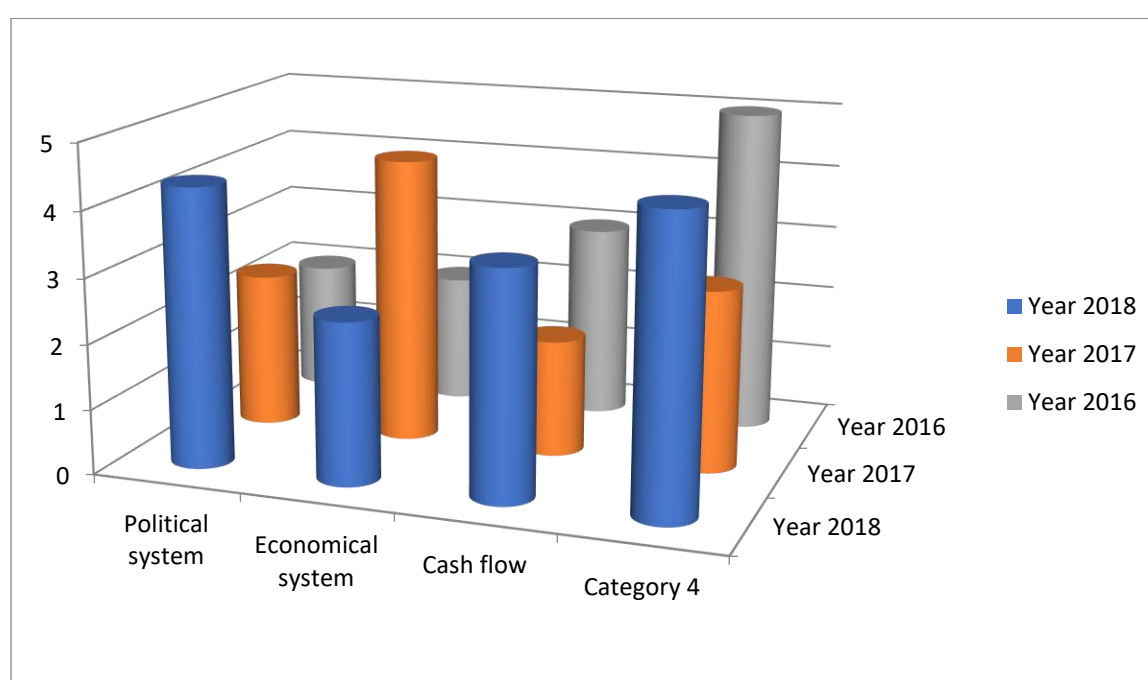
1.1 Introduction:

When we mention the connection between emotions and financial decisions we have to deal with the impact of emotions on our money transactions, as a result of financial decisions, since money is among the few things in life that push us into deep emotional reactions and have an impact long-term behavior in the individual's behavior. Emotional aspect empowerment is important because

money is one of the strongest motivators of people's behavior and explains how people feel about themselves, their work, and others. (Gouling A 1979)

Given this concept, decision making gains a different meaning for different individuals, in countries with different economic and political systems. Investor emotional cycles in essence move into market cycles. Human emotions make investors feel bad about money investing that the market is back again. (Parkin 1996) Capital budgeting, however, does not fit well with many businessmen. This is partly due to the difficulties of preparing a capital budget.

Cash flow assessments should be further delayed in the future and unfamiliar terms such as cost weighted average capital and internal rates of return, creep into terminology.



Source: Financial analyzes that have been made in the field of rational economic behavior generally do not take into account the role of emotions. (Callonn, 2012)

2.1 Decision making process and importance of Constancy

Decisions to rescue now to buy a desired product in the future, or not to save, but to borrow money and save later, are inter-temporal choices with consequences at various points on time. The rewards for possessing a commodity are immediately or in the future traded outside the cost of repaying borrowed money in installments or paying the price immediately in the future. It's almost like this the idea of logic is something we have done to hide the fact that emotions are heavily involved in how we make decisions. Choosing the product and choosing the financing method

2.2 The negative and positive emotions.

Major obstacles are encountered in the use of the territory and the presence in certain areas of tourism development, the polluting industry. Whereas, in some cases, special phases of industrial or artisanal processing increase the role of attractive motives for so-called industrial tourism. Existence in certain places of entities or organizations dealing with the organization of courses for the exercise of some craftsmen or to keep alive old traditions, such as engraving on wood and various crafts, are motives that are the cause of tourist flows.

The most apparent aspects of tourism-industry interdependence appear to be the consumption by tourists of the goods produced by the industry itself. This consumption are divided into two groups: direct, related to the transfer of tourists, such as equipment for hotels, holiday homes, means of transport etc; and commonly used as clothing, food, postcards, souvenirs, gifts etc.

2.2 Decision making process and importance of Constancy

The multiplicative analysis deals mainly with the theory of income generated and jobs created by tourism development. The purpose of the multiplier analysis is to determine the impact created on a tourist destination for each dollar spent on purchasing the tourist product or its components.

- a) The greater the use of local / regional resources and the lower the ratio of the use of imported goods that are part of local consumption and production costs, the greater will be the multiplier effect.
- b) Many debates about tourism's contribution to economic development in general relate to how to filter tourist spending between the economy by stimulating other sectors.

3. LITERATURE REVIEW AND HYPOTHESES

There are various theories that can be applied to optimize the economic benefits of tourism in an event or region. In national and regional plans policies aim to ensure that economic benefits will increase even if they are applied locally. In the absence of national and regional planning, the local community can often implement appropriate policies and strategies. The basis for expanding economic benefits is the optimal use of domestically produced goods and services, region and locality as inputs to the tourism industry, thus increasing the local value added of tourism. This will reduce the amount of money spent on buying goods and import services.

CONCLUSIONS:

Changing the lifestyle is a last resort, though it would be the most effective way of coping. Younger people are more flexible than older people. However, older people who have experienced economic recessions earlier are better able to cope than young people who do not have such experience

Many of the goods and services developed or created for tourist services are often tradable to the locals, as well as potential opportunities for direct exports, directly affecting economic growth by increasing foreign currency earnings. The total local ownership of hotels and commodities and other tourist services such as restaurants, travel agencies etc. will maximize the income from invested capital, giving the local population more opportunities to control development and operation in tourism.

The creation of tourism product and its diversity is an important aspect of the expansion and expansion of new tourist areas, especially in developing countries. To justify investments, the expansion of tourism activities should be based on a carefully studied market and analysis of the country's characteristics.

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2 LANGUAGE USED IN ADVERTISEMENTS OF COCO CHANEL PERFUME

Alma Toplana

SH.M.P “LasgushPoradeci”

Abstract

Propaganda is an information that is used to influence people by presenting arguments and is present everyday in our lives, this paper shows just a little bit of the influence of propaganda through advertisements how they affect us and what forces us to buy that sort of product.

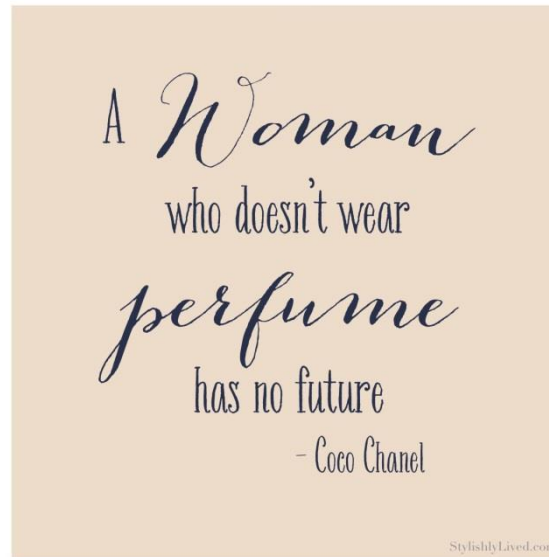
The topic treated in this paper are adverts of perfume Chanel how they represent female gender and how they affect us with those glamorous and expensive adverts making us feel beautiful and feminine. Considering that Chanel is one of the largest company business in the world and the success of being a best seller of course is thanks to good adverts. Creating very qualitative TV adverts, slogans and also quotes about women, making them feel very confident and using powerful women in their adverts in a way they had directly influenced in personality of women that every dream of woman is to show her feminine parts.

Introduction

Fashion designer Coco Chanel, born August 19, 1883, in Saumur, France, is famous for her timeless designs, trademark suits and little black dresses. Chanel was raised in an orphanage and taught to sew. She had a brief career as a singer before opening her first clothes shop in 1910. In the 1920s, she launched her first perfume and eventually introduced the Chanel suit and the little black dress, with an emphasis on making clothes that were more comfortable for women. She died on January 10, 1971.(Biography.com, 2018)

The first appearance of Gabrielle Coco Chanel fragrance was in 1921 and it changed the entire world. The perfume **No5** came when she was presented with five fragrances and her choice was number five. Searching more for Chanel she was a girl who owned a shop that sells hats, later she started selling clothes that made a revolution because they were very good quality including trousers and releasing women from tight corsets and “The Little Black Dress” was first essential in a woman wardrobe.

Considering the fact that Coco’s perfumes wore great stars like Merlyn Monroe couldn’t be better advertisement. Chanel also gives importance quotes, they use powerful quotes in a way every woman can find herself in it, Ex.



This quote according to women is very powerful because it represents the feminine side of the woman. Considering woman to be very delicate and to know what is good for her also to smell good in a meaning that she is capable doing on her own and the most important, perfume kind of makes you feel more confident and classy. Even me when I read this quote more and more it sticks on my mind that if I buy this perfume it will change my behavior towards the others, I will feel fearless, hopeful and very courageous and this is the purpose of the Chanel adverts through the dominant quotes to achieve till the mind of the woman.

What is important to mention that Chanel always use the well-known figures, models, actresses, singers because they represent in a best way the character of an authoritative, energetic woman and seeing that each of us wants to be like any model or singer that we like of course when we think Chanel we imagine our-self in their place.

Commercial for the new fragrance *Gabrielle* is very fascinating, with a song by Beyoncé who is considered to be the queen of music nowadays, and with a very attractive and lovely actress Kristen Stewart. She appears very explosive and breathtaking and all the time she is running, and according to Beyoncé's song *Running* gives the message that she is being herself and of course if you possess the *Gabrielle* you will immediately think of Kristen running even she is tired she's mesmerizing and beautiful and we put our-self in her place, and this is how propaganda works actually to control our mind through powerful quotes, slogans and commercials.

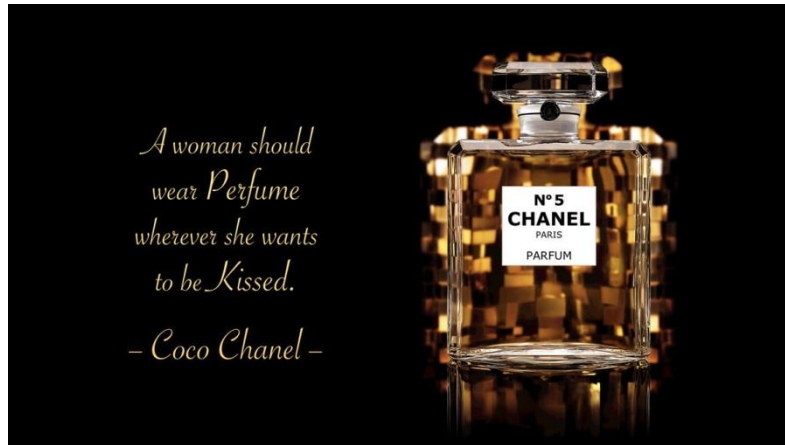


*I don't know why women want any of the thing men have,
when any of the things women that women have are men*

Coco Chanel.

There is no doubt that Gabrielle knew what she was talking about; she was a very hard-working woman that being independent from a man could stand on her feet and be one of the most famous and influential people in the world. While I was reading the comments in the latest commercial for *Gabrielle* fragrance, most of the comments were how beautiful, stunning and gorgeous was Kristen, that Chanel did a very good job cooperating with her that no-one could act better than her in this short story, and how this commercial in a way forced a lot of persons to want even more this perfume just because Kristen.

Also a great impact has Beyoncé's song because there are few people who don't listen to Beyoncé's songs so Chanel was very well-prepared when decided to put on the market new perfume, because in a way know how to control people's minds not only women also men because Chanel has got perfumes for men and always uses powerful personalities which attracts both sexes.



Coco Chanel always pays attention to small details and shows the feminine side of the woman. Black color is dark in a sense of power and the perfume is shown very extravagant with tones of gold in a sense how the women should be treated. Considering that perfume N°5 is one of the most wanted perfumes in the world, while reading feedback most of the buyers wrote that is very sophisticated and old-fashioned, when you put this perfume you feel unique and very classic it is a bit expensive but it's worth the money.

The advert also has the impact that you will have all the attention when you wear this perfume which is mix of orient and spicy and they will make a woman smell like woman in a best way possible.

Conclusion

I didn't have the chance to try or buy the Chanel's perfume, but while reading an analyzing quotes of Chanel and how did she managed to break the taboo that women shouldn't be seen as an object or just to take care for the house, raise children and always need a man's help or can't express their opinions, but woman too can stand on her feet and do best on her own, she is independent, generous and far more intelligent than men. Reading her quotes, watching commercials in a way it made me feel too like if I own a Chanel's perfume I will be different, unique, special and very confident like Coco would say:

"No elegance is possible without perfume."

"It is the unseen, unforgettable, ultimate accessory"

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2. <https://www.youtube.com/watch?v=ouyXdNovyQ>
3. <https://www.biography.com/people/coco-chanel-9244165>

3 INDUSTRIAL OWNERSHIP IN ALBANIA: TRADEMARKS

MSc.Anjeza Dajzmaili

Lecture/Lawyer of Intellectual Property

The term of industrial property in Albanian legislation, it refers to a complex of institutes that have the function of guarantee to the distinctive signs of entrepreneurship and the intellectual creation with technological content.

1.1 The concept of trademark in Albania legislation

Trademarks are signs that can distinguish goods or services that produce or give a subject, from those of another subject. As a trademark can serve: words, combination of letters and numbers, logo, drawing, color, wrapping form, etc. Generally, as a trademark may serve any sign that can be presented graphically, through lines and figures¹. There are countries that allow the registration of so-called "invisible" trade such as those of voice or the fragrance of a product.

(the first registration is also allowed in our country).

In any case it should be a perceptible sign with at least one of the senses. In fact, the Industrial Property Law is limited to several aspects that we can summarize at several points:- "Brand Right" is provided in Article 144 of the Law, which regulates the cases of legal protection of a mark. The right to seek protection from the law on industrial property it has every subject that is registered by the manners prescribed by the law of a distinct brand or services, by earning the exclusive right to the product or service acquired. This means that the right to a trademark has any entity that registers its trademark before the DPPI institution². In the absence of registration, Albanian legislation does not grant the right to protection. Does Albanian legislation protect a brand that has years in the market but has not been registered under the applicable law? The answer to the question is given in Article 144.

1 Article 140, Law Nr.9947, date 7.7.2008 Industrial Ownership Law.

2 Article 144, Law Nr.9947, date 7.7.2008 Industrial Ownership Law.

Specifically, if we take the case of a brand that has been operating in the market for years but has not been registered in the form required by law and another brand with similar products or services is marketed and is registered according to the

form required by the law, if so the latter is protected by the Albanian legislation. And a trademark that is not registered under the law regulations does not have any kind of protection either by civil code.

Otherwise, it occurs in Italian legislation (Article 2571 of the Italian Civil Code)³, where a subject has an unregistered trademark he has the right to continue to use it, although other commercial entities are registered in the form required by law.

According to Italian legislation, the protection of the trademark in cases where the subject has not registered with the relevant institution is protected by Article 2571 of the Italian Civil Code. This article protects all those brands, which are in the market but are not registered in the form required by the law on industrial property and precisely because they have acquired a name from the consumer Italian legislation recognizes the right to use protection.

So even though a new brand to the market is similar to an existing but unregistered brand, the first one cannot hinder the operation of the unregistered brand market.

In Albanian legislation this case is not granted, but if we make a narrow interpretation of Article 144 it is understood that the registered mark enjoys the right of legal protection and consequently the right to prevent a similar brand that is earlier in the market but which is not registered.

- "Collective Brand" is foreseen for the first time in Albanian legislation by the Industrial Property Law. Under current law, specifically Article 165, collective marks mean those marks by which brands of goods are distinguished or serviced by any association or form of collective legal arrangement⁴.

Some co-partners require a collective mark for a production or service they provide under the applicable law. The collective brand is a brand totally different from the individual brand, where the latter is intended to distinguish the products or services of a venture from another venture into competition.

To better clarify Article 165 of the Industrial Property Law, let's give some examples:

³ Italian Civil Code, Article 2571 "Preuso".

⁴ <https://www.laleggepertutti.it/codice-civile/art-2570-codice-civile-marchi-collettivi>.

- BANCOMAT: is a collective brand that is used by many companies as an agreement that respect the regulations set by the trademark holder at the time of the deposit.

- GRANA PADANO: It is a famous brand known for its high quality Italian cheese. This brand can only be used by companies that follow a rule on how to produce cheese to be in the standards of this brand and they can only use the brand of Grana Padano⁵.

So, as explained in the above examples to register a collective brand together with the application, a regulation should also be filed that determines who the mark may be used and what are the necessary criteria that the product should have to be part of this mark. The regulation is drafted to the trademark holder who may be a public entity or a private entity. These types of trademarks also run the warranty function for customers by buying a product or service that contains some features that is distinct from others. For this reason, the collective brand is a certified guarantee brand. But also the collective mark differs from the individual mark for how the registration is made and the criteria that must be met at the time of filing the application. Because for collective trademark registration it is much more complex than for individual brands because it asks for registration the introduction of a regulation that disciplines the use and clarifies the rules on the control that the trademark holder must perform to ensure that the regulation will be respected. Sickness cases will apply to entities that do not respect them.

- "Opposition to a trademark" ⁶ under Albanian law may be claimed by the applicant of a previous trademark, the owner of a trade name, a natural person, the owner of a prior industrial property right, any person who has the right to Authorized Users of Certification Marks, or Brand Licensors by the Brand Owner. The registration of a trademark allows its holder to exercise exclusive rights only to his own products. The Brand User (Seller of Products) has the obligation not to compromise the manufacturer's trademark.

5 Clemente Tartaglione, Fabrizio Gallante, "Il marchio nella strategia di sviluppo delle imprese moda", Ares 2.0, Rome, 2009.

6 Article 152, Law Nr.9947, date 7.7.2008 Industrial Ownership Law.

- Reinstatement in time of the right⁷ - In all cases where, in the absence of the applicant's will for mark registration, a situation is created which directly causes the refusal of the application for registration of the mark, the law in Article 151 / c provides for the right applicants to request resettlement within a

period of not later than 2 months from the occurrence of obstacles that have caused the refusal of the trademark registration and not later than one year from the date of expiry of the lost time limit.

Restitution on a deadline is a right that is valid as long as the law permits because after the expiration of the legal deadlines it loses the right to register the trademark. However, at the moment when it exercises the right to resettle in time and it is accepted by the Industrial property institution then the legal consequences caused by disrespect of time shall be deemed not to have occurred.

- Ownership transfer of a mark- The mark may be transferred or leased in whole or in part a part of its products or services for which it is registered until in any case by the transfer or from the license there is no inaccuracy or deception of the type product or service that are in the customer's assessment. When a trademark is made up of a figurative mark or a sign of fantasy or another branch, it is assumed that it's exclusive right to be transferred together with the enterprise.

In order to regulate competition between undertakings and to ensure their recognition in the market, the legislator has foreseen some legal provisions on distinct signs. We can share them in signs; (or otherwise known as distinct typical signs), but these provisions also apply in case of symbols created specifically by the entrepreneur (such as advertising panels, online domain name or slogan (where the latter are called atypical signs)).

Undoubtedly, all typical and atypical signs perform an important function because they contribute to customer orientation by establishing the formation and preservation of the clientele⁸. Certainly, the lawmaker has taken into account the legal protection of the entrepreneur's interest:

- Being free to choose distinctive signs
- Exclusive use of signs
- Giving it the ability to transfer it.

7 Article 151/c Law Nr.9947, date 7.7.2008 Industrial ownership Law.

8 Gian Franco Campobasso, Manuale di diritto commerciale, UTET Giuridica, 2017, fq 34-56.

1.2 The juridical nature of distinctive signs

Regarding the juridical nature of distinctive signs is in an open debate on the doctrine, which is divided into two concepts:

1. That distinctive signs can be included in the category of intangible goods even if they are not entirely intellectual creations; the entrepreneur enjoys a right of ownership over them⁹ (authors Santini, Ascarelli).

2. Distinctive signs have autonomy and are not immaterial good. The overwhelming person enjoys no right over them because they are directly related to the product or service they offer.

The brand is a sign or symbol that can distinguish, within a range of products or services, those that come from a particular business.

The brand has distinctive function and reference function on the product or service of entrepreneurship. It is distinguished from typical "firm" signs, where it only distinguishes the entity, while the brand is able to distinguish a variety of (a bunch of) products within a range of other wider products. It also distinguishes itself from the "symbol" that approaches many brands that differentiate the location of the company, where it may appear to be numerous.

It is also worth mentioning the appealing feature of the brand, which is related to the businessman's interest in its registration as an ability to distinguish its products from competitors but also preferred ones (such as known brands). This is very important on the topic of protection because it makes legally valid protection of the brand's function, in which the businessman has certainly made an investment to make his favorite products and as such these investments have to be protected (such as original wardrobe or perfumes).

1.4 The legal function of a protected Brand

The protection of distinctive signs¹⁰ responds to individual and collective interests. Among individual interests, distinctive functions and appealing brand functions are introduced, while collective interest highlights the brand's warranty function in terms of product quality assurance. This evidences that we have 3 key functions of the brand:

9 Alessandra Avolio, Silvia dell'Angello, Compendio di Diritto Commerciale, Simeone, 2009.

10 World Intellectual Property Organizations. (n.d.) What is a patent? Retrieved September 27, 2008, taken from: http://www.wipo.int/freepublications/en/intproperty/450/wipo_pub_450.pdf

1. Distinctive function

2. Attractive function

3. Quality assurance function.

A first European Union intervention in the field of industrial law was in 1988 directives protecting trademarks. The owner of a trademark through industrial property law seeks to protect the trademark and characteristics of that service or product or, otherwise, protects the trademark from unauthorized use¹¹.

Actually today, anyone can register a brand; they can even give the full or partial license rent for it. This means that the one who owns a trademark can allow another third subject to take for rent the trademark license.

The brand usage criterion is also provided in the law, which stipulates that in case the use of the registered trademark for 5 years it does not lose the right to be protected.

1. The trademark distinctive function according to Article 141 of Law No. 9947, dated 07.07.2008, on Industrial Property, is changed when the ordinary user distinguishes between a different number of goods and services by another number of goods and services same as the first, without eliminating their trade origin.

2. The appealing brand function strengthens even more the importance of a brand and its role in the market. Using a branded product or service creates a certain number of users on the market, of course thanks to the attractive features that it has offered on the market (such as service or product quality). Over time, the brand becomes an inexhaustible swing of its users; in this sense the brand enjoys an appealing feature that a title of a brand when it creates it needs to be considered.

3. The guarantee's operation¹² relates to "market laws" for which, if the quality is reduced, the consumer's preferences on that brand diminish (or diminish) proportionally (The typical case of the guarantee function relates to the determination of territorial geography or origin of the product especially in that food which indicate a kind of quality level from the product coming).

11 Christopher Pappas, "Intellectual Property & Copyrights Research Paper Covering Cases", Business Ethics, Law and Communication, 2008.

12 Sony Corp. of America vs Universal City Studios Inc. (1984). Retrieved October 23, 2008, from Enfacto <http://www.enfacto.com/case/U.S./464/417/>.

But even in this regard, it is predicted in the law to protect this function (of course to protect the collective interest) wherever a brand is capable of creating confusion or lying to the consumer¹³. Also, we clarify that the industrial property law prohibits the deterioration of the quality of the product or service that characterizes a brand. This argues that protecting collective interest does not consist solely

in guaranteeing a constant quality of a product or service to a brand, but to enable consumers to knowingly choose about a product. The legal instrument in protecting these interests is the exclusive right, which is understood as a real or absolute right.

13 Article 156/2, Law Nr.9947, date 7.7.2008 Industrial Ownership Law

Conclusion

Industrial property is one of the most important intellectual property institutes. In the Albanian legislation is an area, which is still not in the levels of European Union countries. The industrial property concept for the first time in Albania entered in 2009 with the Industrial Property Law, through which the General Directorate of Industrial Property was set up. In 2018, the legislation underwent significant changes, where the main focus was on specifying procedures for marking a trademark and deadlines. But the responsible institution, the Directorate of Industrial Property, has a lot of work to do.

One of the main problems is the lack of proper information of domestic enterprises on the importance of protecting a business. For this reason, the last few years both state institutions and European Union institutions are working precisely to sensitize entrepreneurs to protect their business by registering with DPPI. It is also a very important institute with regard to the income that it guarantees for the state budget, one more reason to give the institute the proper significance.

4 MUTUAL DETERMINATION OF KNOWLEDGE AND ECONOMIC DEVELOPMENT

5 MEĐUSOBNA USLOVLJENOST ZNANJA I EKONOMSKOG RAZVOJA

Msc Ahmetović Azra¹

Abstract: Today exists in the world general understanding that education in the conditions of scientific and technical progress becomes direct power of society and decisive constituent of economic and social development. One of the most important characteristics of modern time education is acknowledgement of constantly increasing mutual dependence between knowledge and economic development.

INTRODUCTION

Various multitude of theoretical and empirical research showed that positive correlation exists between the realized revenue and adequate level of education. These facts are determined and hold true for the groups of individuals with terminated corresponding level of education as well as for individual countries as a whole.

That kind of casual interdependence of revenue and education, if observed through the history of economic thought development, was expressed in the scope of complex contribution of human factor (human capital) in realization of the aims of economic and social development.

1. MODERN ECONOMISTS ABOUT KNOWLEDGE

In the theory of education, from economic standpoint, knowledge is also very important, and they, in their interaction with technical progress and human capital contribute to the entire analysis and understanding of the role of so called “residue” in the process of economic development.

The broadest approach to knowledge has F. Machup². Production of knowledge is mutual gradient of interaction of technical progress, human factor and education in the process of economic development. Judging by broadness of approach toward the role of knowledge in the process of economic development K.E. Boulding³ does not fall behind, who in the article

¹ *Economic and trade schools of Novi Pazar*

² F. Machup in his work: “*The Production and Distribution of Knowledge in the United States*”, Princeton 1962., page 21. differentiates five types of knowledge: 1) Practical knowledge useful for the person who possesses it for decision making, and action, and can be divided according to activities into: professional knowledge, business knowledge, occupational knowledge, political knowledge, knowledge in household and other types of practical knowledge;

2) intellectual knowledge for cultural prosperity and scientific improvement; 3) knowledge for leasure; 4) spiritual knowledge; 5) knowledge outside the interests of one individual, acquired, random and preserved without special target.

³ Article of K.E.Boulding: “*Economics of knowledge and knowledge of economics*”, published in *American Economic Review*, vol. 56 no: 2/1966 page 1-13.

printed in “The Economics of Knowledge and Knowledge of Economics” says that the acknowledgement about the fact that development, even economic one, in its essence is the process of knowledge, slowly penetrated the thinking of economists. It is because the obsession by mechanical models still exist, by capital coefficients and even by input – output tables on the account of disregarding of research of the process of learning, which is the realistic key for understanding of development.

It is true, of course, that only “the human resources school” of Shultz and Haribson have put the right emphasis on education as the main result of development process. But, even there can happen that little enough attention has been paid to the problem of learning as a whole, outside and inside the institutions of formal education, and the role of the system of prices has been essentially neglected.

Ernest Bloch, a marxistic philosopher, expresses his opinion about the interaction between knowledge and education in the process of economic development. He give to that interaction the dialectic dimension and says: “Yet, knowledge, just because of that endless change of view of the world, at each new step, does not stay at this pedagogic experience or the experience which refer only to education of individuum. Education, in the meantime, has to be understood also in the objective “organizing and subjective – upbringing sense, because with the new step of the subject appears at the same time the new level or step of the object and vice versa.”⁴

Beside global acknowledgement about interaction of education and knowledge in the process of economy development, there are different levels and steps of shading concerning the relation of their complementary characteristic and substitution, when speaking about creation of new knowledge (new scientific information, inventions) which create output of research activity in the broader sense of word.

Research of this compound process of the new knowledge generating in its essential meaning is seen in the compound process of usage of already existing social fund of knowledge (“old” knowledge) and its transformation into “new knowledge” i.e. new information (know – how).⁵

T.W. Shultz⁶ speaks about two kinds of new information such as:

- Those which are transformed into new types of skillfulness (knowledge), which, when once accepted, make the types of human capital and
- Those which are transformed into new material, which, when realized, make new typed of material capital (“nonhuman – capital”).

F. Machup describes that process as “improvement of knowledge from the level of rank of exogenous to endogenous variable which depend on input”.⁷

W. Nordhaus⁸ thinks that for that process of the key importance is the creation of adequate patent system which shall give the stimulus and encouragement for research and perceive the availability of resources intended for research, inspect the discrepancies between some branches of industry and the state of knowledge spreading.

⁴ Ernest Bloch> Tubingenski – introduction in philosophy, Nolit, Beograd, 1966. page 75

⁵ Kenet J. Arrow speaks about “knowledge pools” (fund of knowledge). He thinks about the volume of information which availability to society is much greater that availability to any of its members or economic agent independently. See K.J. Arrow: Comments in R. Nelson, *The Rate and Direction of Inventive Activity*. Princeton University Press 196.

⁶ Theodore W. Shultz: cited on page 9

⁷ F. Machup, cited on page 5.

⁸ W. Nordhaus, cited on page 88.

By that, as he says, “internationalization of external economics of knowledge” will be possible. In other words, he points out the creation of positive social frame (patent system which works stimulative) in order to include the enterprise in the process of research which always carries the high level of risk. Risk itself makes one of the key categories in the economic theory of research activity.

Kenet Arrow says, according to the definition of information itself, that “invention must be the risk process in which the output (acquired information) never can be perfectly anticipated from the input”.⁹

Why is knowledge important ?

At the end of estimation of complex phenomenon of human resources capital it should be repeated once more the characteristic importance for the theory of economic education.

/1/ For the start of studying of human resources capital it is taken the year 1960. when T.W. Shultz gave economic concepts of this compound phenomenon;

/2/ Almost until these days there is not a field of economic science in which it is not represented the determined segment of human resources capital research;

/3/ M.J. Bowman speaks about the “revolution of investments in human factor in the economic thought”. (so called “The Human Investment Revolution in Economic Thought”.¹⁰

/4/ That revolution consist of the fact that expenditures for health care, education and skilled advanced training at the working place are started to be treated as investment into the fundamental mover of the production process – a human being. The essence of this new approach or better to say standing point of obligatory investments into human factor (“human capital”) is that people spend on themselves not only for the sake of temporary enjoyment but for the purpose of expected income in the future from such investments as well as numerous factors which can not be expressed through money. It is the core or foundation of human capital and S. Freud calls it the core or cernel in the program of research of human capital (so called “hard core”).

/5/ Quantity of research in the field of human capital is not often followed by taking out the quantitative conclusions relevant for leading the economic policy in this field. It is the reason that it is sometimes emphasized that research in the field of human capital starts to be “degenerated”.

/6/ In the original concept of human capital formed by Shultz, Becker and Mincer, program of human capital research carries the characteristic of “methodological individualism” starting from the fact that all social phenomena should be taken out from their basis in the individual behavior. According to the standing point of this authors the investments into human factor as the matter of individuals who tend to their own interests.

⁹ Kenet J. Arrow: “Economic Welfare and the Allocation of Resources for Invention”, Page 149.

¹⁰ According to M. Blaug: “The Empirical Status of Human Capital Theory”; A. Slightly Jauniced Survey, in the Journal of Econ, 3/1976, page 829.

/7/ Up to 1960-ties economists considered the non-obligatory types of education as the demand for consumption of goods. They also thought that this acquiring of the function of “taste” of individuals lies in the choice of schooling, level of family income and the choice of the “price” of scholarship expressed through the urge for education from the estimation of expenses and usefulness which are connected to the training in education after the obligatory schooling.

In the scope of expenses it is good to take into consideration direct and indirect expenses. Important item of expenditures make the expenses of missed income during the period of schooling.

On the other side it has to take into consideration the variations in income which go together with some acquired levels of education. On the basis of comparison of consumption and usefulness decision is issued about schooling which, from the economic point of view represents the justified investment of the individual.

/8/ Research in the field of human capital which refer to component of education brought the new social criteria of investment which reads: resources has to be allocated in such manner to create levels of education and years of schooling in order to harmonize marginal “social” degrees of investment justified in education and fulfillment of another additional requirement which says that in such a way harmonized levels of justifiability or sustainability cannot be lower than the rate of alternative private investments.

/9/ Together with the research of efficiency of regular state schooling in the scope of theory of human capital, parallelly flew the research about economic efficiency of advanced education at work and in individual types of permanent education. In the modern conditions this research are connected to the phenomenon of mobility of human factor.

2. PROBLEM OF KNOWLEDGE OBSOLETENESS

When confronted, the continual education and development of touristic complex inevitably create many problems which are at the same time chronic as well as acute. They are chronic because they last extremely long and they are acute because they ask for urgent solving. Yet, I am of the opinion that the following three problems are the most interesting:

b) Problem of constant obsolescence of knowledge, calculation of the speed or tempo of that obsolescence, and calculating of the quantity of used time for studying as well as the content of proposed continual education. Obsolescence covers the entire field of knowledge of personnel. But, according to appearance it can have the following types from the point of view of the specific development of touristic complex:

- Advanced education obsolescence which refer to knowledge and can be calculated according to formula:

$$S_z = \left(\frac{S_{nz}}{M_{nz}} \right) \cdot 100 \quad \text{where is}$$

S_z – advanced obsolescence of knowledge of touristic complex personnel according to units or enterprises

Snz – Real level of personnel knowledge

Mnz – Possible level of knowledge from the point of view of new development paths where continual education means *conditio sine qua non*.

- Technological obsolescence which denotes the aspect of personnel knowledge in relation to new technological knowledge are almost everyday and is calculated according to formula:

$$T_z = (1 - \frac{S_{utz}}{N_{utz}}) \cdot 100 \quad \text{where is}$$

Tz – technological obsolescence

Sutz – Modern level of technological knowledge

Nutz – New level of technological knowledge which are known in touristic complex.

- Obsolescence of knowledge at doing concrete jobs and tasks in tourism which is only the other expression for disharmony of level and needed level of education and qualification level and calculation is done according to the following formula:

$$S_{zp} = (1 - \frac{S_{nzp}}{P_{nzp}}) \cdot 100 \quad \text{where is}$$

Szp – obsolescence of the knowledge of individual person

Snzp – Present level of personal knowledge for doing the determined jobs and occupation tasks

Pnzp – Needed level of personal knowledge

b) Second problem refers to the parallel growth of general level of skilled advanced education and degree and dynamics of touristic complex development. Here it is specially ment on the university education. Concerning that, it is also actualized the question of socialization because “the thought begins to prevail that student have to acquire the fundamental overall – theoretical – advanced skilled basis of their science, to enable them selves for selfeducation and quick harmonization and adaptation to new need which the development will inevitably place before them.”¹¹ “Crisis of University” also has its impact on the touristic complex and this oasis has the world wide character.

c) Despite the battle for acquiring as greater as possible motivation of individuals for continual education, it must be counted with extremely expressed urge of individual to succeed and get promoted, which is the realistic danger from technocratism, and that, according to Laurence Peter and Raymond Hill, the individual can overpass its competence and its possibilities. In order to avoid independent self and individual learning it must be limited by the following factors:

- At the beginning it must be clearly known and clear what we want to acquire

¹¹ Dr. Laurence J. Peter and Raymond Hull – “The Peter Principle”, London, 1969.co-called “Peter principle” – reads: each employed person asks to reach the level of incompetence. Of course, we do not speak here literally about everyone but as a phenomena this appearance is massive.

- It is continually obvious what kind of knowledge one has to reach
- Great enough persistency in learning
- Created system of learning
- Great interest and internal need to learn concrete items
- Excellent mentor, because without the mentor nothing would be acquired
- Behavior toward books, attitude to published sources of knowledge, extraction of knowledge from books
- Selfdiscipline and working habits
- Coping with new situations and intuition
- Ability of perception, understanding, listening to others, sense for team work, good relations with associates

Problem of continual education, of course, from the point of view of development of touristic complex, lies essentially in the system of education and upbringing. Beside the majority of taken measures, it has said that, when we speak about touristic complex, very oldfashioned programs prevail, as well as timely methods and organization of labour and the education for adaptation dominates. To our regret, the past with the elements of current times prevail but without serious view to the question and problems which expect us in the future. In these scientific – educational disciplines in which the contents are predominantly aimed toward the past their studying is predominantly in the function of explanation and solving of “burning” problems but with the small amount of future preception.

Let us mention that managing staff plays not a small part in solving the problems of continual education in the function of development of touristic complex. But, as it happens that according to some indication only one day yearly for their additional education than it is clear what kind of barriers must be crushed down in order to enable continual education acquire “the right of voting” in the system of education not only to touristic complex by even broader.

Nevertheless, it must be said that in the touristic complex participate the scientific resources if different fields of knowledge and profile which are of different education level. From that reason the problem of continual education become heterogenous and represent, per se, the complex question. The reason for that are the following:

- Continual education as the important aspect of economy and social development is not enough institutionalized and lifted to the level of standard activities of education.
- Occasional and temporary aspects in realization of tasks of education in enterprises is not the opportunity of the youth for continual education; it must be harmonized with the objective development of enterprises and requirements for qualitative touristic offer.
- Schooling in our domestic education system has not been directed toward objective tendencies of continual education although among the young exists positive attitude toward this kind of education.

At the end and finally, continual education can become actually existing and enter the touristic complex as the practice that:

a) We have to accept knowledge as productive factor with its mark and we have to form the economy of knowledge

b) Parallely to the theory of working value we have to develop the theory value of knowledge

c) We have to accept the expenditures of development as a new concept beside the expenses of production, because this new concept is corresponding to the modern results of scientific – technical progress,¹²

d) We have to acknowledge the amortization and depreciation of knowledge not only of fixed assets, so according and pursuant to that we have to find financial means for investment into knowledge or into continual education.

e) We have to stop the underevaluation of education, underevaluation of knowledge and human resources because it can cause further detrimental influence to tourism.

INSTEAD OF CONSLUSION

In this century special importance in tourism will have those resources to which managing and creative role is dedicated. In the case that current development of the trend of tourism continues which is supported and caused by informatics and other modern technologies further great changes could be expected in the field of free time usage and the “industry” of holiday making, rest and leasure. Complications could be solved and avoided only by the expert and educated potential of human resources and skilled staff which is directly or indirectly included in the touristic flows.

But, in order to make the resources acquire such capabilities for avoiding of complications which catch upon resort tourism it is interitable that we constantly strenghten educational processes and education of touristic staff. Because of that a completely new concept of schooling and educating of touristic staff is needed and inevitable who will, beside the basic knowledge, place the special emphasis on the importance of a human being in their educational programs and by that place the emphasis of staff in tourism. Only in such a way it is possible to make a concept of tourism for the sake of a man and not the opposite like is the case today to make the concept of a man for the purpose of tourism.

Revolutionary changes which carries with itself the third technological revolution covered also the complex and sector of tourism. Personnel component is the basic factor that precedes every development and all the changes. What kind of personnel or staff in tourism are necessary today in this actual millenium ? Personnel which already is working or are preparing for work in some of these fields of tourism are forced to innovate and upgrade their competition of knowledge and ideas at the touristic market. It happens not only in the field of reception tourists

¹² This theory is precisely worked out by Radmila Stojanovic Ph.D. in the introductory written work for the scientific discussion: “New approach to the factors of economic development”, MC OSK Belgrade 1988.

but also in the discovering the new types of life which tourists expect during their stay at some determined touristic destination.

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ADMINISTRATIVE APPEAL

Msc. Barjam Gjishiti

Lawyer / Lecturer Tirana Business University (Faculty of Law)

Abstract

The term public administration in the Albanian legal system identifies the group of state administration bodies / public entities that contribute to the performance and functioning of state administration in matters of its competencies.

The provision for the first time defined by the bodies that are part of the public administration is Article 3 of the Code of Administrative Procedure, 1999, repealed by the new Administrative Procedure Code, which provides in Article 3, point 6, "the public organ" bodies that are part of the public administration are those exercising administrative functions. The new Code of Administrative Procedures shall designate as a public administrative body any central administration body, local authority, law enforcement authorities, as long as they perform administrative functions, public entities and any natural or legal person who has been given by law, statute or any other form provided by the legislation in force, the right to exercise administrative functions. All public bodies that do not exercise administrative functions are excluded from this definition.

1.1 An appeal against the Administrative Act

Against the administrative acts, the legislator has recognized the right to appeal any entity that claims to have violated the subjective right and legitimate interest. Administrative appeal against the lawlessness of administrative act and administrative inaction is divided:

According to the Code of Administrative Procedures, an Administrative Complaint can be addressed to the competent body and the superior body. According to Article (134/ a) the appeal should be proposed to the body that issued the outlawed administrative act and not to the superior organ because competent to review the administrative appeal is the body that issued the unlawful administrative act. If the appeal has been addressed to the hierarchical body and not to the body that issued the unlawful administrative act, it shall without delay forward the body that issued the unlawful administrative act. The appeal is proposed for motives of legality under Article 109 of the Code of Conduct and suitability, from which any subject that claims to have been subjected to subjective rights or legitimate interests by the action of administrative bodies during the exercise of administrative functions.

Article 134/1 of the Code of Administrative Procedure excludes the application of the provisions of this Code on the administrative appeal against the act and administrative inaction whenever otherwise provided by the law, in this case the rule prevails, the special legal rule on the general rule. Entities affected by the activity of public bodies exercising administrative functions should take into account the law of the body regulating its activity and the manner of administrative appeal.

This exception is defined in point "c" of this article, which expressly states; another public body explicitly designated by law. The lawyer has established the code of administrative procedures on the administrative appeal in a second position with purpose to ensure the legal protection of all interested parties whenever the organic law of creation and function of the public body does not expressly state the appeal against the activity the body to whom the appeal is addressed or the law itself determines that the appeal is in conformity with the rules of the administrative procedure code.

Article 134 of the Code of Administrative Procedure does not clarify the cases when we do not have a hierarchy of relations between public bodies and to which body is addressed the administrative appeal. The answer to Article 129 in point "a" of the Code of Administrative Procedure foresees cases of exhaustion of administrative appeal and exclusion from this rule under point "a", the law does not provide for a higher body for filing an administrative appeal or when this body is not constituted. " It is clear that the administrative appeal under the code of administrative procedures is exercised whenever there is a hierarchical relationship between the administrative bodies and if this is not the case, the parties are addressed directly to the administrative court or acted according to the substantive law of the respective public organ.

While for administrative inaction, the code clearly defines the competent body for reviewing the administrative appeal, which is the supreme organ of the body that did not act. In both cases, the hierarchy of administrative acts must exist between the administrative bodies. The field of application of an administrative appeal has a general character, which is permitted against all acts and administrative inactions (e.g. issued by bodies in respect of which a hierarchical superior exists), and in cases in which the law does not exclude the possibility of appeal.

The Code of Administrative Procedures in the chapter on administrative appeal has not envisioned as a way of annulling, abrogating or amending an administrative act or issuing a rejected act "Informal Request", provided by the Code of Administrative Procedure of 1999 and then abolished.

For the first time, the new Code of Administrative Procedures provided for the right of appeal against procedural actions. According to Article 130/2/3 of the Code of Civil Procedure, procedural action is any act, act or omission of a public body undertaken during the administrative procedure but which is not an administrative act. This right of appeal with the object of unlawful procedural actions is exercised only if the law allows it to be appealed

separately; otherwise these procedural actions are appealed together with the complaint on the illegality of the administrative act for the motives of legality or conformity.

In the Code of Administrative Procedure, the appeal to the same body that issued the administrative decision cannot be done if it does not have a superior above him.

The Administrative Complaint creates the obligation for the administrative body to make a decision at the end of the review of the appeal.

The administrative appeal against the administrative act has a suspense effect on its execution until the notification of the appeal decision. On the other hand, the Code has foreseen in cases where the appeal has no suspense effect on the administrative act when it is for object:

- i) Collecting taxes, taxes and budget revenues;
- ii) Police measures;
- iii) Implementation of the administrative act is in the interest of public order, public health and other interests.

Against the act imposing the prohibition on the suspense effect of the appeal, the code gave the party the right to appeal to the administrative court within 5 days from the date of notification of the decision.

- According to the Law on the Establishment and Functioning of Public Bodies, which performs administrative functions during decision-making, this is an exception to the general rule that applies whenever the special law clearly and expressly defines the right of appeal, the manner of appeal and the body whose appeal is directed. Otherwise, the provisions of the Administrative Procedure Code are applied on an administrative complaint. The appeal is directed to the motives of legality or appropriateness in ways that are defined in the organic law for each administrative body, e.g., against administrative acts of Ministers, public entities or other collegial bodies. We can mention, for example:

- Law no. 9643, dated 20.11.2006, Article 63, "On Public Procurement", which provides for two levels of administrative appeal. The first appeal is addressed to the contracting authority within 5 days and during the appeal review procedure he suspends the procurement procedure. the contracting authority has the right to review the administrative appeal within 5 days and to conclude the decision on the receipt of the complaint by deciding or repealing the contested act as illegal or issuing the act required by the interested party, refused by this body or if it does not receive it for review or does not receive any allowance within the 5 day time limit. After this degree of complaint has been consumed the party has the right to address a complaint to the Public Procurement Agency within 5 days from the day of receipt of the decision of the refusal by the contracting authority or from the day of the 5 day deadline that this authority had available for reviewing the administrative appeal.

By deciding to accept the administrative appeal by abolishing the administrative act as an outlaw or by issuing the required act, the body issues a new act with legal effects of a lawful act, which regulates the consequences, previously created by the illegal act.

- Law no. 9000, dated 30/1/2003, "On the organization and functioning of the Council of Ministers" has given the Prime Minister the right to control the work of members of the Council of Ministers and other central administration institutions. The Prime Minister has the power to suspend the implementation of the acts of the ministers, other central governors in his or her ministry, on his own initiative or with the appeal of interested parties when the subjective rights of the ministers or central institutions have been violated. The Prime Minister shall present the reasons and the concrete solution to the Minister or the Central Institution in order to amend or repeal the acts suspended by the Administration. If the Minister or the Central Institution does not respect the Prime Minister's request for a concrete solution of the disputed problem, which consists of issuing a new act or acting in accordance with the law, then he acts according to law no. 90/2012 "On the Organization and Functioning of the State Administration" which allows the superior body in our case the Prime Minister to act by exercising the powers of the inferior authority until the resolution of the case by amending or abolishing the unlawful administrative act.

The Prime Minister has the authority to review the administrative appeal against the acts of the Minister or the heads of the central institutions in the direction of the Prime Minister according to Law no. 9000, dated 30/1/2003, "On the organization and functioning of the Council of Ministers" and Law no. 90/2012 "On the Organization and Functioning of the State Administration" which acts according to the Code of Administrative Procedures on Administrative Complaint, as provided for in Article 30 of Law no. 9000, dated 30/1/2003. The specific law itself invokes the provisions of the administrative code as long as it does not explicitly define the manner, deadline and review of the administrative appeal.

It is clear that the special laws regulate the specific administrative relationship for each public body exercising administrative functions, whereby the body is provided with the compensation for filing the complaint, the attendance of its grades, the deadline for filing the appeal, the filing date of the appeal and the format of the decision he takes. Exhaustion of administrative appeal as a condition set forth by law no. 49/2012 for the administrative court to instructs the party to address the administrative lawsuit, the administrative court of the district where the authority is part.

- With regard to the suspense effect of the administrative appeal under the code of administrative procedures and exceptional cases, other bodies established by special law provide for the means of delimitation of the administrative act when exercising the administrative recourse. If it is not foreseen otherwise, it is operated according to the code of administrative procedures.

1.2 Proposal of Administrative Complaint

An administrative recourse may be proposed for the protection of subjective rights and the protection of legitimate interests under Article 128 of the Code of Civil Procedure, which

legitimizes any entity that, by administrative action or inaction, claims that its rights and legitimate interests have been violated.

- The proposal for administrative appeal against the administrative act and the refusal to issue the administrative act must be submitted within the general deadline provided for in Article 132 of the Code of Conduct within 30 days. This period starts from the date of notification or when the subject is known on the enacting clause of the administrative act or refusal to issue the administrative act by the competent body. So from the moment in which the person in question has knowledge of the administrative decision to issue the administrative act and the decision to refuse to issue the administrative act.

- The appeal proposal in the case of administrative inaction, except when silent approval is enforceable, the appeal is filed no earlier than 7 days and no later than 45 days from the date of expiry of the deadline set at the end of the administrative procedure under section 91.92 of Administrative Code of Procedure. The deadline for the completion of the administrative procedure is 60 days or extended for justified purposes. Excluded from this rule, unless otherwise provided in the special law of a public body exercising administrative functions.

- An administrative appeal to an administrative act involving two or more parties of the same interest can be submitted by a party or by all parties, extending the effect also to other parties if only one party has filed.

- An appeal under Article 134 / a of the Code of Conduct is addressed to the competent body that issued the administrative act, by depositing in the secretary, which appoints and delivers the verbal process to the complainant.

- An appeal under Article 134 / a / b of the Code of Canon Law may be directed through the postal service, with notification that the body has received the complaint on date x.

- Appeal to another body designated by law, which determines the body to whom the appeal is addressed.

- The Code of Administrative Procedures does not foresee as an obligation for the complainant to be provided with a lawyer during the procedures governing the administrative appeal but does not preclude the right of anyone to be represented by which through an act of representation.

If an administrative recourse has been proposed to another body established by law from the one set forth in the administrative procedure code, it shall immediately forward it to the competent body without delay. This omission is also the supreme organ of the body that issued the administrative act.

- The administrative appeal against administrative inaction under Article 134/3 of the Code of Administrative Procedure is addressed to the supreme organ of the body that has not issued the

administrative act, by depositing it in the secretary, which issues and delivers the verbal process to the complainant.

-The administrative appeal against administrative inaction under Article 134/3 of the Code of Conduct is addressed to the supreme organ of the body that has not issued the administrative act, through the postal service, with the notification that the body has received the complaint on x date.

If the appeal against administrative inaction is directed to the competent body that has not issued the administrative act or another body created by the special law, it shall forward it without delay to the competent body, ie to the superior organ, together with the case file and a written report on the reasons silence.

1.3 Effect of Administrative complaint with an Administrative Act

The administrative appeal against the administrative act for the motives of legality and the lawfulness brings legal consequences provided by Article 133 of the Code of Administrative Procedure, suspending the execution of the administrative act of pork in the notification of the administrative appeal decision. The competent body after having received the complaint also considers the nature of the appealed administrative act regarding the suspense effect of the execution of the administrative act under Article 133 of the Code of Administrative Procedure. As the case may be, decide on the suspension of execution or forbidding the suspension of the execution of the appealed pork act at the conclusion of the administrative review until the notification of the appeal decision.

Article 133 of the Code of Administrative Procedure, is a general administrative norm, which is applied whenever otherwise provided in the special law. Suspension of the execution of an administrative act applies only to an administrative act that is presumed to be illegal, and not to the case of "rejection of the issuance of administrative act" and "administrative inaction." If the administrative act includes two or more parties with the same, the administrative appeal against the act submitted by one of the parties extends the effects of the suspension to all parties involved, so if the administrative act has violated the interests of two or more parties where one party has the right to submit an administrative complaint in its interest and not act on behalf of all parties, since it needs an act of representation to act in the name and on behalf of everyone, the complaint challenges the execution of the administrative act for all subjects of plagued by administrative action. The Code of Administrative Procedure in paragraph 3 of this Article provides for taxation cases of exclusion from the execution of the administrative act when:

- a) The administrative act aims at collection of tax and other budget revenues;
- b) The administrative act relates to police measures;
- c) The public body, which reviews the complaint, considers that the immediate application is in the public interest, public health and other public interests, in which case the public body that examines the administrative appeal has a power in assessing the purpose it seeks for gold administrative act (o public order or health or other interests), respecting the principle of proportionality under Article 12 of the Code of Administrative Procedure, in taking a decision on the suspension of the execution of the administrative act. The protection of the public interest or other rights may limit an individual's right.

Referring to points 1 and 4 of Article 133 of the Code of Administrative Procedure, I think that they are contradictory because paragraph 1 of this article states that "the appeal suspends the execution of the act", whereas point 4 gives the right to the competent body after having received the administrative appeal to consider the "motives for suspension" for those complaints that have the administrative acts that are suspended, so that they do not fall under the provisions of paragraph 3 of this article and the special law. According to point 4, the administrative body has the right to decide "the prohibition of the suspense effect of the appeal", but this point does not state the reasons or more precisely the motives that lead the body to make such a decision. It is clear that this point leaves a wide scope for the interpretation of the factual and legal consequences that will produce the administrative act and the "suspension of the execution of the act" on the assessment of motives that do not allow the body to take a decision to ban the effect of a suspense act.

Article 133 must be interpreted in this form by the public authority before accepting the administrative appeal in the first order of:

- i) Verify the exception from the general rule, so the special law prevails over the code of administrative procedure regarding the suspension of the execution of the administrative act;
- ii) Verify the exceptional cases provided for in point 3 of this Article;
- iii) Verify the cases provided for in point 3, letter "c", of this Article, for motives of public order, public health and other interests;
- IV) At the conclusion of the above-mentioned projections, if the case does not exist before these exceptions, then application 1 of this Article applies.

The public body shall decide on the suspension of execution under paragraph 1 of this article without the need for motives or analysis of circumstances, as this right is known to the complainant and is compulsory for the public organ.

The complainant has the right under point 4 of this Article to address to the Administrative Court within 5 days from the date of notification, only in cases when:

- i) The public body decides the prohibition of the suspense effect under point 3, letter "c", when it considers that the public interest prevails over the personal interest, but always in the assessment of the "public interest" must act according to article 12 of the Code of Administrative Procedure, on the principle of subsidiarity, that in fact the assessment of the motives was not made in observance of the legal provisions, Article 133 and 12 of the Code of Administrative Procedure, to justify the decision to suspend the suspension because the grounds set out in Article 133 of the Code of Administrative Procedure do not stay and the procedure followed does not respect article 12 of this Code. Prohibition of suspense effect is another administrative action but is not an administrative act. Another administrative action is part of the administrative action category.
- ii) The body decides the prohibition of the suspense effect because it is before the cases provided for in paragraph 3 of Article 133 of the Code of Administrative Procedure, but the party alleges that the administrative complaint has an administrative act for which no prohibition of effects is foreseen suspension.

Conclusions

The violation of legitimate interests in administrative law occurs when the citizen and the public administration are located in two different levels and especially when the latter acts as a subject of public law through the issuance of an administrative act, other administrative act or adoption of an administrative measure. In these cases, a citizen cannot claim the protection of a subjective right to public administration, but only the protection of legitimate interest. His position is protected, regarding the protection of the primary interest in the legality and accuracy of the public administration's action. Against the public administration are also protected the subjective rights which are the advantageous legal situations that the law attributes to a subject, knowing certain legal rights and its ability to protect these legal situations directly and immediately without mediation of public or private entities. Real rights or credit rights are part of the concept of subjective law and are legally protected even if the legal entity that has violated these rights is a public administration. Everyone has the right to address to the public administration or the Administrative Court according to the case and the provisions of the law with the right legal remedies.

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CROSS-BORDER REGION GORA TREASURE BETWEEN THE THREE STATES

PHD.Behije Ibrahim

South East European University Faculty of Business and Economics R. North Maqedonia-Tetov

Abstract

The development of cross-border tourism has been done increasingly popular in recent decades and especially within the European Union through various programs and projects. This study focuses on the challenges and advantages that are directly related to cross-border and prospective visitor co-operation and private entrepreneurs in this region. It will also analyze the attitudes of public actors towards the development of cross-border tourism and the challenges they face in cross-border cooperation. The main task of the scientific work is to recognize tourist potentials and their assessment as well as the current tourism development including prospects and problems which accompanies this development. Because of the importance that Tourism brings to the economy has become a priority of many states, being transformed in a global phenomenon, a key to integrating into the global market. Tourism is also called the open door for international cooperation. Therefore our study will aim for the Gora Province to have positions in the regional and global market and be provided with a suitable brand. This region is distinguished for a rich and special culture and art. However there is a lack of research and studies as far as the role of local institutions and government is concerned with cross-border cooperation. For a qualitative approach, interviews with residents and surveys were used for tourists and locals with focus on current developments and challenges related to the development of cross-border tourism. Their analysis shows that there is significant interest how much is it to the development of tourism and the recognition of the area in the global markets.

Key words: Economic-social development, destination, community, cross-border cooperation etc.

INTRODUCTION

Gora is a geographic region that extends into three states: in the northern part of Albania, in the southern part of Kosovo and northwestern Macedonia, including an area of 500 km².

Between this space passes the state border between the Republic of Albania and Kosovo. Gora at its borders traditional ethnography presents a geographical unity, economic and historical-cultural. Gora province has a very rugged terrain but rich with summer pastures, streams and forests. The basis of the economy has been farming and its subsidiary branches. The harsh and long winter and the fresh summer characterize its climate. ¹³ This region stretched in three states, besides agriculture and farming, their income is being provided with the development of mountain tourism. Today's tourism has become a priority for the economic development of different countries of the world. This closely related to the economic effects, social and environmental which brings him to a certain place This is supported by the conclusion reached by the World Tourism Organization which concludes that "Tourism is one of the priority sectors of the economy for developing countries in progress". From conceptual point of view tourism is defined as: 'Activities of persons traveling or staying in places. Outside their usual environment (ambient), but not more than a year for entertainment, business and other purposes (WTO and UNSTAT, 1994). In recent decades, tourism has been developed and ranked in an important factor in the context of sustainable economic development. So tourism is one of the most important economic sectors. Moreover, as is well known, border cooperation is motivated mainly by the desire to achieve high standards of living, ensuring peace, overcoming customs barriers and curbing other factors, which hindered the free movement of people for economic, social and political purposes. The five components of Tourism that are researched by our study are: 1. Tourist attractions in the Gora province (Based on Nature, Culture, Events, and Activities), 2. Marketing and Promotion, 3. Tourist Zone Infrastructure. 4. Tourist hospitality, 5. Tourist Service.

Purpose and objectives of the study

The purpose of this study is to study the development of tourism in the province of Gora (Albania, Kosovo and Macedonia). Through the identification and promotion of their tourist attractions. This scientific work aims at providing a modest contribution to the solution of the best models of sustainable tourism development in this region, with the sole purpose of the socio-economic development of the community in the place. Through this study will determine the role and importance of the model's for tour operators that operate with their own tourist activities in a competitive environment and who may face opportunities and risk that brings you the environment. Topic., Cross-border Region Gora treasure between the three states", has

¹³ Nazif Dokle, Për gorën dhe goranët, Prizren 2002, fq 12

the subject of study: Identify the problematic that exists for the development of tourism. To foster / compile cross-border projects with objective tourism and increasing cooperation between the countries where the province of Gora is located; To propose the marketing instruments of destination and development of tourism product etc. The realization of these objectives will significantly affect the positive effects of tourism development.

Research Methodology

The complexity of sustainable tourism development means that rather than applying a single search method needed different methods to be combined. Generally, research in the tourism sector is dominated by quantitative research, led largely by determining its economic significance (Jennings, 2001). The methodology of this scientific work is based on literature study and empirical study. such as: books, scientific journals, official publications, websites. The review of secondary resources also served to formulate questionnaires, in collecting primary data at the later stage of the study. in collecting primary data at the later stage of the study. While the empirical study consists in addressing the Gora Province as a tourist destination, the model of its development should be aim towards sustainability. In the case study analysis, a combination of quantitative and qualitative methods of study was done. Primary data are based on qualitative research and quantitative research. Methodological aspects include a range of analyzes assessments, statistics, conclusions etc. During drafting scientific work quantitative data collection method is used , by means of a questionnaire. This has helped to compare the various variables used to test the hypotheses put forward. Another method used in this scientific work is the descriptive method, through which is described the sustainable tourism model from the practice of different authors, and the current state of tourism in the Province of Gora.

Research questions and hypotheses

Gora is a significant market for the tourism industry in Albania and Kosovo, with a sector that aims to increase the benefits from the local, regional and international tourist market. But for a long-term result of this industry, it is necessary to follow a model that will produce impacts from which all stakeholders will benefit. Based on the not only descriptive but also explanatory nature of this study, hypotheses have been raised:

H1: Tourism is a priority for the economic, social and environmental development of the province of Gora H1.1: The benefits provided by tourism have positive effects on the economy and the social cultural outcomes of the inhabitants of the province of Gora. H2: Gore's cultural

heritage, competitive regional advantage through co-operation. H2.1: Creating opportunities for developing joint cross-border projects and community participation in the development of tourist destination

Study Limitations

During the drafting of this topic, we have faced a number of problems and difficulties in finding some information, mainly statistical. Tourism inflow statistics have never been collected and hotels do not keep track of their hosts' profile, such as nationality, residence or number of nights spent at the hotel. The area studied is not very studied in terms of tourism, which means we will encounter a lack of qualitative and quantitative data. Lack of political, economic and social cohesion in the Gora Gorge that extends into three states. Lack of tourism strategies, where tourism in Gora Province is a priority. Difficulties have also been encountered in collecting information about the two villages of Gora, which are in Macedonia. There are significant shortcomings in the data to present the economic indicators of the Gora Region in the three states.

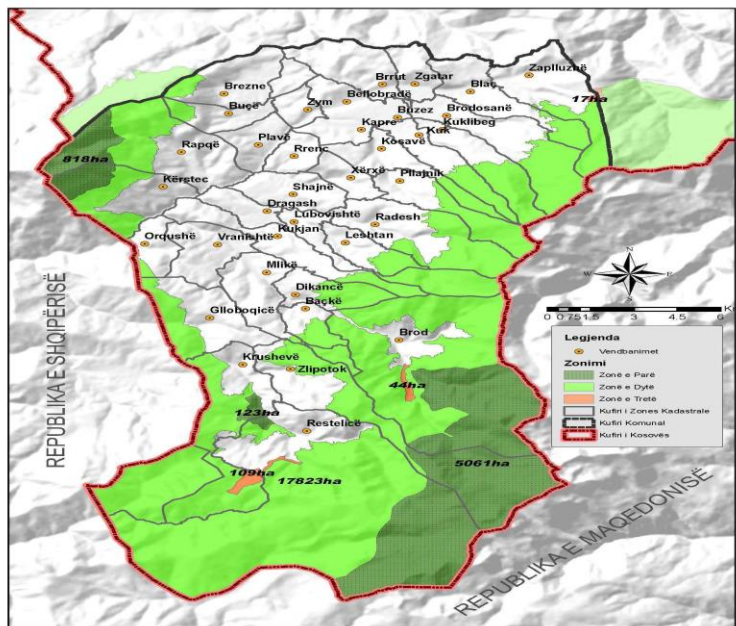
Gora Region as an attractive tourist destination, influencing the socio-economic welfare.

Tourist destinations are the motivating offer for tourists because of the fact that they represent a country, a city, an area, etc., with many opportunities for tourism. Today they are in continuous expansion and as such they are becoming more and more competitive in the tourist market. The tourist perceives the entire destination as a product and judges it as a whole rather than differentiating the services of the supplying companies. The destination system may consist of three different levels of its actors in the manner of their collection, due to the divergent orientation of the interests that are important for the management of the destination and which are reflected in the following:

Individual enterprises (micro level): Private enterprises and private services present the tourist destination to a micro level. The medium-sized destination: where in this case, the tourist destination appears as a network in the form of an organization, where all individual enterprises are interconnected, this is done in a comprehensive inter-organizational unit and is considered as a unit at the micro level.

Tourist Destinations in Kosovo, Sharr Mountain Range

The surrounding protected areas and sites are some of the most beautiful locations in the world that attract many visitors from Europe and the world. They are important components of the economy, contributing over 15 billion euro annually to employment and other services for peoples of Europe. According to the International Union for Conservation of Nature (IUCN), the categorization of the Sharr National Park is classified as a protected area of Category II. These areas with potential for winter tourism also offer water attractions, with many water springs, streams, varied vegetation and scenic landscapes that can be used for summer recreation as well. Dragash can develop a sustainable tourism economy through a partnership between the public sector, the private sector and civil society to protect the environment, increase employment and provide entrepreneurship opportunities and social and economic benefits.



Dragash has a lot of potential to develop tourism strategies based on natural and cultural features. An important aspect of this is the originality of the country that represents a link between nature and rural mountain culture. Tourism is covered in more detail on the Tourist Catalog of the Dragash Region, the Tourist Guide, the Walking and Nature and the Strategy of Tourism in Dragash. In the framework of the Municipal Development Plan, the vision of the municipality is emphasized and it is tourism as a

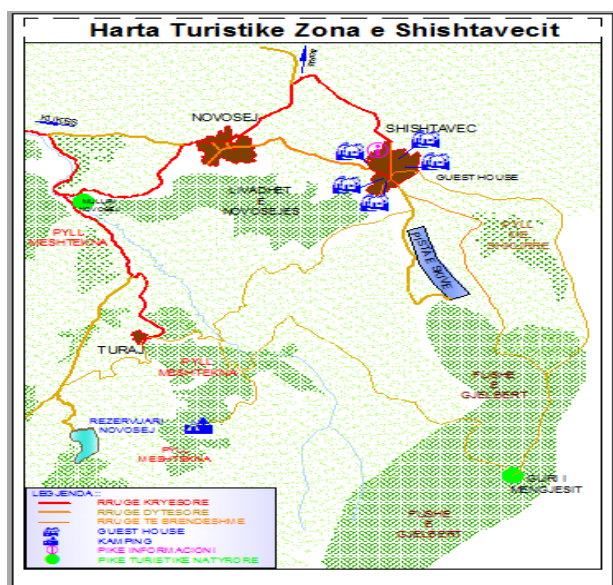
an essential pillar of the Dragash economy, which will contribute to improving the long-term economic and social development which foresees that by 2031 the tourism sector will represent 10-15% of Dragash economy

Tourist destination in Gora Province (Albania), Shishtavec Village

Shishtavec is part of the Kukes Region, Gora Province, the part of Albania and is a great potential for the tourism economy. Šestavaci is located in the northeast of Albania, at a height of 1260 m above sea level.

Tourist Map of the Shishtavec Mountains

Shishtavec, offers its potential, very important nature, history and culture in the field of tourism. It is precisely these potentials that qualify the tourism right in this area as one of the most economical economic activities. Shishtavec is known as the village of champion skiers. "The tradition of skiing exercise is early. The Shishtavec plate offers the opportunity to run ski races during the winter and during summer an incredibly noble elite sport, hippie. Shishtavec is the natural beauty spot. The reliquary represents contrasts between mountains and valleys, thus creating very attractive natural landscapes for the eye of tourists. There are potential for hip-hop sport and why it's not yet done properly. Often, this kind of sport has been developed



on holiday occasions by the village's own residents. Shishtavec has obvious advantages because of the position, human, economic and cultural potentials.

Demand-supply factors affecting the development of tourism.

Recent research by the World Tourism and Travel Council, conducted in 2010, showed that the tourism industry has made a direct contribution to global GDP growth by 3.3%, reaching a figure of 1,770 billion USD. During 2011 it is forecast that this growth will be further strengthened by 4.5% per annum (USD 1,850 billion). On the other

hand, given the wider impact of the economy on global GDP, it is expected that this will contribute this year by 9.1%, which means \$ 5,987 billion and the creation of 258 million new jobs. This economic growth will face many challenges for the private and state sectors as a result of the demands to reduce government debts and confront the rise in oil and other commodity prices, while the tourism sector in particular is expected to be the main engine that will bring this economic development¹⁴. The role of tourism is increasingly recognized by the governments of all regions of the world as one of the main indicators of economic growth. Research by the World Tourism and Travel Council clearly shows the potential of tourism to reinvigorate the global economy, reduce unemployment, helping to ensure sustainable development and mitigate poverty. Economic factors are among the most important factors that affect the growth or decrease of tourism demand, as they are crucial in choosing or not of a tourist destination.

Attitudes and perceptions of tourism influences

About the ways they can benefit, we list: renting rooms / houses; imitations from the sale of local products, such as: medicinal plants, handicrafts and supplies

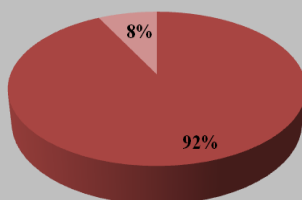
Over 90% of respondents believe that tourism development is accompanied by positive impacts on the economy and socio-cultural life.

Home Gaps

74% of respondents recognize the tourist potentials of the Gora Province, the tourism industry in the Gora region is largely dependent on public goods, such as diversity of relief forms, cultural heritage, natural landscapes and intangible cultural values, Residents, the tourist sector, see it not merely as an opportunity for economic development of the locality, but are also aware

Ndikimet socio-kulturore

■ Ndikime pozive ■ Ndikime negative



of its socio-cultural impacts. 45% of those who visit Gora's province receive information through friends, indicating that the province is not properly promoted in the media or included in various tourist tours. From the choice of accommodation, we see that we are dealing more with a market that does not require adventure but requires security and convenience. According to the findings and statistical analysis, hypotheses 1 and 2 are confirmed, this means that tourism has positive effects on economic and social development in the Gora Province. Përfundimi dhe rekomandime

Among the most important goals of this topic is the possibility of tourism development, as a factor of economic development of Gora in accordance with the sustainable environment, as well as the social demands; - analytical and synthetic values of the anthropogenic and human resources and their landscape will activate economic development; Pointing to the need for a tourist area, the full introduction of this crane in the economic markets, we will be able to contribute to the promotion of the environment and the possibility of selling the tourist product. Furthermore, it will be aimed at identifying the factors that limit the development of tourism and other economic activities in this area. Setting the development priorities in the area of economic policy and determining the strategic directions of development (tourism, agriculture, livestock); Identifying conflictual relations between economy and ecology, with a view to protecting the environment and rational management of natural resources. This study confirms the theoretical framework of literature that sustainability is an increasingly important issue in the tourism industry. As discussed in the study, we can conclude that the tourism development of a destination depends to a great extent on the involvement and role of its main actors. Gora Province has very good conditions for the development of rural tourism, but the local population still does not have the proper experience to develop this type of tourism. There are joint arrangements between the Gores in Albania and Kosovo. There is no cooperation with the part of Macedonia.

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EDUCATION POLICY IN ALBANIA AND THE MAJOR PRINCIPLES OF THE PAN-EUROPEAN SOCIAL AND ECONOMIC RECOMMENDATIONS

Sub topic: Students at the centre of your working group in class

EGLANTINA GJOKA

“Eqerem Cabej” University Gjirokastra , Albania

“Department of Teaching and English Language,

Teacher of English Language, Abaz Shehu School. Albania

ABSTRACT: *In Albania, efforts to create a more student-centered curriculum, expand the use of ICT, and increase equity have placed new expectations on teachers to create more inclusive classrooms where students develop transversal skills and prepare for participation in a democratic knowledge society. As Albania continues to decentralize its education system, school leaders are also expected to take on new responsibilities, reach out to parents, and build strong links with their communities. The main teacher and school leadership policy issues identified in this EPR include the status of the teaching profession, teachers’ and principals’ employment and working conditions, initial teacher preparation, the state examination and internship programmed that lead to teacher certification, hiring and deployment procedures, continuing professional development, teacher performance appraisal, and the school leadership role.*

In highlighting these key policy issues Education policy in Albania draws upon some of the major principles of the pan-European social and economic recommendations, including those from the European Union and the Council of Europe, as well as several bilateral and multilateral organizations. In addition – although Albania is not a member of the OECD – the OECD’s programmed for International Student Assessment (PISA), in which Albania has participated since 2000, has become a key point of reference for education policy-makers. Albania has become a signatory to a number of international and European covenants, conventions and recommendations directly or indirectly impacting the country’s education sector.

Major conventions and agreements including the Bologna Declaration (signed in 2003); EU candidate status (granted in 2014); and Convention on the Rights of Persons with Disabilities (ratified in 2013) for example, provide a supra-national normative framework for Albania’s educational reforms.

Learning standards are concise, written descriptions of what students are expected to know and be able to do at a specific stage of their education. The Law on Inclusive Education, adopted in 2012, guarantees the right of children with disabilities to education, and furthermore, access to special teaching personnel trained in catering to the special needs students may have.

At the same time, there is significant evidence suggesting the highly constrained capacity of individual schools for the intake of children with disabilities (ADRA Albania, 2015).

The supply of schools for children with disabilities is rather limited in Albania with virtually nonexistent access to education in rural areas (De Soto et al., 2005, p. 58). The Government of Albania has committed to increase the enrolments of children with disabilities and children from impoverished families by 2% in PUE (Republic of Albania, 2013, p. 89).

It is anticipated that considerable infrastructure improvements and improved access to services for children with disabilities will result from adoption of the most recent framework law on inclusion of and accessibility for people with disabilities (European Commission, 2014, p. 37). Learning standards describe educational objectives, what students should have learned by the end of a course, grade level, or grade span but they do not describe any particular teaching practice, [curriculum](#), or [assessment](#) method (although this is a source of ongoing confusion and debate).

Key words: Learning standards, Educational Objectives, State's department of education, educators and subject-area specialists, students and class, public-commentary periods, development, reforms.

JEL Classification System: SI, S2, S3, N0, N1, N2, N3, O1, O2, O3

I. GENERAL INFORMATION AND PURPOSE OF THIS PAPER RESEARCH:

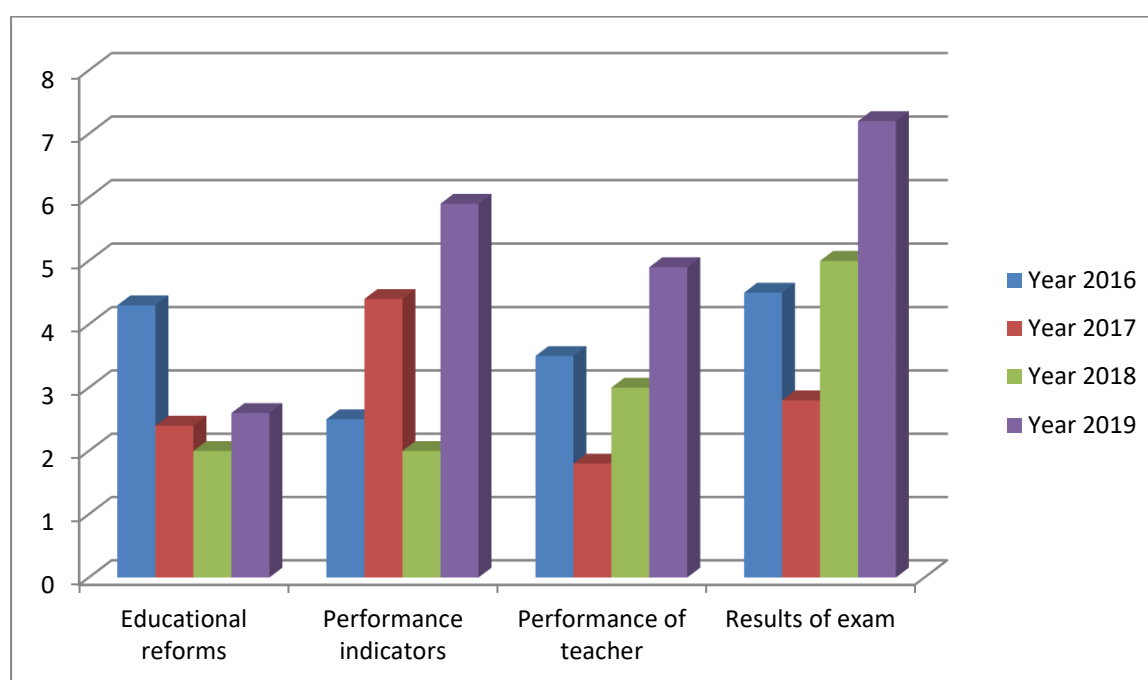
Education policy in Albania draws upon some of the major principles of the pan-European social and economic recommendations, including those from the European Union and the Council of Europe, as well as several bilateral and multilateral organizations. In addition – although Albania is not a member of the OECD – the OECD's programmed for International Student Assessment (PISA), in which Albania has participated since 2000, has become a key point of reference for education policy-makers.

The analysis on curriculum development and reform highlights the following: curriculum reform must be incremental; widespread communication of reforms must reach a range of stakeholders; there must be support for local implementers as well as ongoing monitoring, formative evaluation and feedback mechanisms to make adjustments where needed. Furthermore, the EPR supports the further development of policies and practices that promote full inclusion for vulnerable students; teachers' professional development that enables them to create inclusive learning environments and flexible instruction to reach all learners; local contextualization of the curriculum materials and texts; and improvement to the overall alignment of the education system over the medium and long term of implementation

The education indicators can be difficult to calculate for a number of reasons. For certain indicators, such as the student to teacher ratio, you are required to include the local and over-aged children with the refugee children. *For other indicators, such as enrolment percentages, you are required to include just the school-aged refugee children.*

An additional challenge is that you are required to generate data on certain age groups which, depending on your operation, can be difficult to obtain (i.e. 15-24 year olds). The operational purpose of calculating the percentage of qualified or trained teachers is to assess the quality of education being provided to the students. Knowing the percentage of qualified teachers is particularly important in order to assess whether or not displaced children and adolescents are receiving quality education.

1.1.2 Number of students per teacher



Evidence and Discussion Education policy in Albania draws upon some of the major principles of the pan-European social and economic recommendations, including those from the European Union and the Council of Europe, as well as several bilateral and multilateral organizations. In addition – although Albania is not a member of the OECD – the OECD’s programmed for International Student Assessment (PISA), in which Albania has participated since 2000, has become a key point of reference for education policy-makers. Source: *Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system*

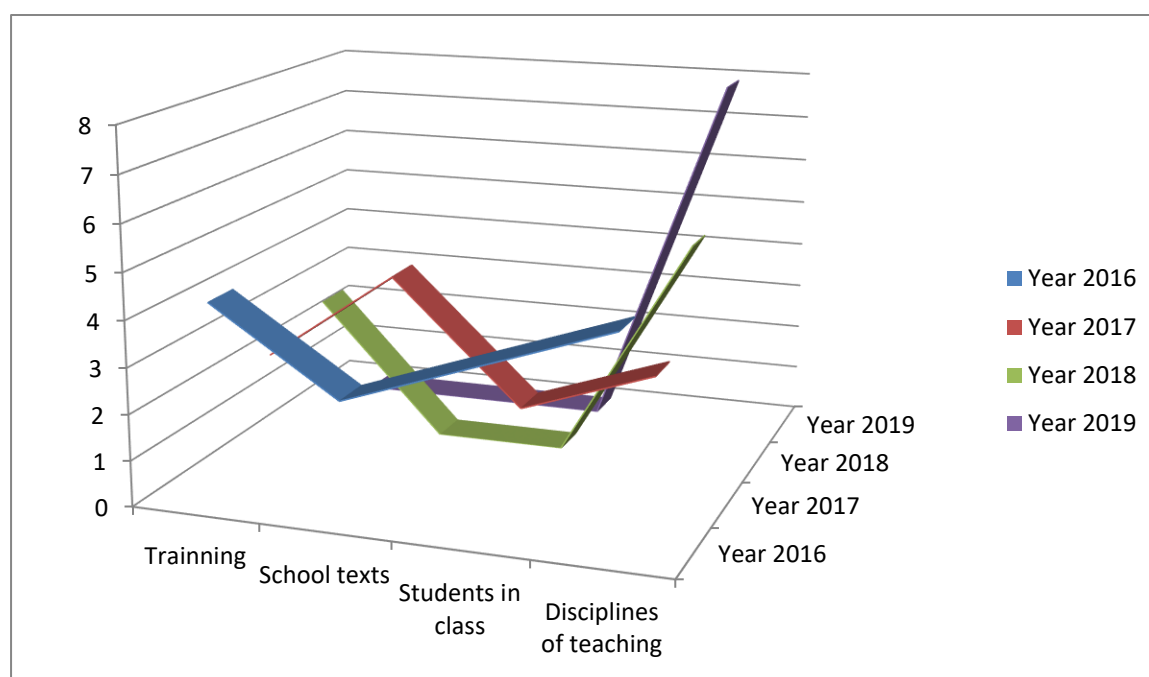
Unlike the enrolment indicators, this indicator requires that you include all students in the classroom (including over-aged and local children), not just school aged refugee children. (*for example, child labor, forced military recruitment, childhood illness, or poor education programming*).

However, if the camp population has drastically decreased in that month due to repatriation, you might find that the attendance rate of 78% is unchanged. If for example you had 336 students in the school and 14 teachers, your calculation will look like this: $336 = 24$ students per teacher 14 similarly, if you are calculating student-to-textbook ratios, or student-to-desk ratios, you should include all children in the classroom, regardless of nationality or age.

1.1.3 Calculating Education Indicators in Albanian schools

The percentage of qualified teachers is determined by dividing the numerator, the total number of qualified and trained teachers, by the denominator, the total number of teachers. If for example there are 15 qualified or trained if your operation uses progress, you should be able to obtain the number of refugees in any given age group.

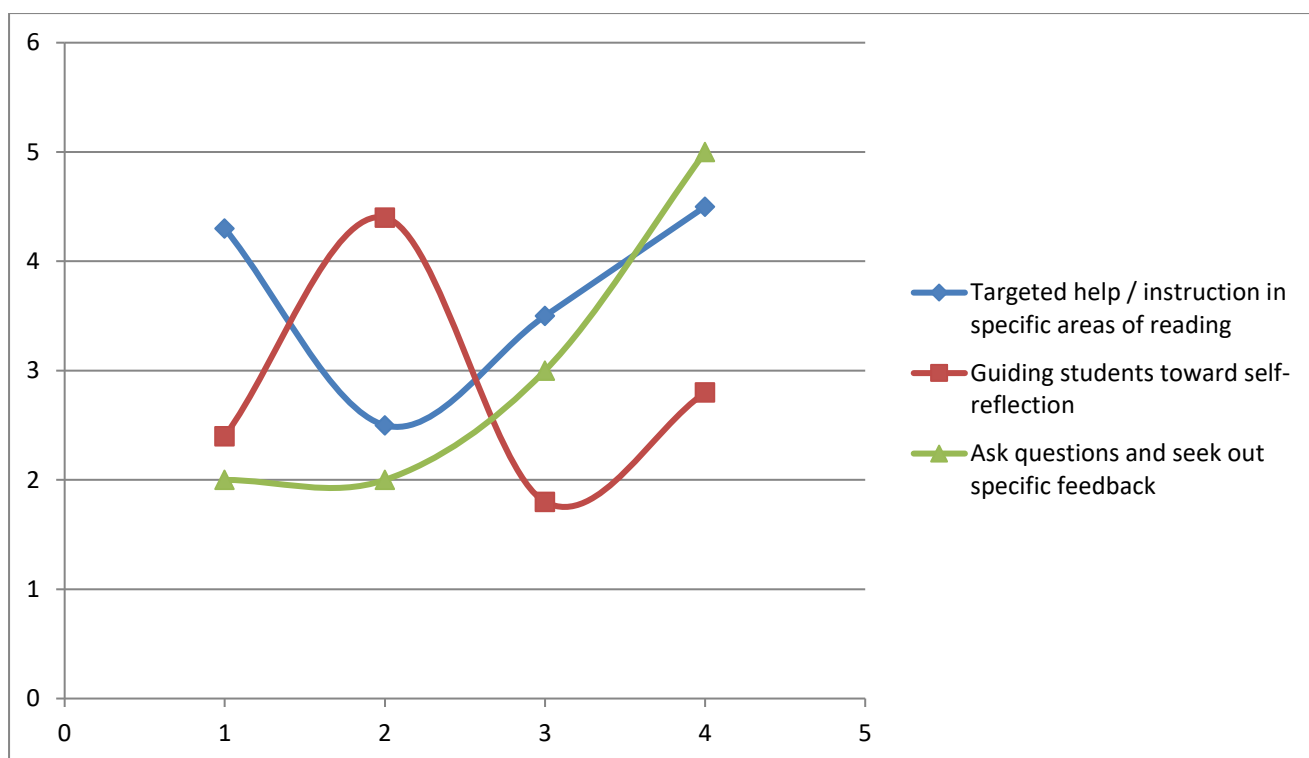
If you do not currently have access to progress data, it can be obtained by contacting the registration focal point in your operation. A good idea, especially when asked to report on indicators such as the ‘percentage of 15-24 year olds enrolled in training,’ is to create a filter in progress. *Source: UNHCR Report 2017*



Source: UNHCR Report 2017

” For example, if the standard for primary enrolment is set at 100 per cent, but the indicator measures enrolment at only 70 per cent, there is a gap of 30 per cent. Sometimes due to cultural, geographic or other circumstances, it may not be possible for your area to achieve all of the standards. A similar process can be followed to calculate the percentage of qualified male teachers, and also what percentage of the teaching population is comprised of qualified male teachers.

1. *Introduction time.* Similarly, programming decisions that are not based on the indicators may not in fact target the largest education gaps, because these gaps have not been properly identified. Many questions are often asked when calculating education statistics for Standard and Indicator Reports, such as ‘When do I include the local population? Why are enrolment percentages reaching over 100 per cent? Is gender parity the same as the percentage of girls enrolled in school?’
2. The education standard and indicator information is also important to secure funding from donors and potential donor countries and organizations.
3. If, for example, all of the countries in region A are reporting over 100 per cent enrolment and/or 100 per cent of qualified teachers, it would appear as if these countries are doing very well as regards access to and quality of education.



Standards and Indicators and Other Key

The education reform includes the development of digital competences. One of the main challenges' regarding the implementation of the reform related to school textbooks and teaching materials is the lack of proper infrastructure, particularly in the area of ICT. For this reason, the curriculum reform in Albania includes an initiative focusing on the use of ICT in education, which is further discussed in the next section.

To support the development of students' digital competences and to help teachers and students in the learning process, MES and IED are working to provide other learning resources, especially digital resources, for schools. Throughout the reform process, the collaborative learning process in schools is key. MES reports that there are departments in schools in which teachers collaborate in order to discuss and design syllabi and organize their classes. *Burimi: Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system*

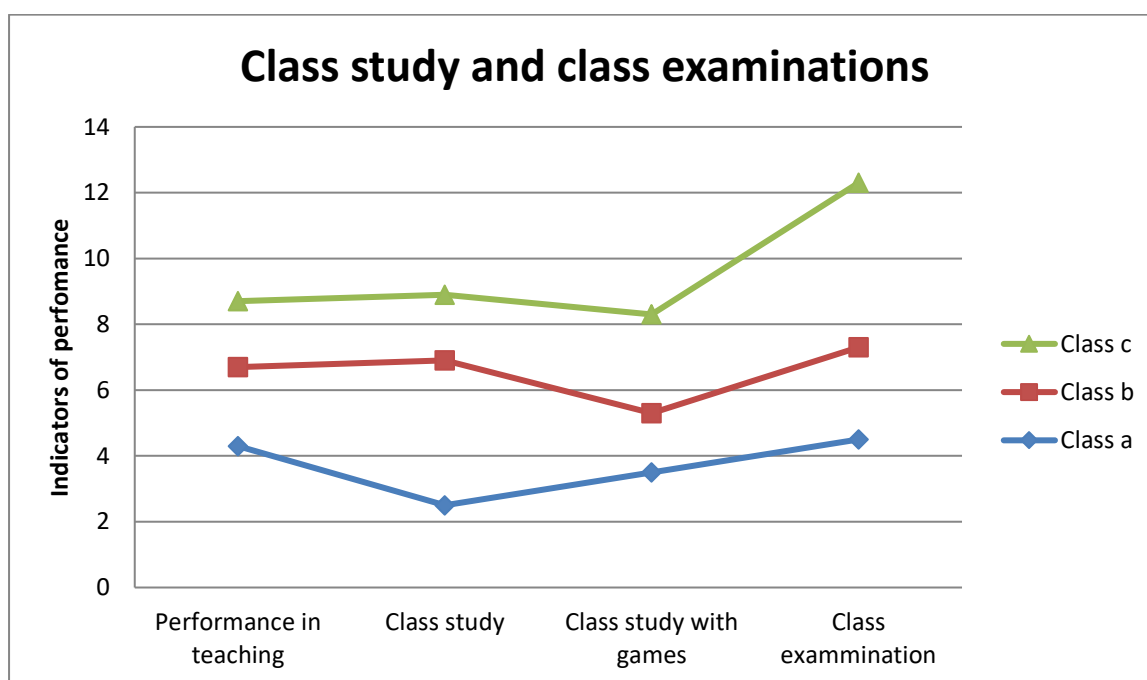
There is also an active process of peer observation and reflection sessions. The process for new textbook selection has also changed with the implementation of the reform. According to MES, new textbooks are new designed according to the curriculum programmers and they are competitively assessed according to the textbook standards by four evaluators. The winning textbooks are then piloted for one year before being certified by the publishers after reflecting on comments and feedback from the teachers who piloted the texts. This process should aid in increasing the relevance and alignment of new textbooks with the reformed curriculum in Albania.

II. LITERATURE REVIEW AND HYPOTHESES

According to UNICEF, school attendance is a major issue with both of these marginalized groups, yet the numbers of students not attending school is under-reported. The only hard data available for the UNESCO review team on children with disabilities was the number of students actually enrolled in schools.

However, interviewees highlighted that there are significant numbers of children who are not in school at all, and not acknowledged as being in need of education. Additionally, many Roma girls drop out school at the 5th year of education (age 10). *Source: Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system.*

Education policy in Albania draws upon some of the major principles of the pan-European social and economic recommendations, including those from the European Union and the Council of Europe, as well as several bilateral and multilateral organizations. In addition – although Albania is not a member of the OECD – the OECD's programmed for International Student Assessment (PISA), in which Albania has participated since 2000, has become a key point of reference for education policy-makers.



COMMUNICATION IN YOUR CLASS

The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance. An effective student information management system should include yearly achievement, national assessment results, and other information relevant to the individual student. An effective system should be able to

accumulate the relevant information on a student as he/she moves through the system, and perhaps from school to school or region to region. Feedback surveys should be developed centrally in consultation with the representative local participants

Quality Indicator 1: Classroom management techniques

Quality Indicator 2: Management of time, space, transitions, and activities

Quality Indicator 3: Classroom, school and community culture Standard

Effective Communication

The teacher models effective verbal, nonverbal, and media communication techniques with students, colleagues and families to foster active inquiry, collaboration, and supportive interaction in the classroom.

Evidence and Discussion on Albanian teaching reforms

The development of clear and measurable targets and indicators is a crucial step in ensuring the success of Albania's education reforms. Enacting effective mechanisms for monitoring and evaluating the outcomes of reforms is also keys to ensuring success. The successful implementation of education reform in Albania requires coherent and sustained interventions. According to the UNESCO review team's analysis, the current policy and institutional architecture concerning ICT in education is too fragmented to meet evolving national aspirations and global demands

Furthermore, the review team recommends that administration needs to be streamlined and rationalized; data collection should be enhanced and better use made of data in policy making; and more attention needs to be given to strengthening capacity at the school level to address emerging needs. Additionally, equity must be put at the centre of all these reforms. National ICT policies in education will have the greatest impact if they are aligned with other strategic and operational policies, particularly those designed to enhance educational quality, equity, and inclusion: *Burimi: Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system*

Monitoring and formative evaluation during implementation provides useful feedback to education authorities, and can help teachers and principals in the schools see their progress. With reliable information, governments can more effectively target investments in training and resources, and make changes to implementation plans and guidelines if these are needed.

1. The teacher uses professional communication and interaction with the school community;
2. The teacher acts as a responsible professional in the overall mission of the school.

Quality Indicator 1: Verbal and nonverbal communication

Quality Indicator 2: Sensitivity to culture, gender, intellectual and physical differences

Quality Indicator 3: Learner expression in speaking, writing and other media

Quality Indicator 4: Technology and media communication tools

Encourage initial leadership training: Whether initial training is voluntary or mandatory can depend on national governance structures. Governments can define national programmers, collaborate with local level governments and develop incentives to ensure that school leaders participate.

CONCLUSIONS

Attracting highly qualified applicants to the teaching profession is thus a key area of policy concern in Albania. One possible approach to increasing the attractiveness of teaching would be an across-the-board increase to teachers' salaries. Burimi: Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system.

However, if teachers' salaries in Albania are already high compared to comparable public professions, a salary increase would need to be substantial in order to have an impact on the attractiveness of the teaching profession as a whole. The government will need to weigh the relative costs and benefits of teacher salary increases and determine whether the increased salaries would have an overall positive effect on the attractiveness of the profession

Learning progressions: In each subject area, standards are typically organized by grade level or grade span—consequently, they may be called grade-level expectations or grade-level standards—and the sequencing of standards across grades or stages of academic progress is called a “learning progression” (although terminology may vary from place to place). Learning progressions map out a specific sequence of knowledge and skills that students are expected to learn as they progress through their education. *Burimi: Order 418, dated 11.08.2016, on approval of regulation for professional development and qualification of heads of educational institutions in the pre-university education system*

To be able to monitor student achievement effectively, in a world where students may move from school to school, or may leave school, requires a robust national system for managing student information, from enrolment to achievement.

- 1. Implement the Higher Education Reform, with a particular focus on the education of candidate teachers, and develop a national system to monitor the ongoing development of pre- and in-service teachers' ICT skills.*
- 2. Collaborate with international donors in order to design and implement continuing professional development initiatives aimed at training in-service teachers, and ICT teachers in particular, in the use of ICT for educational purposes.*
- 3. Encourage collaboration among teachers and school leaders with different levels of expertise in the use of ICT for teaching and learning purposes.*
- 4. There are jurisdictions that have implemented effective systems, which may be willing to share their expertise and advice – this could help to speed and streamline Albania's work.*
- 5. In the intervening period, provision should be made for each school to improve the data it collects on a daily basis in a less technologically sophisticated way that might have sufficient consistency to be used as indicators.*

There are two main characteristics of learning progressions: (1) the standards described at each level are intended to address the specific learning needs and abilities of students at a particular

stage of their intellectual, emotional, social, and physical development, and (2) the standards reflect clearly articulated sequences—that is, each grade-level learning expectation builds upon previous expectations while preparing students for more challenging concepts and more sophisticated coursework at the next level.

The basic idea is to make sure that students are learning age-appropriate material (knowledge and skills that are neither too advanced nor too rudimentary), and that teachers are sequencing learning effectively or avoiding the inadvertent repetition of material that was taught in earlier grades. For a more detailed discussion, see [learning progression](#).

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THE ROLE OF COMPUTER TECHNOLOGIES IN TAX ADMINISTRATION

Ejup Rustemi

Dr.Sc. at State University of Tetova

ejuprustemi@yahoo.com

Mefail Tahiri

Professor at State University of Tetova

mefailt@gmail.com

Abstract

Tax management is a crucial part in the tax administration, and dealing with it in proper ways will help avoid a lot of useless formalities that are as obstacles for easier client-institution interaction. The major developments in the IT field have attracted people who are concerned with this particular issue, and together with software experts they continuously strive to find better ways to manage tax-related tasks. This paper will try to illuminate the role that new technologies have in administering taxes, by giving an overview of where the issue stands and where it is headed. We will provide examples in order to clarify these new developments, and hopefully, offer suggestions for the future.

Keywords: *Tax, Computer technology, administration.*

Introduction

Consistently, the tax executives have been concerned about evaluating better approaches for enhancing institutional execution of tax tasks by expanding the viability of duty control and giving citizens the benefits that may enable them to better consent to their expense commitments. With continuous change of result, an on a very basic level, essential issue are giving an impression of being the most troublesome, and things that we consider simple can be overlooked and generate problems. For this reason assessment and administrative organizations strive to embrace and put into activity indispensable models of tax management that will lead their regulatory procedures. The seriousness of this mission makes these organizations in a constant search for better adaptation in a forever evolving conditions

that require the improvement of these models which are, basically, deciding the achievement factor for reaching the main goal in providing better tax management tools. Computer technologies provide the tools to deal with the concerns relating to tax administration and execution.

The Foundation

Every issue that needs to be dealt with has a given foundation upon which it stands on. Tax administration is not an exception to this rule. There is a constant request to find proper tools by which taxation tasks can be administered and provide the requested results. As presented in the paper "Information Technology in Support of the Tax Administration Functions and Taxpayer Assistance", there is a complex scheme of operational processes that need to be executed in order to provide good results and secure tax management tasks, which in return will make way for a more consistent analysis for reporting to taxpayers. According to the authors of the mentioned paper, this is the operational structure for assisting tax tasks.

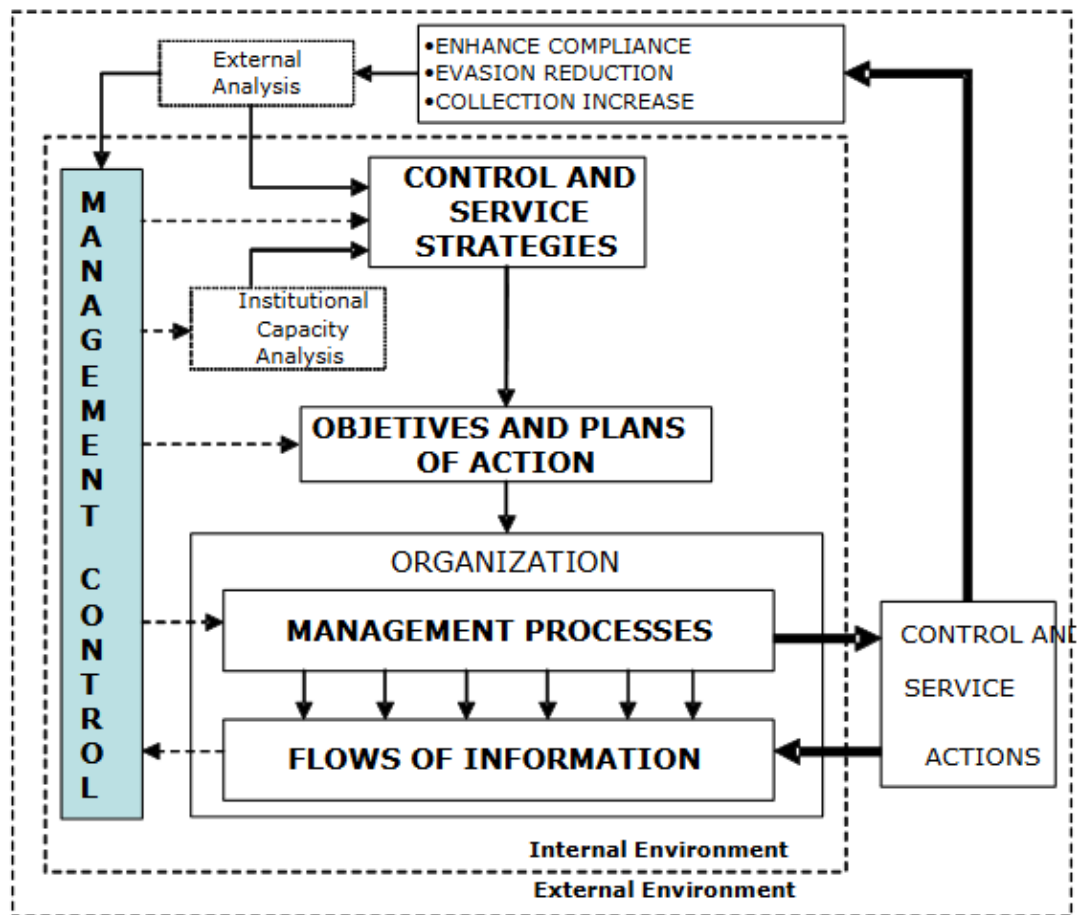


Fig. 1 Management Control (Gutierrez, 2002)

The developments of the advanced economy have rendered many set up methods for gathering deals or pay taxes through software or to manage those that are out of date. In any case, while innovation is at the foundation of these developments—governments pay for the arrangement of administrators who know how to deal with these specifics, with the main goal of achieving that which is planned. (Gutierrez, 2002)

All these frameworks are scattered throughout every area where taxes are present, from a simple store, all the way up at the state level. Although for someone tax-related issues can be a bit obscure and complex to understand and extract any meaning out of them, this is particularly where IT tools offer a helping hand in clarifying the mess.

There is a constant worry that some computerized organizations are misusing the portability and impalpable nature of advanced stages of tax-related tasks provided by IT software, meaning that they misuse them, or do not record everything, thus paving the way for tax evasion. However, the speed and accuracy of the tools cannot be underestimated.

Associations and governments alike should exploit new innovation to lower the computerized expense (the hole between the existing assessment approach and the quickly developing advancement in the world economy). Increasingly more cunning new businesses are creating advanced tools intended to encourage nations and organizations defeat the ever-expanding multifaceted nature of tax-related issues. (EY Global, 2018)

One issue that must be tended to: the nature of information. Since each exchange in the advanced economy is recorded by PCs, liabilities ought to be simple.

As Ryan Tweedie puts it: "We have to rationalize the overall enterprise data dictionary across all kinds of human resources, finance, procurement, tax and audit systems.". This a crucial point in today's IT developments, the fact that almost everything is in some influenced by it or through it, including taxations.

The fast progressions and developments in plans of action, both in the computerized and the "digitized" economy, are testing the conventional standards of universal tax assessment as never before. Blockchain Technology, Fintech, Cloud Computing, Artificial Intelligence, Robotics, the Internet of Things are changing customary methods of activities, forms and worldwide chains of economic development, and pushing the current limits of tax assessment. (WU Institute, 2017) However, at the same time, these advancements change the manner in which that tax administrators work and communicate with citizens, which for those that have worked in a more conventional environment, means they have to be trained to use new technologies, and in this way making them more efficient.

Data Breach

Although It technologies seem to facilitate tax administration, they also represent a huge risk if not done correctly. How so? We are constantly bombarded with information that a certain company has been a victim of Cybercrime, or even more seriously, the company itself has sold

our data to a third party, such as the Facebook and Cambridge Analytica Scandal. These are serious issues that tax software developers need to address immediately. It is not the same when we expose a picture of somebody, compared to exposing sensitive data such as those relating to taxes. In other words, IT ethics is very important when dealing with taxation tasks.

Visualizing Taxes

Nowadays, almost everyone is a visual person, meaning we like to view things rather than just talk about them. This leads to Data Visualization, which is probably the most used technology in dealing with data, including taxes. A person who works in tax administration will be more effective in his work if he or she will get faster to results. To achieve this there is a need for faster ways or tools to analyse data, preferably in real time. Real-time data visualization is the answer to all this. Software tools such as PowerBI, KNIME, RapidMiner are invaluable tools for this purpose. This is highly important because it helps those who pay, in having a detailed view on what they pay; and those who administer taxation issues, in providing more accurate consumer support.

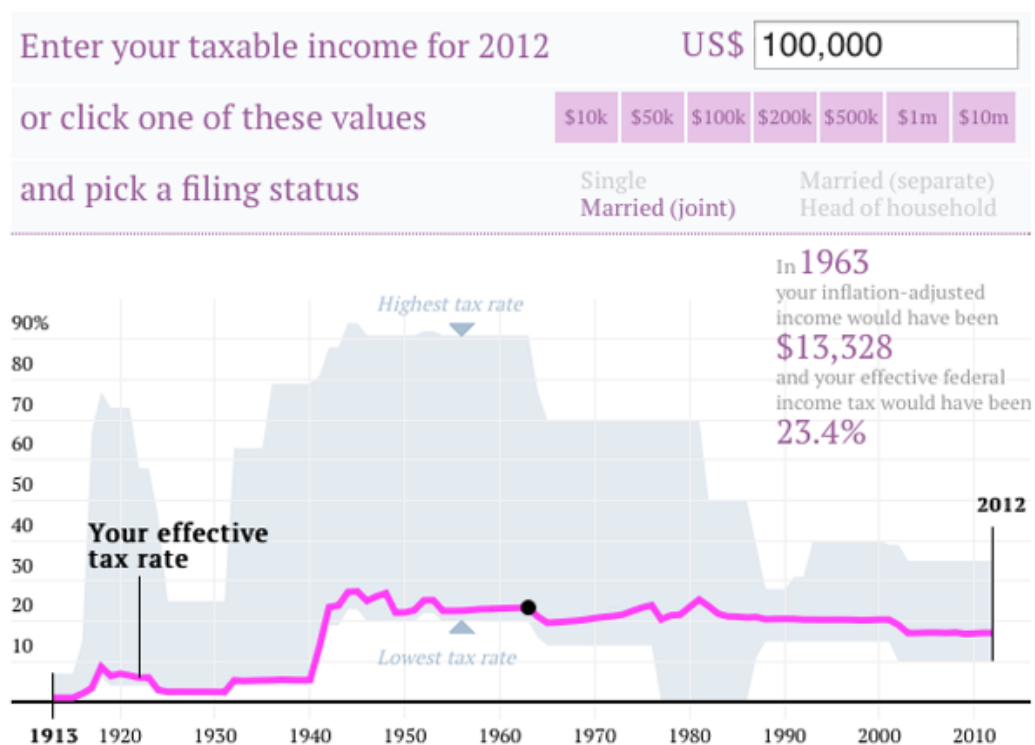


Fig. 2 Tax Data Visualization

(data from <http://radar.oreilly.com/2013/01/us-tax-rates-visualization.html>)

Mobilizing taxes

Mobile technologies, which are today's trend in software development, also provide exceptional tools in tax administration. Almost any bank or government institution has a mobile application through which they deal with the taxation tasks. In our lifetime, we can easily say that everyone owns a smartphone, which in return offers the gateway through which clients and tax institutions communicate between each other. If you install an app for this particular purpose, you have immediate access to your tax payments and other related things concerning tax administration. These tools are especially helpful when dealing with deadlines; if in the past we had to engage in postal services to support these tasks, now we can have a real-time overview of where we stand.

Websites such as <https://etax-fl.ujp.gov.mk/> are gateways that are extremely helpful in tax-related issues because in the majority of cases they eliminate a lot of paperwork, which as a result will make for fewer expenses and faster access.

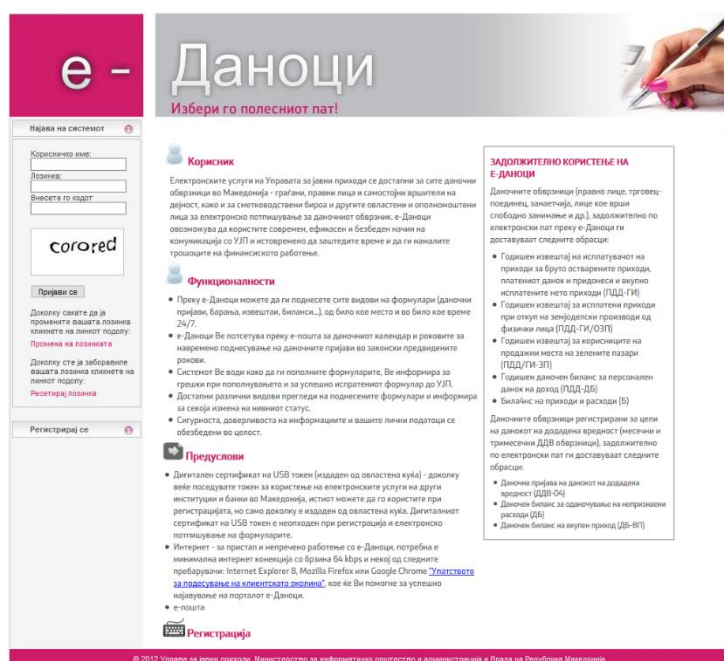


Fig. 3 Macedonian state e-tax website

As we mentioned before, security is a crucial part in tax administration, which can be seen from the picture where for viewing our account data we must go through some verification steps that will give us access.

Another important thing that needs to be mentioned has to do with the nature of the client. Tax administration executes tasks that are related to a single person or a company that needs to pay its obligations. IT tools need to provide different ways of management for both sides because the approach to tax payment and administration has different specifics.

Another issue is to differentiate between taxes that are paid when buying something compared to those each individual owes to his or her country. This leads us to the extreme importance of tax payment and its effect upon economic stability.

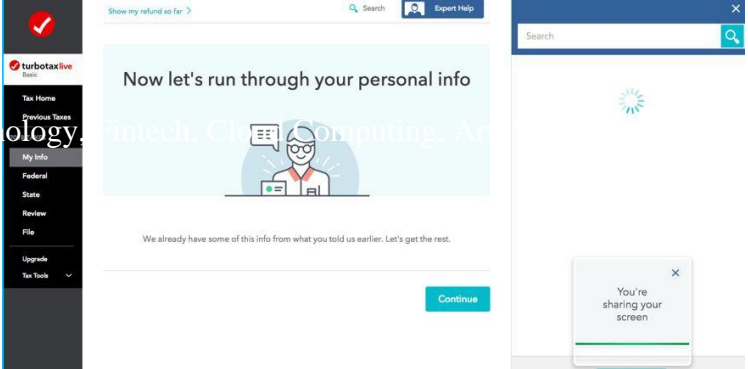
The tools

Until now we have written about the overall importance of administration of tax tasks. Now it is time to talk a bit regarding some of the tools that we can use to manage our taxes. According to the website thebalance.com, these are the best tools for this purpose.

- Best Overall: TurboTax.
- Runner-Up, Best Overall: H&R Block.
- Best Bargain: TaxAct Premium. TaxAct. ...
- Best Simple Data Entry Option: TaxSlayer.
- Best for Savvy **Tax** Filers: Liberty **Tax**.
- Best Free **Software**: Credit Karma.
- Best Wizard: Jackson Hewitt Premium. (www.thebalance.com)

This does not mean that these are the only tools that we can use for the purpose, anyway it a good starting point in this direction. In use those that are free, or using the trial versions for the paid ones in order to have a general overview of how these things work.

We should emphasize again, we must differentiate between personal tax administration and state tax administration. Although state institutions can use some of these tools, still, we should have in mind that they have their own software that operates on their own servers, because their tax administration has to do with more sensitive matters knowing that they deal with totally different scope of tasks for which they need to have specific statistical data, which in return requires a more serious approach.



The image shows two screenshots of tax software interfaces. On the left is the TurboTax Live interface, featuring a dark sidebar with navigation options like 'Tax Home', 'Previous Taxes', 'My Info', 'Federal', 'State', 'Review', 'File', 'Upgrade', and 'Tax Tools'. The main area has a light blue header with a search bar and a 'Continue' button. On the right is the H&R Block interface, which is mostly white with a search bar at the top and a small notification box at the bottom that says 'You're sharing your screen'.

Considerations	TaxAct	TurboTax	H&R Block
Cost Range	\$0 to \$49.95 for federal returns; \$19.95 to \$36.95 for state returns	\$0 to \$89.99 for federal returns; \$39.99 for state returns	\$0 to \$79.99 for federal returns; \$36.99 for state returns
Best Features	Clean, easy to navigate design; mobile app W-2 capture; import federal tax returns filed with other tax software PDF form; Price Lock and Accuracy Guarantees; Protection Plus audit assistance	Integrates with ItsDeductible; import tax returns filed with other software in PDF form; professional tax prep assistance with TurboTax Live; simplified, free expense tracking for self-employed filers	Mobile app W-2 capture; import tax returns filed with other software in PDF form; five percent refund bonus when you load some or all of your refund to an Amazon gift card; Tax Identity Care fraud protection
Download/Mobile App Available?	Yes	Yes	Yes
Customer Support	Phone and e-mail for online and download users; live chat help available with the TaxAct Express mobile app	Chat, phone and through the online TurboTax community, fees apply to speak to a live tax expert	Phone, Twitter and in-person at more than 11,000 H&R Block locations

Table 1. Comparison of Tax Tools

(data from <https://www.thebalance.com/best-tax-software-programs-4154205>)

Conclusion

In general, in this paper, we have tried to provide examples and an overview on how IT tools can provide us with exceptional methods to deal with taxation tasks in all levels, both personal or state scale. We have emphasized the issues dealing with mobile software developments, which represent the mainstream field of IT management tools in general, and tax-related tasks in specific. We can conclude that IT software is an extremely important aspect in tax administration, especially when dealing with time-pressure tasks, that require fast and accurate reporting.

We can only imagine how things will develop in the future with the advance of AI, and AR or VR applications which are paving the way for future developments with the main goal of building a better management environment. But in no way, we can ignore the risk in using these technologies, because although they are exceptionally facilitating, they can also be a mining field if done wrong, or we don't take security more seriously. This will require IT ethics evaluation and security software advancements.

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THE ALBANIAN COMMUNITY OUTLINE ACCORDING TO ARBEN XHAFERI

Ph.d Student **FLAKRON BEXHETI**

SEEU- Faculty of Contemporary Social Sciences – Political Sciences,
Tetovo, North Macedonia
Email: flakron.bexheti@hotmail.com

ABSTRACT

The study aims to address Arben Xhaferi's political thought about the idea of establishing a single nation-wide association that would deal with the resolution of many open issues of Albanians spread across several states. He is aware that the non-realization of the rights of Albanians in various different areas requires an interaction of the Albanian factor, despite their division with several boundaries. Recognizing the past of his compatriots and their commitment to a single alphabet, a single standard language, an Albanian school and many other areas of life related to cultural and identity issues, Arben Xhaferi designed a nationwide program called, "An Outline of the Common Prosperity." According to him, this project that deals with the issues of identity, unification of national standards, democracy, economy, education, gender equality, secularism, human rights, judiciary, sport, and youth, will not be against the interests of the states where Albanians live; on the contrary, it will benefit them, because it is about advancing the rights of their own citizens. He justifies this project as something very positive, taking the example of some other states and nations that have already achieved results in this regard. On this occasion, he mentions the Francophone or the Commonwealth project, founded by civilized nations. The functioning and collaboration of Albanians, according to these models, will make it easier for them to utilize all their intellectual and human capacities.

Key words: prosperity, organization, nation-wide, right, culture, education

The Albanian community outline according to Arben Xhaferi

Following a great deal of analyses, debates and discussions broadcast in nationwide and international media on the Albanian, as well as regional and international issues, by the end of 2008, Arben Xhaferi appeared to the public with the idea of establishing a single national association that would deal with the Albanian issue. This new approach of his to consolidating and strengthening the nation-wide spirit was not well received by many circles of the anti-Albanian sentiment, and was also seen as a tendency for the formation of ethnic Albania. It is a fact that his idea is a continuation of the spirit of the Renaissance representatives, who considered that the fate of a divided and separated nation was in its unification, but of a variant that corresponds to the conditions of time and limited opportunities to achieve that goal. If Sami Frashëri, in his work "Shqipëria ç'ka qenë, ç'është dhe ç'do të bëhet", approaches the history of the destiny of the nation, in his time, and how it should be in the future, Arben Xhaferi, recognizing the past, and the present, when the nation operates in several states, with

his idea called "An Outline of the Common Prosperity", aimed at solving the problems of common interest and coordinating the actions of all Albanians in many spheres of life, such as:

- Issues of identity;
- Unification of national standards;
- Democracy
- Economy
- Education
- Gender equality
- Secularism
- The judiciary
- Sports
- Interaction
- Youth¹⁵

The beautiful Albanian term, "Mbrothësi" (Prosperity), which was also favoured by the renaissance activists of the time, referred to the well-being and prosperity of the nation, leading to their future development, although they may live in different states. According to him, this way of moving forward by affirming shared ethnic, cultural, educational, economic values, etc., is feasible and possible, despite the activity of these areas that are unlikely to be realized separately. Perhaps, the to-date experience shows that a normal and all-pervasive development cannot be successful when it is so partitioned. Furthermore, with regard to Albanians abroad (even outside Kosovo, if it also counts as a state for Albanians), a normal development in the spheres he mentions is not even possible, despite their efforts to achieve their full rights through the political parties operating within those states. Speaking of the objectives and activities, he says, "Prosperity is characterized as an international organization that seeks to solve the problems faced by widespread national communities in many countries." ¹⁶ Arben gives the definition of this Institution as follows: "The Common Prosperity is a voluntary non-political organization".

This project will include the states, namely the Albanian communities living in different countries of the world" ¹⁷ . Following the definition, the author of this project also highlights the goals of the establishment, such as common interests, affirmation of democracy, affirmation of human rights, good governance, rule of law, individual rights, equality, free trade and peace in the world. With regard to this institution, Arben also envisages the way of functioning through certain bodies. The leadership will be elected by the members of the organization and will be depoliticized, preventing various party influences. The chief of the presidency will be the Secretary-General, who will have executive authority, following the example of the Commonwealth, where the leadership is formally or symbolically held by the Queen. A similar way can be practiced with this organization, where the Albanian royal court may have a symbolic leadership role. As for the membership, some important documents have been foreseen.

The leadership structure, headed by the Secretary, should have its headquarters in Tirana, while the branches of "The Prosperity" will extend to other centres where Albanians live. The Secretary, in

¹⁵ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovë, 1.10.2008, published in his Book 01 of his collection of volumes, p. 143

¹⁶ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovo, 1.10.2008, published in his Book 01 of the collection of volumes, p. 143

¹⁷ Ibid, p. 142

cooperation with officials of different levels from among the Albanians, organizes meetings of interest for the nation, where different political, economic and professional issues will be dealt with in different fields and designs programs for the realization of projects that will help overcome obstacles that may arise in Albanian societies. The sections of the secretariat shall be headed by the Secretary General and his two deputies. The term of office of the Secretary shall be four years, with the right to be re-elected. Part of the "prosperity" will be other secondary subjects related to educational, academic, sports, judicial, legal activities, including other parliamentary institutions.

This idea of Arben Xhaferi, as he himself concludes, is bold, as well as unrealizable, but much needed, at a time when the tissue of a divided nation in several states is constantly weakening, headed towards the path of deforming the national being. This nationwide project of Arben, inspired for sure by the historical past and the patriotic activity of the renaissance, despite all the difficulties and obstacles that may come from obstructive foreign circles with anti-Albanian sentiment, is feasible, since its only aim is the unity of the nation in terms of consolidating national awareness of the preservation and cultivation of ethno-cultural values, which have become so fragmented.

Aware of the allegations that could be addressed to him for his nationalist ideas after the design of this project, being even considered as an instigator of endangering peace in the region, Arben Xhaferi, gives examples, at the beginning of this paper, of various cases where nationalism of the other is also criticized by the nationalist position. He illustrates this phenomenon with the attitudes of Russia and China, powers that have opposed the independence of Kosovo, even stating, "In Kosovo their national interest is protected, while Kosovars would be declared as nationalists if they claimed that in Kosovo, the interests of Albanians are protected".¹⁸

With these examples, he justifies the thesis that nationalism is anathematized as a war incendiary everywhere in the world, despite affirmative statements about nationalism as a protector of ethnic interests, especially of the small peoples who oppose the occupying ruler. For Arben Xhaferi, any resistance in favour of national liberation and the protection of ethnic interests should not be considered as war-inciting; therefore, he stresses that Europe is the birthplace of nationalism, which now views this phenomenon as threatening to peace in the region and beyond. He also justifies this view with various examples, mentioning many states of European civilization that overcame conflicts after the final resolution of their open ethnic issues. On this occasion, he mentions the American sociologist Benedict Anderson, who rightly states that, "Nationalism emerged on the European historical scene in the 16th century, when the peoples of Europe lost faith in their sacred books, namely in the sacred "truths" that turned out to be false."¹⁹ The collapse of this belief in religion had to be sought elsewhere, and nationalism was invented instead, that is, there was this movement or transfer from the divine to the human.

Arben Xhaferi performed all of these analytical approaches in order to justify his "Prosperity" project towards the others, and prove that this program only serves to protect the Albanian national interest without harming anyone.

For the affirmative role, when positive nationalism preserves the nation and national being, he takes the example of France, where nationalism had an emancipating and liberating role, whereupon they

¹⁸ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovo, 1.10.2008, published in his Book 01 of the collection of volumes, p. 138

¹⁹ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovo, 1.10.2008, published in his Book 01 of the collection of volumes, p. 143

formed their state, which they identified with the nation. If heterogeneous or multi-ethnic societies did not subject to the rule of law in order to guarantee full equal rights, they would be disbanded, as was the case with the Ottoman Empire, Austro-Hungary, Russia, Yugoslavia, Czechoslovakia, etc. On these issues relating to nationalism, he also quotes a Swiss sociologist, Urs Altermatt, who rightly states in his book, "European Ethno-Nationalism", that nationalism in Europe had two types of contradictory functions:

- it influenced the disintegration of states, empires, multiethnic social formations, such as Austro-Hungary, and
- it fostered the creation of small feudal states in a national state of people of the same origin, such as Germans or Italians.

The fragmentation of the Albanian tissue and the division into several states, after the dissolution of the Ottoman Empire, made it impossible for them to develop normally in terms of the common interest of the spheres mentioned above. Having considered this stagnation, not because of the Albanians themselves, Xhaferi came up with this platform, which is a novelty in these areas, as it is indispensable. This way of organization, in his opinion, can be accomplished through goodwill and the need for a national interest. Albanians in Albania, he says, have no restriction of national rights; Albanians in Kosovo also have freedom but not sovereignty, for the time being, because they share their sovereignty with the international factor. In Macedonia, as it can be seen, Albanians will still have to fight for their rights for a long time, whereas in the Preshevo Valley and Montenegro it seems that they will remain national minorities. As the situation is today, Albanians find it difficult to realize their goals. That is why he thinks that there is a need to find other ways to overcome obstacles that objectively stifle the economic, cultural and educational development of the Albanians as well as their security. This way of organization, which enables mechanisms that guarantee safe development in these areas, is not harmful; rather, he says, nations that have created their own states and have managed, in time, to practice this way of their nation's prosperity, though they have achieved it in an easier way, have never been able to be hindered by any means. Bloody wars have been fought for these achievements in many countries around the world. For such an organization, he mentions the example of the Francophone project, or the Commonwealth (Cromwell), founded by civilized peoples, such as the French or the British. "The first project establishes cohesive relations with different peoples on the basis of expanding the use of the French language, while the second one on the basis of common welfare."²⁰ According to these models and the like, Albanians, in his opinion, would be able to better utilize all human capacities and resources, which they cannot do in a situation of division and segregation as they are currently in, because Albanian societies are not standardized, and in such circumstances, the values of other peoples penetrate very easily, a fact that has been hitherto proven that "without standardization, no value can be protected, especially those concerning national identity."²¹

Conclusions:

²⁰ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovo, 1.10.2008, published in his Book 01 of the collection of volumes, p.141

²¹ Arben Xhaferi, "Skicë për mbrothësinë e përbashkët", Tetovo, 1.10.2008, published in his Book 01 of the collection of volumes, p. 143

- Arben Xhaferi's idea for this project aims to protect the national interests of Albanians and to coordinate their actions in the fields related to cultural, educational, economic and scientific values.
- Arben Xhaferi stated that the countries, in which Albanians live, apart from Albania, never engaged in this direction, in order to provide them with normal development in the areas of common identity interest.
- With the formation of this association of national interest, he thinks that Albanians will solve their own open issues that they have not been able to solve in the countries where they live divided among themselves.
- With regard to this initiative, he also referred to the example of the Commonwealth and the Francophone project, through which the common welfare is developed and the expansion of the use of the French language all over the world.
- This way of organizing which enables mechanisms to ensure safe development in these areas, is not harmful to the others by any means, in his opinion.
- Through this model of organization, according to him, Albanians would utilize all intellectual capacities that could not come to surface in the countries where they currently live.

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PUBLIC OPINION ABOUT ENVIRONMENTAL POLLUTION

PhD Fatmir Emurlai

Faculty of Contemporary Science and Technologies,
South East European University,
Tetovo, Republik of North Macedonia
Institut for Environment and Health
E-mail: Fe26925@seeu.edu.mk

Abstract: The industrialized society now understands that one of the most necessary investments represents the protection of the environment, they have also realized that for the created state the main culprit is the man himself, by not keeping proper account of the nature that surrounds it. Air pollution and care for the environment during the years is a primary concern of many national and international institutions. Retention in this regard is part of the lives of citizens of these countries. Unfortunately, there is a lack of constructive awareness in less developed countries where the Republic of Northern Macedonia also participates. Some cities in this small country face enormous environmental pollution. In those settings, the municipality of Tetovo is also a preoccupation of this research.

Keywords: environmental protection, pollution, correct attitude towards nature, undertaking the measures by the relevant institutions.

INTRODUCTION

The protection of the living environment becomes ever greater demand for the survival of human civilization. There is also a need for mobilization of all human resources in terms of capacity building for the effective implementation of leading policy with the environmental life protection. It is clear that one of the main reasons for the degradation of the living environment is the inappropriate way of human behavior, as well as insufficient education for rational use of available resources. We can rightly say that today education represents the core strategy of governments, UN, international organizations and local non-governmental groups in the protection of the living environment.¹

The right to a healthy living environment is a universal human right, as well as an individual right, but at the same time a collective obligation for all citizens to save themselves to preserve the environment.²

Health protection consists of measures, activities and procedures for maintaining and the advancement of health, the living environment and the working environment, the rights and obligations that are realized in the health insurance, as well as masses, activities and procedures taken by organizations in the field of health for maintaining and advancing people's health, prevention and extinguishing of diseases, damage and other health deteriorations, early detection of diseases and health conditions, early and efficient

medication and rehabilitation with the application of professional medical measures, activities and procedures.³

In a new report published for the Paris Conference on Climate Change by EEA in Copenhagen, it is estimated that 430,000 premature deaths per year in Europe are related to air pollution. Air pollution continues to harm the overall health of people and reduces the quality of life and life expectancy. This also has a significant impact on increasing medical care costs and because of job shortages for health reasons it also reduces the productivity of the entire economy.⁴

Air pollution is one of the most serious problems in the world. It has to do with the introduction into the atmosphere of polluting substances that affect people's health and the environment. The atmosphere is one of the most important ways of distributing polluting substances to the environment. The distance to the transport of polluting substances to the atmosphere may be several hundred to thousands of kilometers. This causes atmospheric pollution often have a regional character even global character. These pollutants are emitted from various sources and some of them act among them to form new compounds in the air. When we consider that, heavy metals are elements that can not be broken down, then these metals will continue to stay in the environment. Unlike many organic pollutants that eventually degrade in carbon dioxide and water, heavy metals will tend to accumulate in the environment, especially in lakes, at the estuary or in marine sediments. These metals can be transported from one part of the environment to the other. Downloads from heavy metals to the environment are a global problem, because they are an ever-increasing threat to the environment in general.⁵

¹Ismaili, M, Durmishi, B (2006) : Shoqeria dhe menaxhimi I mbrojtjes se mjedisit, Tetove

²Kushtetuta e Republikes se Maqedonise, neni 43

³Sluzben vesnik na R.M, zakon za zdravstvena zastita, osnovni odredbi, clen 1

⁴<https://portalb.mk/222101-ndotja-e-ajrit-shkakton-vdekje-te-parakohshme/>

⁵<https://www.slideshare.net/ervisicara/projekt-ndotja-e-mjedisit-ervis-cara>

The main sources of emissions of polluting substances are particularly metallurgical factories and plants, mines, combustion by-products, industrial releases, agricultural and urban development, pesticides containing heavy metals and traffic.

Ecological education is an active developmental process of learning in which individuals and groups benefit from much needed knowledge, meaning and skill for solving action, motivated, responsible and above all else in terms of achieving and maintaining dynamic equilibrium in the living environment.⁶

At the time of activities that could have an impact on the quality of ambient air, each is obliged to behave carefully and responsibly to avoid and prevent the pollution of environmental air and the harmful effects on health and the environment in general.⁷

Viewed from the above-mentioned perspectives the ongoing analysis has to do with one of the most polluted environments on the planet earth. It is about the city of Tetovo, located in the northwest part of the Republic of North Macedonia. In this research a considerable number of Tetovo population were surveyed mainly of young age, of different sexes and nationalities.

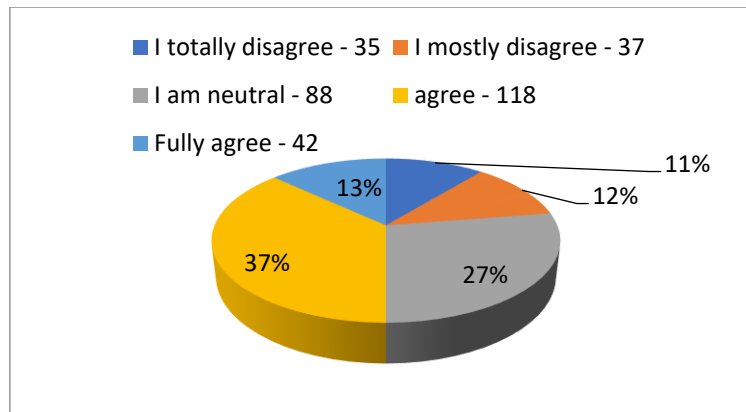
Of the respondents, 167 men and 153 women participated, expressed in percentage of 52% male and 48% females. Of the above mentioned number 148 are aged 15-16 years while 172 17-18 yr. In this research, there are participants of 197 people living around the city of Tetovo (rural areas), and 123 in the city. Viewed by ethnicity, 160 are Albanians, 90 Macedonians, 50 Turks, 20 others. Of this number, 148 were first-year students and 172 of the fourth year. In the following we will highlight only some of the most interesting questions of this research.

⁶Srbinovski, M. (2005), Environmental education, Prosvetno delo, Skopje

⁷Sluzben vesnik na R.M, Zakon za kvalitet na ambientalniot vazduh,

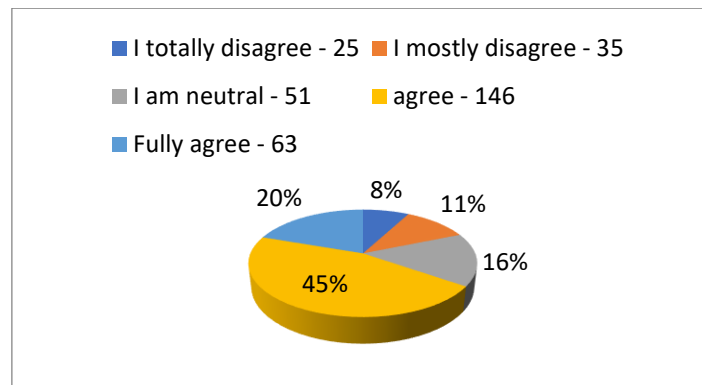
Degree for researching your attitudes for assessment of the living environment

1. Very fast Earth will be overcrowded



It is worrying that the question posed is noticed a lack of knowledge of high school youth about a vital problem for the future of the planet earth. This is evidenced by the fact that the 88 respondents expressed their neutrality.

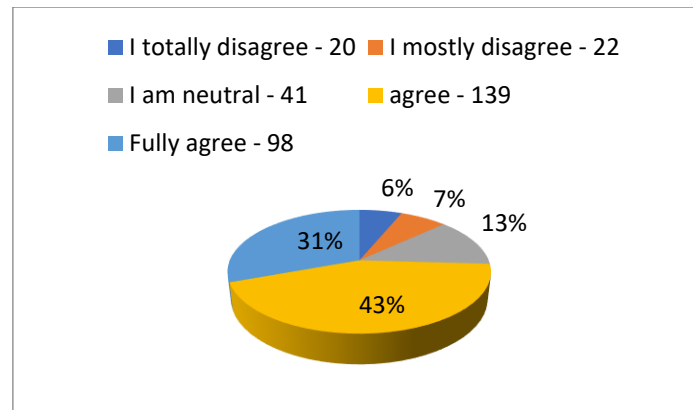
2. Human beings have the right to adapt their living environment to their needs .



Failure to provide information even further comes to the answers given by the second question, where only 25 of the respondents expressed their position that they do not at all agree that human beings have the right to the living environment to adapt to their needs.

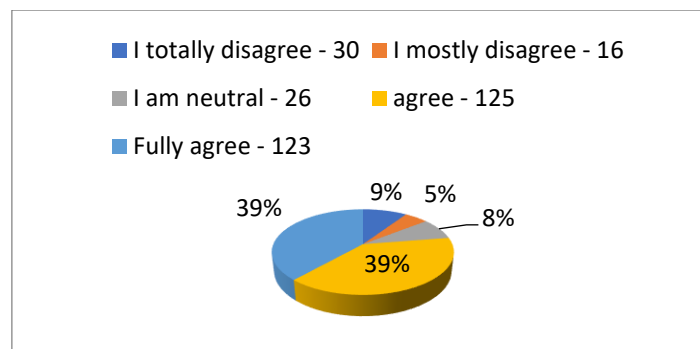
Still worrisome is the number of those who agree, respectively, fully agree that a person has the right to dispose of the environment according to needs and desires.

3. When a person harasses nature, often faces dire consequences.



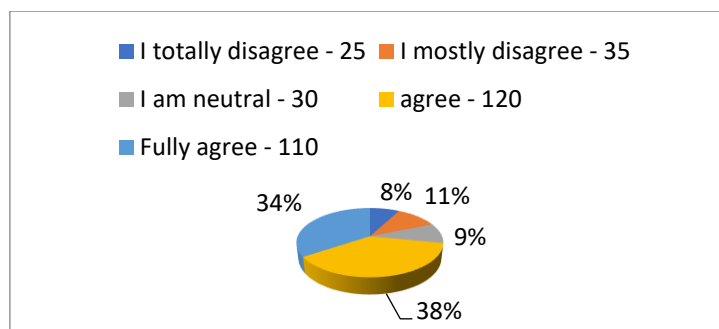
The answers to the third question are surprising, where 139 respondents agree that man often faces with terrible consequences in cases of harassing nature. If this is added to 98 respondents that completely agree, then everything becomes clearer. If we focus on the answers from the third question then we can conclude that maybe the preliminary questions were not sufficiently clear for the surveyed age groups and they have given not adequate answers to those questions.

4. Human beings greatly misuse the natural environment.



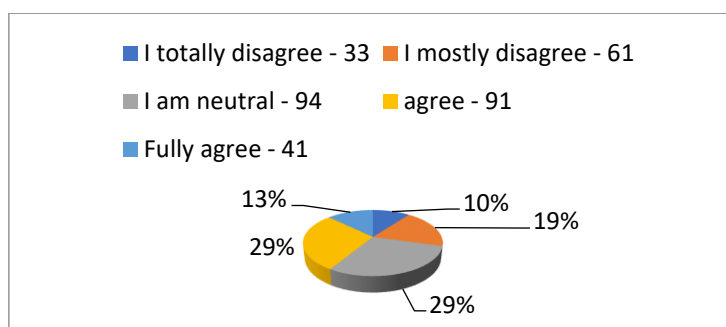
The fourth question even more confirms our assumption due to the fact that in these questions 125 respondents claim that human beings abuse the environment, while 123 others fully agree

5. The plant and animal world have the same right to life as humans



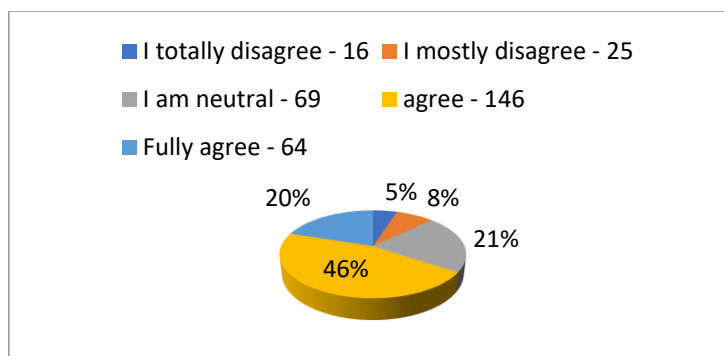
We are surprised by the fact that youth logic much more fairly than the older age groups for some fundamental issues related to the preservation of the environment. This is also evidenced by the answers given from the next question where 230 respondents agree or fully agree that the plant and animal world have the same right to life with humans.

6. Nature is strong enough to eliminate harmful effects caused by developed countries



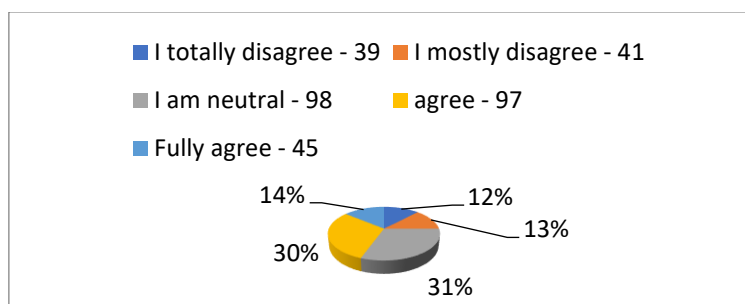
The next question to a significant extent reflects failure to properly inform the youth of Tetovo regarding industrial development. They did not do a better analysis, but have responded that nature is the one that in itself creates balance, bypassing the fact that traditionally developed countries have been the biggest environmental polluters. But this is not a rule, because many exceptions can be counted e.g the Republic of North Macedonia does not participate in developed industrial countries but is one of the most polluted sites in the globe. But because of the objectivity of these analyzes every time we have to consider the geographic extent of a state and the number of people living there.

7. Despite the great capabilities, as human being, we must nevertheless subject ourselves to the laws of nature



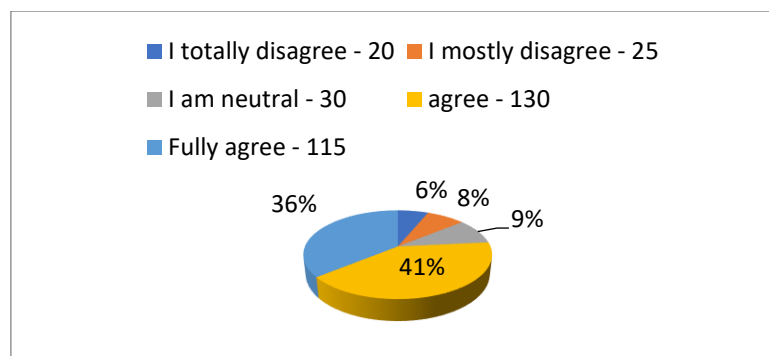
The next question again expresses a sound logic of the Tetovo high school youth, with the fact that 210 respondents have been expressed that apart from all achievements, human being must respect the laws of nature.

8. The so-called statement „ecological crisis” that is threatened to the human race is exaggerated (excessive)



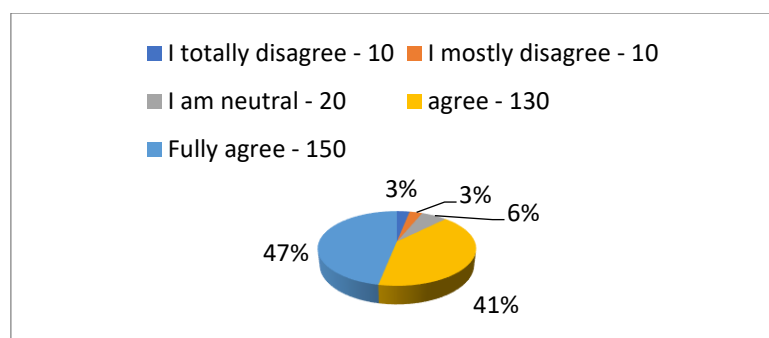
In the next question again, there is a slight fluctuation of attitudes with the fact that a significant percentage of respondents share the conviction that the ecological crisis debated in many local and global forums appear exaggerated.

9. Nature is very fragile and vulnerable



The next question is clearly noted the logical attitude of the respondents with the very fact that most of them (130 agree and 115 fully agree) agree with the fact that nature is however viable and vulnerable to the uncontrolled actions of the human factor.

10. If we continue to do so with the environment, we will soon be faced with a great ecological catastrophe



To the last question asked, the surveyed youths of the high schools in Tetovo have proved their full maturity with the very fact that they have rightly perceived that people can do everything but not to behave with irresponsibility to the nature surrounding them. They give clear messages to their answers if people behave with no responsibility to the living environment will soon be faced with consequences respectively with great ecological crises which will make the imbalance in the relation kind human – nature and from all that biggest loss will be human type.

Conclusions and recommendations

Based on the data obtained from the questionnaire we can conclude that the high school youth despite the elementary knowledge of the living environment, still, there is a need for additional activities in their schools explaining to them what are the capabilities of nature and resources that it has, what are the possibilities of nature in relation to the large number

of residents living on Earth today, to be taught that nature and everything that exists is in harmony with one another and every touch in this harmony causes its disorder.

On the other hand, youth should understand that people should not rule the living things and everything else that exists on Earth but to coexist with them and cultivate them.

Regarding the "ecological crisis", youth should know that it is not exaggerated, but with it as an existent reality, we should be regarded as individuals, as social groups and as an organized society, beyond what is meant by the conclusions of numerous national and international organizations and institutions that deal with this issue.

Starting from these recommendations, the municipality of Tetovo should be more active with regard to the development of activities from this field by holding various environmental seminars, collaborating with non-governmental organizations for citizen sensitization about how important a clean environment is. Also unavoidable necessity represents cooperation with central and international institutions to attract investment in this field, not to bypass in any way particular segments that contribute to raising the awareness and culture of citizens about the living environment.

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REFLECTIONS OT THE OHRID FRAMEWORK AGREEMENT ON THE POLITICAL SYSTEM OF NORTH MACEDONIA

Ph.DStudent FLAKRON BEXHETI

SEEU- Faculty of Contemporary Social Sciences – Political Sciences,

Tetovo, North Macedonia

Email: flakron.bexheti@hotmail.com

Abstract

In this study, we will focus on the Ohrid Agreement that derived from a peaceful conference which put an end to the armed conflict in Macedonia in 2001. We will also approach the causes that led to the conflict, the circumstances created that caused this interethnic military clash, the deadlock of the implementation of the Agreement, within the time frame envisaged in that agreement itself, the attitude of the Albanian and Macedonian political parties towards the Ohrid Framework Agreement and the contribution of the international political factor, which provided their contribution to the achievement of this Agreement from the position of facilitators. A lot has been written and said about this agreement, since its endorsement; numerous comprehensive analyzes have been carried out in various scientific conferences, debates have been held at university level and many papers have been published in different journals and conference proceedings by various different authors, who expressed their thoughts theoretically, scientifically and empirically, based on their arguments which they claimed were objective and real. I believe that the main cause of the non-implementation of this agreement or the prolongation of its implementation for more than a decade, is the result of the lack of a proper scientific analysis of the genesis of the military conflict between the two largest communities in Macedonia, namely between the Macedonian military and police forces and the NLA. Despite the pledge of the Government of the time as well as the post-conflict government, that they would respect this agreement and implement its provisions within the set deadlines, this did not happen because the intellectual attitudes and recommendations were absent or were disrespected; they were even fully ignored by the

political class, which already showed divergent attitudes between the Albanian and Macedonian side, and even internally, depending on who represented the opposition and the position.

Key words: Agreement, framework, conflict, implementation, international

INTRODUCTION

The dissolution of the former Yugoslav Federation as a result of the collapse of the "Berlin Wall", which remained the symbol of the collapse of Communism in Europe, ended in bloodshed because of the Serbian hegemonism, which could not accept the right of self-determination of the peoples represented through the republics and autonomous provinces in the Yugoslav Federation. As a result, it declared war on all of those who were set for independence due to the newly established democratic circumstances. Part of the federal units of Yugoslavia upon the emergence of political pluralism as well as the military confrontation with the remaining armed forces of the Yugoslav army, led by Milosevic, allegedly used to protect and defend Yugoslavia, gained their independence under constant and continuous military threats.

Macedonia, as a former Yugoslav Republic, managed to overcome this turmoil in an easier way, by proclaiming independence through a referendum that was boycotted by the Albanians, who were aware that in an independent state shaped by the views of its then president Gligorov, their requirements that had already become part of their political programs, would not be fulfilled. Those political parties were established under the conditions and provisions of the Law on Political Parties, which allowed political organization, as did many other ethnic Macedonian parties. Ten years after the declaration of independence of the Republic of Macedonia, the demands of the Albanians expressed through their political representatives were repeatedly ignored by the Macedonian majority. Overvoting as a phenomenon of the power of majority vote, through which democracy was abused, as Macedonian political forces did not make way for the consensual mechanism, so that Albanians too could realize their rights, did not allow any democratic changes at all; on the contrary, the rights of other communities living in Macedonia remained at the level of the individual and collective rights provided by the 1974 Constitution, perhaps worse than that.

The deterioration of the legal status of Albanians, which essentially ruined those few rights inherited from previous Constitution, originated in the 1989 Constitution as a warning for inter-ethnic destabilization and as a result of the Macedonian politics that was also influenced by the anachronistic Serbian nationalism, when under the conditions of a classical curfew, through amendments, Kosovo was denied its full autonomy that provided a constitutive status in the Yugoslav Federation. This model of the reduction of the inherited rights of the Albanians in Macedonia, which practically hardly managed to get realized in the single-party system, began to be realized precisely with the adoption of the 16th amendment of the Constitution, whereupon the following words were erased from it: ..., and a state of the Albanian and Turkish nationality in it".

At times when an advancement of the general state of the Albanians in Macedonia was expected by the Albanian factor, in terms of political pluralism and democratization, which would be even more favorable than the one guaranteed by the 1974 Constitution, the 1991 "democratic" constitution was adopted by the Macedonian MPs as a majority, at a plenary session by overvoting the Albanian MPs and bringing the status of the Albanian community to that of national minorities. These two constitutional amendments that were adopted by overvoting the Albanian MPs and the complete ignorance of their legitimate demands as well as many other politically-mounted events to the detriment of Albanians, brought up the armed uprising i.e. the inter-ethnic military conflict between the Macedonian police and military forces and the NLA.

The Ohrid Agreement, which actually terminated this interethnic conflict, and which obliged political parties to fulfill its provisions so that peace and trust between the two largest ethnic communities, Macedonians and Albanians, could be fostered, not only failed to meet the set deadlines, but rather lost its meaning and purpose, even though it was signed in the presence of international facilitators. The four-year deadline for the full implementation of the said agreement, is about to go through its second decade, remaining far from being implemented, even though different political factors, from both the Albanian and Macedonian bloc, being part of several government coalitions, claim from time to time that this agreement, which has had all the attributes to remain in history, has been realized in its finest detail; it is even worth

mentioning some recent statements by certain politicians from both sides, that it has already been realized hundred percent, and even more than what was initially foreseen.

HOW WAS THIS AGREEMENT REACHED AND WHY DID IT REMAIN A FRAMEWORK?

Despite comprehensive assessments by individuals, political parties, institutions, foreign politicians, diplomats, and many scholars of various fields who approached the Ohrid Conference, as a consequence of which this Agreement was designed aiming to be historic for the role it should have had in terminating a conflict that could have been transformed into the greatest bloodshed in the region, even today, 18 years later, this event has not been ultimately explained and clarified as such. Soon after the endorsement of this document by the main actors involved, under the presence of the international factors, who were not incidentally called facilitators and not mediators, there were two different assessments over this event - that of the Albanian collectivity, which hoped much from this achievement, even considering it as historic for the Albanians; and that of the Macedonians who considered it as the worst thing that had ever happened to them in history. Among the above-mentioned assessments by the two sides which obviously differed from one another, international views did not lack as well. They shed optimism that despite all issues the Ohrid Agreement may have caused, there were still hopes for a prospective future for Macedonia and its citizens. In the foreword of a scientific debate summary on the Implementation of the Ohrid Agreement, the President of Friedrich-Ebert Foundation, Peter Thelen, inter alia said: "However, it remains to be hoped that the relevant political and social factors, despite the objective problems, will succeed in creating conditions for a desired development by both its own citizens and the European nations²².

On the other hand, Ambassador James Perdue, on the occasion of the 10th anniversary of this Agreement, said: "The Ohrid Agreement is not perfect - negotiations under the threat of war are rarely perfect and implementation has not always gone smoothly. However, overall, it has come to be a model for ethnic relations in Macedonia and elsewhere.

This new beginning shared between those who thought they would lose everything and those who appreciated it as a moment of hope, divided on ethnic grounds, signaled in time that despite all expectations, this agreement was unlikely to be implemented in a qualitative

²² Peter Thelen, Preface of the Proceedings "Implementimii Marrëveshjesë Ohrit", Skopje 2002, p.10

manner within the planned time frame. The international factors, such as the EU, the US and NATO, were committed to establish a ceasefire since the outbreak of the armed conflict, when they harshly criticized the military organization of the Albanian guerrilla, considering it a formation with terrorist elements. These international assessments soon changed after the statements made by the then leader of the Albanian party in the government coalition, Mr. Arbën Xhaferi, who claimed that this conflict was not imported from external factors, referring to Kosovo, where their liberation war had just ended, but as a reflection of the violation of the rights of Albanians, including those inherited from the former Yugoslav Federation. This reality was not to be accepted by the Macedonian side, and they continued to believe that this war was imposed from abroad, alluding to Kosovo. Even after the Endorsement of the Ohrid Agreement, the NLA continued to be considered as a terrorist organization, and therefore they did not even want to hear about the inclusion of NLA representatives in the peace negotiations in Ohrid.

The political class, as well as most Macedonians, refused to accept and let alone to implement such an agreement. Crvenkovski's left-wing political party, not being satisfied with this agreement, repeatedly ignored it seeking to create and endorse other inter-ethnic agreements, being certain that they would be able to find ways to prevent the real implementation of the Ohrid Framework Agreement.²³ The Macedonian parties of the time could not accept the fact that, Albanians were organized in an army and had a military uniform in their country, rather, they used to claim that a group of terrorists had come from Kosovo to occupy Macedonian territories. Their attitude towards them and their qualification of them as terrorist groups continued even after the Macedonian Assembly, under the influence of the international factor, made the decision that these young men who had gone out into the mountain, were internal armed groups; therefore, even after the endorsement of this document, which they could not stop from coming into being, they could still not believe this new reality, which was the result of a conflict between those who "defended the state and those who wanted to destroy it." Based on these completely opposing assessments between Albanians and Macedonians with regard to the 2001 conflict, which resulted in the Ohrid

²³ See in: Arbën Xhaferi "Kazuza Shqiptarë në Maqedoni 02", Tirana, p.309

Agreement, the epilogue of its realization was known in advance, and that was its prolongation to the limits of non-realization and ultimately its annihilation.

If we analyze the title or the name of this document itself, the "Ohrid Framework Agreement", we can conclude that, since the beginnings of the organization of this conference, its epilogue was known, perhaps this document not only is not devastating for Macedonia at all, but on the contrary, it greatly strengthens the unitary character of the state, privileging the majority of the population as the only ethnicity comprising the constitutive element of the state. The framework of this agreement does not allow for additional demands by Albanians, so Macedonian politicians felt quite comfortable in this situation because the definition itself guaranteed that Macedonia would exist within its actual framework, even though they trumpeted that the demands of Albanians, some of which were included in this agreement, were devastating for the state²⁴.

STATISTICAL CALCULATION IN PERCENTAGES – IRRITATING TO ALBANIANS

The most frustrating part of this agreement for Albanians has always been the "20%". For the first time in a peaceful conference aimed at extinguishing the armed conflict between the members of two larger ethnicities, one party maintains all the privileges continuing to utilize its original name, while the other party continues to be mentioned only as a percentage. This label attributed to the Albanian community, at a conference that sought reconciliation, became part of the Constitution of the country and the laws that derived from those changes. The denomination of the Albanians through percentage, on the basis of which they were supposed to acquire their rights, attests to the humiliating attitude by the Macedonians towards the second largest ethnic community in this country; therefore, even though the document in question provided for the *officialization* of the language spoken by 20% of the population, it did not determine which community it was. Other rights as well, such as adequate representation, the use of the consensus mechanism, local government, denomination of institutions, etc., remained without the denomination of the community to which those rights belong. This way of defining one's rights, without mentioning which community it is about, is not a strong and permanent warrantee for the full and equal

²⁴Ibid, p.308

affirmation of the part of the Albanian nation living in Macedonia, which means that this agreement is founded upon numbers and percentages.²⁵ The masterminds of the transformation of the denomination of Albanians, apparently without any remarks from the international facilitators, did not actually mind the "framework" addendum, which means that Macedonia as a state should remain the same as it was before the conflict, within the limits that should not be affected, and the majority community, the Macedonians, should further remain the only nation-state community that excludes Albanians by considering them only as a percentage, within which another minority community may reach this percentage at the level of local self-government units. Apparently, through the mechanism of numbers that does not apply to Macedonians, the status of the Albanians, even after this agreement, remained that of the minority, against a single community as a majority.

This new political philosophy that claimed the multiethnic state model by percentage divided the citizens into two categories, favoring only the largest majority while eliminating the second largest community, against the minority which does not exceed 4% at a state level. Although the spirit of the Ohrid Agreement was the establishment of a civic state, Macedonia has continued to function as a mono-ethnic state even after about two decades of the endorsement of this conciliatory philosophy²⁶. Another ploy, that also underestimates the Albanians, apart from the percentage, although not named as such, is the formulation of equal and adequate representation of the non-majority (i.e. minority). The wording "Equal representation for all citizens" would be comprehensive, and would represent all in the same way. The word "adequate" prejudices the Albanians who, although being required to have necessary percentage, should also be adequate in order to respond to the given workplace. Based on this part of the formulation, Macedonian authorities in some way retain the right to veto some of the top state functions, such as the President of the State, the President of the Assembly²⁷, the Minister of Foreign Affairs, the Minister of the Interior and many directors of

²⁵ See: Etem Aziri "Rëndësia e Implementimit të Marrëveshjes së Kornizë për demokratizmin e shoqërisë Maqedonase", Conference Proceedings, Implementation of the OFA, Skopje 2003, p.87

²⁶ See Blerim Reka, "Marrëveshja e Kornizë e Ohrit – Filozofi e re politike për funksionimin e shtetit Multi-etnik" Ohrid Agreement, Tetovo, 2001, p.12

²⁷ In the current composition of the Parliament, with the insistence of all Albanian parliamentary political parties that conditioned the formation of the Government led by Zaev, among other requested that the Speaker of Parliament this time be Albanian; this request was accepted by the parliamentary majority. The MPs of the Macedonian opposition VMRO-DPMNE did not agree with this and incited the Macedonian nationalist crowds outside the Parliament to get in, providing the possibility of attacking in the most brutal way the MPs elected by people's vote, among whom Ziadin Sela, the leader of the Alliance for Albanians, were tortured almost to death.

specially important directorates concerning 'state security'. These manipulative tendencies are not necessary and complicate the employment procedures for Albanians, with the hypothetical assessment whether the Albanians converted into numbers, are prepared to perform certain tasks that are indirectly reserved only for Macedonians.

THE OHRID AGREEMENT LIMITS THE OFFICIAL USE OF THE ALBANIAN LANGUAGE

When speaking of the use of the Albanian language and its *officialization*, according to the Ohrid Agreement, the syntagm 'Albanian language' is implied within the percentage, which according to the authors of this mathematical expression, this language has a temporary privilege of use at this level meaning that with the decrease in the number of inhabitants of the Albanian population, these rights are automatically reduced. The Macedonian language and its Cyrillic script remain in undisputed positions, even in more comfortable positions, because any advancement of the percentage language cannot go beyond the framework of this Agreement, which in this case serves as a protective element of the state, majority ethnicity and their language, which, as a language of uncontested positions, should be present wherever the other language converted into percentages is used. The Albanian language in this case will rather play the role of the interpreting/translating mechanism rather than act as an independent and a resourceful language. It is a fact that Macedonian politicians and government officials in general are more concerned about acquiring translators from Macedonian into Albanian rather than the position of a second official language which Albanians should use and write in its own script, by respecting all the norms required by the contemporary language standards, wherever it is spoken and written.

The status of the Albanian language in Macedonia, in the country where it is spoken by more than 30% (officially 25%) of the population, seems to share the same fate with those who speak it, because linguistic pluralism in this country was understood and interpreted according to the desires of the majority people and their political elites, sanctioned by laws that favored only the language of the Macedonian majority²⁸, those laws were supposed to be based on the Ohrid Agreement. In later laws adopted by the Macedonian Parliament, as with many other issues, the issue of the Albanian language, always converted in percentage, failed to gain an equal status with the Macedonian language. If we read paragraph 5 of Article

²⁸Vebi Bexheti, "Jehu dhe Jehu ifjalës", Tetovo 2015, p.118

6 of this Agreement, which reads, “Any other language spoken by at least 20% of the population is also an official language”, then there is no need for this language and its use to be limited only to the percentage at a local level, and in certain state bodies, as according to the above-mentioned Article of the Agreement, 20 percent refers to the general population in the entire geographic extent of the state. However, even when this percentage language was significantly advanced, obstacles of different nature derive from laws that in some way undermine the use of this language, as foreseen in the Ohrid’s Agreement. This flounder of the use of the Albanian language, expressed in percentage, was reflected in a number of laws on the use of languages that did not guarantee that right, as foreseen in the Ohrid Framework Agreement. The new government led by the Prime Minister Zaev, finally brought a law, which compared to the previous legislation, significantly advances the status of the Albanian language, even at the official level, though not equal with the Macedonian language. Moreover, it was done as a result of the pressure of the Albanian parties, which conditioned the granting of the consent for the formation of the current Government by revealing the above-mentioned requirement.

CONCLUSIONS

The Ohrid Agreement terminated the armed conflict on ethnic grounds, giving way to peace and understanding between ethnicities in the Republic of Macedonia.

There were impressions and appreciations of this agreement, which was also considered historic, which differed based on ethnic grounds. Although the Macedonian side was obliged to implement it within the set deadlines, being also a legal obligation as such, it never expressed any political will to implement this Agreement, as evidenced by its lack in their political party programs.

All Albanians were interested in implementing the Ohrid Agreement, which came out as a result of a conference, under the supervision of the international factor and of the political elite of Albanians, in synchronization with the representatives of the armed wing at that time.

The biggest responsibility for the non-implementation of the agreement, according to the envisaged plan, lies on the VMRO-DPMNE, installed for about 15 years in the Government of Macedonia, without excusing the Albanian Party, DUI, as their government coalition partner, having always led the Secretariat for the Implementation of the Agreement.

The international community was also very interested in the timely and accurate implementation of the Ohrid Agreement; they have constantly stated the need of full implementation of this agreement in their Progress Reports on Macedonia, since it was one of the key elements for the integrative processes of this country in NATO and the EU.

Statistics speak of the failure to meet the right and adequate representation of the Albanians, even 18 years later, from the time when this Peace Conference was held; what is worse, in many directorates and government institutions, this percentage ranges from zero to less than 5%.

Failure to engage in and ignorance with boycotting elements by the Macedonian political elite of the implementation of the Ohrid Agreement can also be seen in the still low percentage of ministries, directorates and many other institutions lead by them.

The Law on Local Self-Government and the Law on Financing of Municipalities, as a very important segment where the non-majority population was about to realize their rights, has remained disadvantageous until today for the majority of Albanian municipalities.

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INTERNATIONAL ORGANIZATION AND SUCCESSFUL MARKETING IN ALBANIAN STAKEHOLDERS

Dr. GERTI DAJCI

Tirana Business University College, Tirana Albania

Abstract

The key element for a successful organization is to do internal marketing; that is, to gain the support of the stakeholders and the visionary leaders who support the need to implement it. Implementing thoughtful remedies to put in place to overcome these stakeholder barriers and resistance are the opposite forces facing their resistance. Key leaders must empower their stakeholders and generating consensus. To accomplish this, leaders need to embrace their core basic values and beliefs of honesty, reliability, fairness, self-discipline, and develop responsible management practices to meet reasonable stakeholder expectations. The organizations must provide training and learning to empower their employees toward the desired direction, either technical, financial, political, etc. This paper explores, identifies, and assesses an implementation plan for many international organizations. This paper combines relevant literature research that is relevant to the implementation plan, and discusses issues, solutions, execution of the solutions, and evaluation of the implementation plan.

Implementation Plan and Organizational Structure

Key supporting factors of how you implement the strategic plan defines the success of your company. Those organizations that are successful at implementing strategy give thought to the organizational structure. They ask if their intended strategy fits their current structure. And they ask a deeper question as well... "Is the organization's current structure appropriate to the intended strategy?" (Birnbaum, 2011). Organizations successful at strategy implementation consider the human resource factor in making strategies happen. Consideration of human resources requires that management think about the organization's communication needs. That they articulate the strategies so that those charged with developing the corresponding action steps (tactics) fully understand the strategy they're to implement (Birnbaum, 2011). After

further review of implementing strategic plan, organizations should take different opportunities for planning process, which will help with implementation of your strategies in later years.

The researcher introduces an organizational structure based on the leadership. Starts with the CEO and ends with the managers of particular departments. Each of the leaders is responsible for their department and the assigned tasks to their employees. A great leader can take a group and accomplish what was impossible to many people. In order to accomplish the goals, they must make incremental changes that are challenging, but not impossible. A leader should give to organization a string of successes, which builds momentum and attitudes that helps to overcome difficult situations in the future.

Monitoring, control, and follow-up mechanisms

The key element for a successful organization is to do internal marketing; that is, to gain the support of the stakeholders and the visionary leaders who support the need to implement it. Implementing thoughtful remedies to put in place to overcome these stakeholder barriers and resistance are the opposite forces facing their resistance. For example, if they fear losing their job, the organization must assure them that if they do not change course and adapt to the new direction, there will be no job to keep. Key leaders must empower their stakeholders and generating consensus. To accomplish this, leaders embracing their core basic values and beliefs of honesty, reliability, fairness, self-discipline, and develop responsible management practices to meet reasonable stakeholder expectations. The organization must provide training and learning to empower their employees toward the desired direction, either technical, financial, political, etc. In addition, there should be measurement systems and surveys in order to track the effects of change. Change management implementation throughout the organization for effective follow-through mechanisms, such as the principles of continuous improvement. The ability to build local and international relationships, enable the gathering of current data from all levels of the organization, and remain current with external social and environmental changes significantly add to developing and steering strategy implementation.

Time Frame

Increased awareness of the impact individuals and organizations have on the community, economy, and the environment has created a demand for socially and environmentally sustainable products and services in many industries.

To have a better understanding of the success of the strategic plan, the researcher will create preliminary 1-2 years timeline projects development as a business strategy.

Solutions Focused Learning (SFL)

To have a better understanding of the implementation plan, the researcher will use Solutions Focused Learning (SFL) method as a part of the strategy. Solutions Focused Learning (SFL) is a learning method, which may be used frequently in the fields of counseling and education along in the field of management (Metcalf, 2008). The researcher by diagnosing the needs of the market and customers is able to be more successful in the industry.

Specific teams of managers in the researcher will create research for the best solution to demands of the customers as a part of strategic implementation plan. A solution to issues above is the 'value' in the model above is the market value: the 'fair price' as perceived by customers. The approach for value innovation is business growth concentrating on new markets and strategic approach to business growth, involving a shift away from a focus on the existing competition to one of trying to create entirely new markets. Value innovation is achieved by implementing a focus on innovation and creation of new markets (Drucker, 1993).

This strategy gives to the organizations upon entering the market a competitive advantage, or be first advantage movers. This strategy allows not to focus on the differences among customers, but as value innovators looking for what customers' value in common. Rather than view opportunities through the lens of existing assets and capabilities, value innovators (Drucker, 1993).

Sustainable competitive strategy requires that organizations adopt a broad business view. It requires that organizations continuously pursue growth opportunities and innovative ways to improve existing products and services. Porter (2008) discussed the importance of successful organization adopting a mixed generic strategy of cost leadership, product differentiation and a focus strategy. Organizations successfully adopting and implementing a mixed generic strategy have the advantage to gain and maintain competitive advantage as competitors may be unable to duplicate approaches and strategies. As a part of the execution of the strategic plan, organizations should pursue a mixed generic strategy of leading the industry in providing cost effective products and services. The organizations will pursue this strategy by forming alliances with contractors, suppliers, and appliance manufactures to provide consumers added savings. Successful organizations at implementation plan are aware of their need to fund their intended strategies and they begin to think about that necessary financial commitment early in the planning process. Annual business plan is an important tool to evaluate the success of the strategic plan. There is a reason why many organizations choose to follow an annual business performance; the unpleasant surprises that might arise during the budgeting time. To successfully implement your strategy, monitoring is an absolute necessity. Monitoring and controlling the plan includes a periodic look to see if you're on course. It also includes consideration of options to get a strategy once derailed back on track. The department managers must monitor the tactical plans, and the executive planning team must monitor the strategic plan. That way, if the strategy isn't happening, we can consider other options – changing the strategy, changing its implementation, or changing its due date.

Recommendations

Organizations today need to be better than their competition in competitive decision making, when analyzing strategic their options, consequently they will be a company that sets

the tone for their industry then follow those leading. That is why implementing a plan of your strategy is important. To be an industry leader who sets the tone, and not a industry follower new and emerging business need to better understand those strategic options, and how important they are in the implementation process. The purpose of this research is to understand this process, analyzes and then creates a set of implementation plan to determine which business opportunities works best for international organizations, then justify those strategies. Implementing your strategic plan is as important, or even more important, than your strategy. A strategic plan provides a business with the roadmap it needs to pursue a specific strategic direction and set of performance goals, deliver customer value, and be successful. As a part of implementation plan, the researcher has identified the main issues of the strategy and has created solutions, which it will be executed in a time frame of one year. According to the results of the executing the strategic plan, organizations will evaluate the performance and take the necessary actions.

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Graphic art in Kosovo: Artist Shyqyri Nimani

Mr. Sc. Jeton Rexhepi, PhD.c, ,
University of Tirana, Faculty of History-Philology
Jetonrexhepi@live.com

Abstract

This article seeks to present an attempt to analyze the works and creativity of Kosovar artist Shyqyri Nimani. On the one hand, the article focuses on the reflection of the artist's artistic experience, such as his formation, techniques, his worldview, and on the other hand, the theme lies in the visual-aesthetic analysis of their works. This analysis serves to examine essential aspects in terms of experience and artistic creativity of graphic art in Kosovo. The method used to examine and analyze the works and creations of artists is the visual-aesthetic research method, following the narrative approach.

The article on this artist as the creative process is a testimony of the artist in the time where he lives, acts and conveys his worldview about life, the individual and the environment in which he lives.

Keywords: *art in Kosovo, graphics, creative process, Shyqyri Nimani*

Introduction

Like any other art, graphic art has its own language. The language of graphics can be symbolic in the form of sign, reflexive, associative and figurative. The thematic element of artistic expression in graphics is the sign. It is also expressed in light, surface and color. Graphics are created according to the principle of harmony of lines, shapes, light and shadow, harmony of our own, etc.

Over time, mankind has made great strides, such as speaking and writing, which are an essential part of communication. The invention of writing is one of the greatest achievements. Through it, man has managed to reflect cultures, knowledge and knowledge, minds, thus preserving and transmitting them to future generations. But before writing could be invented, prehistoric man used image as a form of writing, and the most subtle way to present reality.

Paintings in caves are the first forms of artistic expression. But the invention of writing was what brought about intellectual revolution, economic, technological progress, and cultural development. Both writing and image, or graphic presentation, are essential forms of communication. During the times of art, the printed image, or otherwise the graphics, through its communicative language has helped not only to present ideas and thoughts, but also to reflect artistic-aesthetic values.

In Kosovo, graphic design has only one name, that of Shyqyri Nimani, who is also the founder of the department of Graphic Design at the Faculty of Arts in Pristina. His creative work is unsurpassed and the development of graphic design in Kosovo bears his stamp. He broke all expectations and made a great contribution in the field of graphic design as the most illustrations of books, logos, posters, books, writings, translations, songs, etc.

Interest in this field of art was very high in Kosovo, because every year to be admitted to the branch of graphic design competed from 100 candidates of which only four were accepted, a number that later increased to seven. The beginnings of design in Kosovo are closely related to Esat Mekuli and the periodical "Jeta e re", where for the first time our artists were presented and one of them was Shyqyri Nimani. As a professor of graphic design Sh. Nimani released many well-known names in the field of graphic design.

The designers of the first generation are: Shyqyri Nimani, Faik Krasniqi, Agush Beqiri, Mendu Nushi, Muhamet Ahmeti-Metisi, while the second generation belong to: Alban Nimani, Rrezart Galica, Gëzim Brestovci, Zeni Ballazhi, etc. The University of Prishtina and the Kosovo Art Gallery keep the logos made by Shyqyri Nimani.¹

Shyqyri Nimani was born on May 6, 1941 in Shkodra, Albania. He graduated from the High School of Arts in Peja. After graduating from the Academy of Applied Arts in Belgrade in 1967, he pursued postgraduate studies and graduated from the Academy of Arts in 1969 in Belgrade. He returns to Kosovo to contribute to the artistic life of his country. In 1976-1978 he won a scholarship from the Japanese Government for professional development.² After returning to this specialization, Nimani worked as director of the Kosovo Art Gallery during the period 1979-1989 and as dean of the Faculty of Arts in the period 1991-1994. Academician Nimani's field of activity is in: graphic design, painting, music, translations, scientific research, and his academic contribution to cultural documentaries, open lectures, commissions of artistic competitions, etc. is known. Nimani was educated in the visual arts in several different parts of the world. The first inspirations by Paul Rand (1914-1996), Roger Fry (1866-1934), Andry Warhol (1928-1987), David Hockney (1937-2022).³ Nimani is one of the few artists in Kosovo who is comprehensive in artistic creativity. and has over 55 years of career in the visual arts field. He is considered a founder of the Department of Design at the Faculty of Arts in Pristina.

His first beginnings were in artistic posters for theater and film. Nimani made the Declaration of Kosovo's Declaration of Independence in 2008 in Caligrafi. He has opened over twenty personal exhibitions around the world. Nimani belongs to the second generation of creators in Kosovo, but due to lack of staff in the field of Graphic Design Shyqyri Nimani enters the first generation of creators in Kosovo.

Including all this, art then has an important task: to be a communicative source that proves and communicates individual and shared values. This is because art belongs not only to the cultural sphere, but also coexists with all other influential factors, such as social, political and economic contexts and conditions. Art is not only a source of communication, but it comes as a testament to the artist's time in which he lives, acts, and conveys his worldview about life, the individual, and the environment in which he lives.

Shyqyri Nimani is known for his creative originality. It relies heavily on the tradition of centuries-old artistic design, on objects of extraordinary artistic value that have been discovered by archeological research (bylyzykë, earrings, necks, rings, fibulae, figurines, etc.) and on the traditional handicrafts of folk art (filigran). , engraving, metal forging, carpets, embroidery, vorbëtari, etc.) Applied art, more than

every other art lives alongside man and is therefore permanently progressive, presenting the truth of the society of contemporary civilization.

Nimani's creativity is great for the fact that he has worked on all the techniques of Graphic Design. Public and Private Institutions in Kosovo such as: "Kosova Filmi" (1967), "Grand Hotel Prishtina" (1976), "University of Prishtina" (1979), "Kosovo Art Gallery" (1980), "Writers' Association of Kosovo" (1990), "Economic Bank" (1992), "School Book" (1997), "National Theater of Kosovo" (2001), "Kosovo Police Service (2001). One of the posters made by him is "Family 117" and the jubilee poster for "100 years of Independence". In 1977 he illustrated some of the Japanese poems such as "Haiku" (40x40cm). One of his most accomplished paintings in the genre of painting is "Beautiful Japan and Me" (104x52cm) made in 1977.

During his stay in Japan, Nimani created over twenty paintings of various formats.⁴ Things from past paintings in the best years of his career can only come from the fantastic Japan and the creative hand of Shyqyri Nimani, who magnifies the painting. Love, beauty, glory, tradition, history, nation, peace, etc. build the originality of the works of the artist Nimani. "Haiku". The painting created in Japan transforms him into a character who associates impressionism with Vincent Van Gogh (1853-1890). It is a reminder of the past to draw attention to a memory of Japanese poetry as haiku. "Beautiful Japan and I" is an exhibition in itself for the author and visual art in Kosovo.

Shyqyri Nimani, one with other landscapes with illustrations for Japanese literature and poetry illustrated in an expressive language "ukijo-et" (drug carvings). Ukiyo, often translated as "photographs of the floating world," refers to Japanese graphics and stamps with a wooden matrix. They first described the circles of urban pleasures during the Edo Period, when the sensual attributes of quiet life under the peaceful rule of the Shogun. These idyllic tales not only document leisure activities and the climate of the era, they also describe the Japanese aesthetics of beauty, poetry, nature, spirituality, love and bodily beauty. Ukiyo was one of the first forms of Japanese art to spread to Europe and America. The aesthetics of this style influenced many artists and Western artistic movements such as Impressionism, Art Nouveau and Modernism.

Inspired by this idyllic world of Japanese graphics, Nimani did some painting work. "Haiku" is another important painting as a symbol of the sunrise on an island. The interpretation in the painting is simple, three-color background, a figure with some hands which are covered. They are intentionally covered or separated from the body and show the painter's imagination and skill for visual art as a form of figurative, green expression of a pedestal sitting above the costume (Kimono Samurajësh). Hair style, beard, waist belt are just some of the details that the painter takes care of to the maximum. The blue background haiku, a butterfly in the middle, the two sides with figures, a Japanese girl and the figure of the artist Nimani bringing the writing of calligraphy inside the painting, is unifying with the pictorial harmony. Sarcasm, irony, cartoons, surrealism, calligraphy, etc., are high artistic and conceptual values in the creative imagination of this artist.

"Beautiful Japan and I" (1977) is another painting by Niman that draws inspiration from Japanese art. Through the language of graphics, the author describes through tones and graphic signs, putting in the foreground a portrait of a woman, which creates perhaps a special style of interweaving the technical language of the realization of a picture. A shading with colors such as: green, blue, red and brown are related to the contrast of the countries which come and the languages which has used or even the beliefs of those countries. The ribbon, braids, eyes, clothing are the most beautiful part of the compositional realization, which differ from the portrait "Geisha".

Another genre that Nimani delivered was graphic solutions of logos and emblems. Among them we mention the logos of "Kosovafilmi", "Grand Hotel Prishtina", "University of Prishtina", "Gallery of Arts of Kosovo" etc.⁵ They are unique and unrepeatable, each in itself carries a story, a memory that everyone can learn the syllables of Niman's applied language. These syllables and this alphabet have a content: The history of Kosovo from the beginning until today. It is the first nursery that every student will face with the understanding of shapes, lines, numbers, colors, contrast, harmony, aesthetics, poetics, heraldry, Ulpiana, battles, victories, values, etc.

Three colors identify the Niman logo, black, red, blue. Their research with different locations, proves Niman's love for the homeland brought in the visual language, such as: "Dardan Idol", "Map of Kosovo", "Silver Damastion Coin", "10th anniversary of Recak", etc.

Postage stamps are another genre of graphic applied art that Nimani developed. The chickens started to be emitted starting from 2000 onwards when the Post and Telecom of Kosovo started. Nimani realized four postage stamps: "Orpheus", "Idhulli Dardan", "Map of Kosovo", "Damastion in Dardania".

Nimani has also worked on digital graphics. In the case of the author's digital graphics, it is as impressive as that: "Attack on Language" (2012). Academic Poster for the Kosovar film "Family 117" with dimensions 70x50 cm, produced by Kosova Film with screenplay and direction by Besim Sahatçiu. This work is related to the time which affected other arts along with the visual ones as a national project. Here the artist reflects his emotional state, we easily distinguish on his shoulders the history, the tradition, the nation, the flag, the Albanian school, the language of the grandfather, etc.

As a form of artistic expression in the visual arts, the artist Nimani has created a jubilee poster built with the figure of Ismail Qemali. Text, red, flag, symbolism, painting is just a message to others who have the opportunity to elevate national figures.

Shyqri Nimani is considered the most prominent creator of graphic design in all Albanian spaces. His works stand out for their creative spirit, ideological clarity and color sensitivity (Japanese cycle: Beautiful Japan and I, Geisha, Nature Protection); while, from the Albanian and other motives, there are: "Trubaduri", "Familja", "Elena Gjika", "Let's rebuild Kosovo together", "Shën Tereza Shqiptare".

Nimani is a multi-talented artist, delivering illustrations, posters and shaping symbols. On the occasion of his study trips to many world centers and two-year specialization in Japan, he has completed his knowledge of art, aesthetics, and thus in the treasury of graphic design, has created works with lasting artistic values. With rich figurative language, Nimani cultivated theater, film and culture tiles as well as political tiles. With the brilliant premise in the context of visual communication, among others, the plaques stand out: "Nature protection", "Old wounds", "Foreigner in Japan", etc.

Nimani reveals another historical and cultural dimension of informing about events and personalities who contributed in various fields for Kosovo and Albanians. The attack cannot be just physical, military or manifested in various forms: in literature, in music, in the visual arts, etc. It is a message for people and institutions to preserve and care for the Albanian language.

The Faculty of Arts contributed quite a lot to the fight against illiteracy. And one of the forms of this contribution was precisely the role of artists, who visually materialized the words of the Albanian alphabet. Shyqri Nimani, professor of this faculty, illustrated the book.

"Primer", author Mehmet Gjevori. In his memoirs, Nimani explains that in 1970 he drafted the curriculum for the department of graphic design of the Faculty of Arts in Prishtina together with Agush Beqiri from Peja. After a walk through Kosovo, they noticed that more than 70% of industrial factories for graphic design needed to admit more students. In the competition announced for registration in the design, up to one hundred students competed, while only four were accepted, which was a special contrast, given the market need and interest.

Nimani remains one of the Kosovar artists who applies his intellect and spiritual world so that what he produces will surpass nature. Art allows man to shape his inner self. Nimani creates art based on his experiences, to express their cultural identity, not only their identity, but also his relationship with the world and the public.

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EDUCATIONAL MEASURES ACCORDING TO ALBANIAN PENAL LEGISLATION

MIRGEN PRENÇE

**Lecturer at Faculty of Law
Tirana Business University College**

Abstract:

The paper analyzes the educational measures in the historical field beginning with the Albanian Criminal Code of 1928 until nowadays. The criteria for providing educational measures under the criminal legislation, as well as the assignment and revocation of educational measures, are analyzed. There are comparable types of educational measures under current criminal legislation to those of previous criminal codes to see what educational measures are appropriate to be put in legislation. Comparative aspects occupy a special place where our legislation will be compared with educational measures with some of Balkan states.

Key words: Educational Measures, Legislation, Criminal Law, Prevention, Penalty

Historical Review of Educational Measures

Educational measures although not specifically, they were grouped in the 1928 Criminal Code. At the request of the prosecutor, the court could decide that the juvenile should be locked up in an institute of education and improvement until he reaches the age of twenty. The court may revoke the closing decision at an institute of education and improvement and decide that the child be handed over to the parents or the person responsible for the education.

The criminal law²⁹ provided sanctions when the child was given to their parents or the responsible person for his education. In these cases³⁰ the court gave orders to take care for the child, the parents or the responsible person for his education. These people had the obligation to see the behavior of the child. If they did not realize that the kid perform any kind of delinquents, had to pay a fine from one hundred to five hundred gold francs.

The educational measure could be applied when for the committed offense is predicated a sentence of imprisonment, not less than one year.

Almost the same educational measures are also noted in the Criminal Code of 1952. Article 39 of this code provided as educational measures for the juvenile to be handed over the care of the parents, adopters, loved ones and other close relatives, have the opportunity to keep it, people or institutions and lock in a special institution of education and treatment.

²⁹ Article 54 par.1 Albanian Criminal Code, 1928.

³⁰ Article 54 par. 2 Albanian Criminal Code, 1928.

The Criminal Code of 1977 in Article 28 provided two educational measures: the placement of a minor in an educational institution and the leniency of the person for education to the collective or social organizations. With the changes in 1988, the following educational measures were added: social reprimand, the impetus for the attestation for one year, the assignment to a job that is paid less in 6 months in the same enterprise, institution and social organization, other social organization or organization within the district, prohibition of exercising a particular activity or skill for a period of one to five years and dismissal. Warning or reprimand by the police may be applied to those children who have committed minor offenses³¹.

Regarding juvenile legislation, states can be classified into two groups. The first group includes those countries that do not have a special law on juveniles in the legislation, but have a special chapter dealing with juvenile affairs in the Criminal Code. Here are parts of countries such as Hungary, Bulgaria, Slovenia, Lithuania, etc.

The second group includes those countries that have a special law on minors in domestic legislation. In this category are: France, Germany, Albania, Germany, Switzerland, Romania, Croatia, Serbia, Macedonia, Kosovo.

The Committee on the Rights of the Child emphasizes the fact that many provisions are left at the discretion of the Member States of the Convention on the Rights of the Child. Discretion is also related to laws and procedures. They may be dealt with in separate chapters in the general part of the Criminal Code and the Criminal Procedure Code or set out in a separate law³².

There are countries where no person below the age of 18 is sentenced to imprisonment. These young people are under the auspices of social agencies and are not in countries that are part of the criminal justice system³³.

For juveniles, detention should be the last measure given and should be applied in special cases³⁴.

³¹ Femi Sufaj, Marinela Sota, Rasim Gjoka, *Manual trajtimi per profesionistet qe punojne me femijet ne sistemin penitenciar*, INFBOTUES, Tirana, 2012, p. 11.

³² Committee on the Rights of the Child, General Comment No. 10 "Children's rights in juvenile justice", p. 24. <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³³ Femi Sufaj, Marinela Sota, Rasim Gjoka, *Manual trajtimi per profesionistet qe punojne me femijet ne sistemin penitenciar*, INFBOTUES, Tirana, 2012, pp. 13-14.

³⁴ Femi Sufaj, Marinela Sota, Rasim Gjoka, *Manual trajtimi per profesionistet qe punojne me femijet ne sistemin penitenciar*, INFBOTUES, Tirana, 2012, p. 14.

States that are part of it, are obliged to take all measures to protect children from entering into conflict with the law. As a result of the lack of juvenile justice policy, the states only provide some statistics on the measures given to children who are in conflict with the law³⁵.

At the moment when an educational or educational measure is taken, the age of the child should be taken into account, reintegrating the child into society and taking a constructive role in society. This principle applies throughout the process of dealing with the child at the time of contact with the law enforcement agencies. It is necessary for the persons involved in the administration of juvenile justice to take into account child development and persistence³⁶.

In the doctrine was mentioned the idea that:

After the adoption of the Constitution in 1998, several important laws have been passed, which have completed the legal framework of the juvenile justice system, such as Law no. 8328 dated 16.04.1998 "On the rights and treatment of prisoners and detainees", Law no. 8331 dated 21.04.1998 "On the execution of criminal decisions", Law no. 8677 dated 02.11.2000 "On the judicial police", Law no. 8678 dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", Laws on the State Police, the Prison Police, the organization of the judicial power in the Republic of Albania, etc³⁷.

All the laws mentioned above play an important role in the juvenile justice system, but it can't be said that the juvenile justice system is complete. The fact that the juvenile justice system is incomplete shows the inclusion of juvenile justice in justice reform.

The establishment of juvenile justice is indispensable, even delayed. This should be integral to the reform in justice, as Albania has a discrepancy between the standards set by the many international children's rights documents, dating back to the past and the projections in the law, between the standards for a friendly juvenile justice foreseen in different laws and degree of recognition and respect for them in practice; the number of children in contact with justice and the forms of reaction of the justice system³⁸.

There was a need for a specific law on juvenile justice to offer those who are charged or punished for criminal offenses, but also those who are victims or witnesses of these offenses, protection and treatment that is needed, other than adults³⁹.

³⁵ Committee On The Rights of The Child, Children's rights in juvenile justice, 2007, p. 3.
<https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³⁶ Committee On The Rights of The Child, Children's rights in juvenile justice, 2007, p. 6.
<https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³⁷ Femi Sufaj, *Sistemi i drejtesise per te mitur ne Shqiperi krahasuar me standartet nderkombetare*, Revista Shqiptare per Studime Ligjore, nr.1/2011, p. 66.

³⁸ Part of the speech of Prof. Dr. Vasilika Hysi ne kuader te tryezes se konsultimit publik me teme "Drejtësia e te Miturve ne fokus te Reformes se Sistemit te Drejtësise ne Shqiperi",
<http://www.reformanedrejttesi.al/aktivitet/drejtësia-e-te-miturve-ne-fokus-te-konsultimit-publik-per-reformen-ne-sistemin-e>

³⁹ Part of the speech of Renate Winter, anetare e Komitetit te OKB-se mbi te drejtat e femijes ne kuader te tryezes se konsultimit publik me teme "Drejtësia e te Miturve ne fokus te Reformes se Sistemit te Drejtësise ne Shqiperi",
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January 1, 2018, Law No. 37/2017 "Law on Juvenile Justice" entered into force. Albanian lawmaker made steps in advance to protect the juvenile, providing for special rates for minors who commit criminal offenses.

From previous studies it has been noted that there were no specific services for children under the age of criminal responsibility, under 14 years of Albanian criminal legislation and who commit criminal offenses⁴⁰.

These specific services were created by the Law 18/2017 on the Rights and Protection of the Child, by the Council of Ministers Decision no. 635 date. 26.10.2018 for the activity of child protection structures, regarding the underage child for criminal responsibility, who is suspected or committed a criminal offense.

Implementation of educational measures

The Albanian lawmaker had erroneously provided for a provision as medical and educational measures without defining what was meant by them, but this matter was regulated by the entry into force of Law no. 36/2017 amending Article 46 of the Criminal Code and for educational measures refers to the Juvenile Justice Code.

Article 46 of the Criminal Code refers to the Juvenile Justice Code for the application of educational measures, but the Juvenile Justice Code in Article 4 provided in this Code do not include juveniles who commit criminal offenses under the age of accountability criminal. This category of minors has been excluded from the application of the Juvenile Justice Code.

Law 18/2017 on the Rights and Protection of Children has provided for protection units for children who commit criminal offenses and are under the age of 14 (excluded from criminal liability), child protection workers in the administrative unit of the municipality⁴¹. According to Article 55, paragraph 2, letter dh) of Law 18/2017 On the rights and protection of the child protective measures are imposed on a minor who has committed a criminal offense and, because of his age, has no criminal responsibility;

Law 18/2017 On the Rights and Protection of Children in its Article 66 provides for specialized oversight measures for under-age children for criminal responsibility such as:

- a) going to school on a regular basis;
- b) participation in activities of pre-service services;
- c) the pursuit of medical treatment or psychological counseling;

⁴⁰ Aida Bushati, Geron Kamberi, Florian Xhafa, Holta Ymeri, Mona Xhexhaj, Nirvana Deliu, Sajmira Kopani, Konventa per integrim europian. Vleresime dhe rekomandime 2015-2016. Levizja Europiane ne Shqiperi, FLESH, Tirane, 2016, p. 28

⁴¹ Article 50 of Law 18/2017 Per te Drejtat dhe mbrojtjen e femijes.

ç) Prohibitions to go or attend certain places.

In the case of a minor who has no criminal responsibility because of age, it is necessary to place a minor under a rigorous control regime to prevent his behavior with damaging consequences for society⁴².

Educational measures can be classified into two categories:

a) Educational measures that apply under the Juvenile Justice Code when persons have criminal responsibility.

b) Educational measures that apply under Law 18/2017 on Rights and Child Protection for Children Exempt from Criminal Responsibility because they have committed a criminal offense when they have been under the age provided by law to have criminal responsibility.

The court is not obliged to provide an educational measure, but has the freedom to impose a sanction or educational measure. As provided by the provision, they are provided only by the court and not by another institution such as the prosecution or the police.

Article 55 of the Juvenile Justice Code provides for the conditions of avoiding prosecution when it comes to criminal offenses foreseeing a sentence of up to 5 years and when the other conditions provided for in the law are met, the prosecutor or the court may introduce educational measures for the minor.

The categories of people who are taken educational measures are: to children under the age of 14 who have no criminal responsibility and to children over 14 years in case they exclude from criminal liability (in the case of commission of the criminal offense the court did not appeal imprisonment but applies an educational measure).

The penal code does not provide for the minimum age when such a measure may be applied, whereas in relation to the age of the maximum application of this measure it is defined indirectly because it applies to minors, e.g people up to 18 years.

The educational measure of placement of a minor in an educational institution is irrevocable at any time when the circumstances for which this measure is abolished. The court has the legal obligation to review its decision from the moment one year has elapsed from the day of its decision.

The court must be careful when applying a measure restricting the freedom of the person such as imprisonment. When the court apply an educational measure and another restricting freedom should take into account the best interest of the child, the right to enjoy a better health status

⁴² Shefqet Muçi, *E drejta penale. Pjesa e pergjithshme*. Albdesign, Tirane, 2017, p. 305.

and to benefit from the treatment of illness and health rehabilitation, the development of the personality, the gifts, the mental, social and physical abilities of the child.

Having the obligation deriving from the Convention on the Rights of the Child to take all legislative, administrative, social and educational measures to protect children from various forms of violence, ill-treatment, exploitation or sexual abuse, the court must apply a measure educational and, in exceptional cases, a measure that limits the freedom of the person⁴³. In most cases, juveniles commit minor offenses and in many European countries these issues are resolved quickly and a sanction is imposed on juveniles, while in Albania it happens because such processes last for years and do not serve the minor's rehabilitation to be integrated as soon as possible in the society⁴⁴.

Comparative Review of Educational Measures

Kosovo:

Educational measures in Kosovo are provided in the Juvenile Justice Code. Article 20 of this code classifies educational measures that are assigned to minors in three categories:

- 1) mass-disciplinary;
- 2) added surveillance measures;
- 3) institutional measures.

Disciplinary measures include: judicial reprimand and send juvenile to a disciplinary center. These measures are assigned to a minor offender when the offense is committed by negligence. Additional surveillance measures presuppose increased supervision by the parent, adoptive parent, guardian or guardianship body. These measures are imposed on juveniles whose interests do not require isolation from their previous environment and are implemented in a long-term manner that the juvenile offers the opportunity for education, rehabilitation or treatment. The duration of this measure may not be less than three (3) months or longer than two (2) years.

Educational institutional measures are: send the juvenile to an educational institution, to a Correctional Education Institution or to the Special Care Institution. These measures are imposed on juveniles whose interests best suit their segregation from the previous and long-term environment, providing the minor with the opportunity of education, rehabilitation or treatment.

⁴³ Article 19 of Convention on the Rights of the Child.

⁴⁴ Etilda Saliu, *Masat e sigurimit personal per te miturit si autore te vepres penale*, Avokatia, no. 14/2015, p.59.

The lawyer has also established a general condition for all types of educational measures that have to do with not exceeding the maximum term of imprisonment foreseen for the criminal offense.

The duration of the educational measure may not exceed the maximum term of imprisonment foreseen for the criminal offense. Article 21 of the Juvenile Justice Code sets out the rules for the implementation of various educational measures.

Macedonia

Educational measures in Macedonia are almost the same as those of the Republic of Kosovo. Article 31 of the Law on the Rights of the Child provides for these educational measures:

- 1) Reprimand or dispatch to the Disciplinary Center for Minors;
- 2) Supervision by the parent, guardian, or dependent family;
- 3) Entity measures: instruction in the educational institution or correctional educational home.

The following Article 34 provides for the conditions for the implementation of various measures.

In the case of children committing criminal offenses, there is a kind of tension between education and punishment. This is also noticed in the legal reforms that took place in Germany in 1990, in the Netherlands in 1995, in Spain in 2000 and 2006, in Portugal in 2001, in France and in Northern Ireland in 2002, in Lithuania in 2001 in Czech Republic in 2003⁴⁵.

In England, educational and disciplinary measures applied to children range from 10 to 18 years old age.

Recommendations of the Council of Europe

Responding to juvenile offenders should be multifaceted several factors that need to be taken into account: the individual, the family, the school, and the community⁴⁶.

When a minor commits a criminal offense, the main purpose at the moment when an educational measure is awarded, is to prevent the commission of criminal offenses, their reintegration⁴⁷.

It is necessary that the legal norms to deal with educational measures should also apply to people who are young adults and have reached the age of 18. The purpose of applying adult

⁴⁵Frieder Dünkel, *Juvenile Justice Systems in Europe-Reform developments between justice, welfare and 'new punitiveness'*, *Kriminologijos Studijos*, no.1/2014, p. 35.

⁴⁶ Recommendation Rec (2003) 20 of the Committee of Ministers to member States concerning new ways of dealing with juvenile delinquency and the role of juvenile justice.

⁴⁷ Recommendation Rec (2003) 20 of the Committee of Ministers to member States concerning new ways of dealing with juvenile delinquency and the role of juvenile justice.

education to adults is that this category is moving from childhood to adulthood, is in a kind of transition. It should be emphasized the fact that there are a number of acts of international character that support the application of rules that are related to the minor to the young adult. For example The Convention on the Protection of the Rights of the Child, Rule 3.3 of the Rules of the Beyizhin, Article 17 of Council of Europe Recommendation CM / Rec (2008) 11 on sanctions and measures applied to young authors.

Recommendation CM / Rec (2008) 11 of the Council of Europe on sanctions and measures applied to new authors does not expressly provide for the types of sanctions or educational measures that apply to juveniles, but sets out some criteria to support states.

The recommendation in point 24 provides that states should envisage in domestic legislation:

- a) the definition and manner of applying the sanction and the measures applicable to juveniles;
- b) any condition or obligation that is the consequence of such an offense or measure;
- c) cases where it is necessary to approve the juvenile before the application of the sanction or measure;
- d) Institution responsible for establishing, amending and enforcing sanctions or measures;
- e) procedures related to the change of sanction or measure;
- f) Procedures for the regular and external monitoring of the implementing institution.

Conclusions:

In order to avoid ambiguity and make it easier to implement and understand educational measures, the Albanian lawmaker should amend Article 46 of the Albanian Criminal Code, where the referral should not refer only to the Juvenile Justice Code but also to the special law dealing with educational measures for juveniles who commit criminal offenses but are excluded from criminal liability.

From the analysis of Albanian legislation and that of Macedonia and Kosovo we noticed that the changes are not very large because the Juvenile Justice Code has been adapted to the juvenile crime legislation with European states.

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PUBLIC INFORMATION STANDARTS, INTELLECTUAL PROPERTY RIGHTS AND ECONOMIC DEVELOPMENT

SHQIPE DUMI¹ PROF.DR.ALBA DUMI²

¹Universite Jean Moulin, Lyon 2, France

²Vice Dean of TBU, University of Tirana, Albania

Email: alba.besi12@gmail.com

Abstract: *This paper looks at Intellectual Property Rights and the relation they have with economic growth. It also reveals the instruments of Intellectual Property Rights and their impact on the developing and developed countries. At the end it analyzes where Kosovo stands in regards to Intellectual Property rights and what are the steps that should be taken for the situation to improve. Intellectual property is an old concept.*

Intellectual Property Rights is one strong point for developing the economic growth all over the world. On the other hand in this study we are trying to investigate the progress of the Intellectual Property Rights in Albania and in Kosovo institutions and government progressing reforms. The findings of this paper are some data, gathering in statistical analyze.

Intellectual Property Rights in now days is not an old concept, but it evaluate with improving low reforming. The conclusions of this paper research consist in: The infrastructure and technological advancement in this country is still weak, therefore major innovations and discoveries are unlikely to happen (Kosovo case) In Albania the situation is in perfection wnder low influences.

Key words: Economy performance, economy development, economic growth, intellectual property rights, patents, innovation

1. Introduction

Economic growth is a goal that almost all countries seek vigorously. The increase in output that results in higher real incomes of workers, improve citizens' standard of living. This way, the gap between peoples' wants and scarcity is less severe. For a country like Kosovo, economic growth should be a priority and perhaps the most important goal of the government (Larry 1999⁴⁸) there have been numerous cases where countries with much weaker economy managed to gradually improve and eventually surpass the most developed countries. According to the US Bureau of East Asian and Pacific Affairs⁴⁹, Singapore managed to achieve an average growth rate of 7.8 percent between 1965 and 2009, despite the lack of physical resources ("Background Note: Singapore", par. 15⁵⁰)⁵¹. This enabled Singapore to become one of the richest countries worldwide, with an estimated *per-capita* GDP of \$35,515 ("Background Note: Singapore", par. 1).

Japan, Hong Kong, and South Korea have also experienced immense economic growth similar to that of Singapore. This proves that even smaller and poorer countries can catch up with industrialized, wealthy

⁴⁸Larry 1999

⁴⁹US Bureau of East Asian and Pacific Affairs

⁵⁰Background Note: Singapore", par. 15, pp 23

⁵¹ Please refer to <http://www.state.gov/r/pa/ei/bgn/2798.htm> for the full article on Singapore.

countries. ⁵²However, between 1750 and 1870, Europe underwent profound changes, which among others can include: growth of cities, construction of railways, capital investment and increased transatlantic economy. However, in Europe the main elements of intellectual property were still in their infancy.

While the American colonies had laws that give patents long before the outbreak of the American Revolution in 1775⁵³, and soon after the revolution, 12 of the 13 original colonies adopted laws on copyright. Kosovo should follow the path that these countries followed and analyze what they have done that worked so well for them. In general, many factors or institutional structures might foster economic growth, one of them believed to be the protection of intellectual property rights. But is this necessarily the case?

2. INFORMACION I PERGJITHSHEM

Në dekadën e kaluar, një numër i paparashikueshëm vendesh nëpër botë krijuan legjislacionin për lirinë e informimit përfshirë Britaninë e Madhe, Afrikën e Jugut, Meksikën etj dhe shumë vende të tjera nga Europa Lindore dhe Qendrore. Në këtë mënyrë këto vende iu bashkuan vendeve që e kishin krijuar këtë legjislacion prej kohësh të tilla si SHBA, Australia, Kanada, Holanda. Vetë ligji gjithsesi është vetëm hapi i parë. ⁵⁴Zbatimi i ligjit duke mbajtur parasysh detyrën e transformimit të kulturës së administratës në një kulturë më demokratike dhe të qëndrueshme përmban një ndryshim të madh, veçanërisht në vendet me ekonomi të rrënuar ku buxhetet e shtetit për zbatimin e një programi bashkohor janë të kufizuara. Në shumë demokraci në zhvillim si në Shqipëri, njohja formale e të drejtës së informimit nuk është transmetuar gjithmonë dhe domosdoshmërisht në jetën e përditshme për qytetarët, kjo për shkak të mungesës së zbatueshmërisë.

Që nga 1999 Shqipëria⁵⁵ e ka patur ligjin e lirisë së informacionit. Në lidhje me një demokraci politike efektive dhe respektimin për të drejtat e njeriut, e drejta për t'u informuar nuk mbart rëndësi vetëm në vetvete por gjithashtu luan një rol qëndror në mbrojtjen e të drejtave të tjera. Nuk ka vend të lirë, nuk ka demokraci pa pasur një garantim të gjërë të së drejtës për t'u informuar. Ajo përbën një nga themelet thelbësore të një shoqërie demokratike, një nga kushtet bazë për progresin e saj dhe për zhvillimin e çdo qenieje njerëzore.

Objektivat e këtij trajtimi janë: Te shpjegohet kuptimi dhe vlera e lirisë së informimit

Të shpjegohen principet apo parimet kryesore të ligjit për lirinë e informimit⁵⁶

1. Çfarë garanton kjo e drejtë, në nivel kombëtar dhe ndërkombëtar duke përcaktuar qartë se cilat janë burimet e saj.⁵⁷
2. Te interpretohet kjo e drejtë nën këndvështrime të ndryshme duke u mbështetur në nenin 10 të KEDNJ ne praktiken e sjelle prej saj

Të identifikohen institucionet publike të përcaktuara nga Ligji i të drejtës së informimit

1. Të identifikohen ato grupe të cilat kërkojnë informacion dhe çdo konsideratë specifike të cilat duhet të jenë në kërkesat e tyre.
2. Të kalohet procesi i kërkesave për informacion nëpërmjet departamenteve të tyre
3. Të tregohet nga njëra anë lidhja që ekziston ndërmjet hyrjes publike (E drejta për t'u informuar) dhe nga ana tjetër të drejtën për jetën private, paprekshmërinë dhe mbrojtjen e të dhënave personale. Informacioni është oksigjeni i demokracisë.

⁵² Lewinn 2009

⁵³ American Revolution in 1775

⁵⁴ Patric 2006

⁵⁵ Anastasi A, 2001

⁵⁶ Ollidashi & Saliaji 2001

⁵⁷ Badlenn 2002

4. Nëse njerëzit nuk e dinë se çfarë është duke ndodhur në shoqërinë e tyre, nëse veprimet e atyre që i qeverisin janë të fshehura atëherë ata nuk mund të marrin pjesë në mënyrë të kuptueshme në punët e asaj shoqërie
5. Për të vendosur një standart me të cilin cilido të mund të masë nëse ligjet vendase e lejojnë në mënyrë të mirëfilltë mundësinë ndaj informacionit zyrtar, ato përcaktojnë qartë dhe saktë rrugët në të cilat qeveritë mund të arrijnë hapje maksimale, në përputhje me standartet më të mira ndërkombëtare.
6. Këto parime përcaktojnë standarte për rregjime kombëtare dhe ndërkombëtare të cilat i japin kuptim të drejtës së lirisë së informacionit.

3. LIRIA E INFORMIMIT – ÇFARË ËSHTË DHE PSE ËSHTË E RËNDËSISHME?

Në vitin 1946 Asambkeja e Përgjithshme e Kombeve të Bashkuara miratoi një nga rezolutat e saj më të hershme⁵⁸. Ajo konsistonte në :

“Liria e informimit është një e drejtë themelore e njeriut dhe gur provë për të gjitha liritë e përcaktuara nga Kombet e Bashkuara”

Duke patur parasysh që liria e informimit është parë si një nga të drejtat më themelore të njeriut ajo nuk ka një vend të përcaktuar saktë në standartet ndërkombëtare të të drejtave të njeriut. Formulimi i Artikullit 19 për Deklaratën Universale të të Drejtave të Njeriut⁵⁹ është i qartë dhe Jo i dykuptimtë: “çdo njeri ka të drejtën e lirisë së opinionit dhe të shprehjes; kjo e drejtë përfshin lirinë për të mbajtur opinione pa ndërhyrjen dhe të thellosh, të ruash e të transmetosh informacionin dhe idetë nëpërmjet shtypit dhe pa patur kufizime”

Ndonëse liria e shprehjes është parë si një përfitim nga të dyja palët ; si nga ata të cilët e “transmetojnë informacionin “ashtu edhe nga ata që e “marrin”atë, ideja që qytetarët janë përcaktuar të kenë të drejtë për t’u informuar për informacionin e mbajtur nga institucionet e qeverisë, nuk ishte e shtrirë në kohë. Suedia e kishte të siguruar të drejtën e informimit me Kushtetutë që nga viti 1776 por ajo është ende një pakicë. Në shumicën e vendeve deri rreth viteve 1940 kanë dominuar disa pikëpamje të cilat ekzistojnë edhe sot Kjo është arsyeja përse formulimi i rezolutës së Asamblesë së Përgjithshme të Kombëve të Bashkuara⁶⁰ ishte një thyerje radikale me të kaluarën.

3.1 E DREJTA PËR TË DITUR SE ÇFARË BËHET NË PARLAMENT

Parlamentarët janë përfaqësuesit e publikut-populli i zgjedh ata për të bërë ligje dhe politika. Publiku ka të drejtë të dijë se ç’farë janë duke bërë, në mënyrë që të dinë se si do ta hedhin votën e tyre herën tjetër. Ka disa detyra që kryejnë parlamentarët, për të cilat është mjaft e rëndësishme që qytetarët të jenë të mirinformuar. Puna kryesore e parlamentarëve është të miratojnë ligjet, por ata gjithashtu luajnë një rol kryesor në rishikimin e politikave qeveritare, edhe nëpërmjet debateve ose shumë shpesh përmes komisioneve të specialistëve që ekzaminojnë çështjet e politikave më kryesore.

⁵⁸58 Në vitin 1946 Asambkeja e Përgjithshme e Kombeve të Bashkuara miratoi një nga rezolutat e saj më të hershme Formulimi i Artikullit 19 për Deklaratën Universale të të Drejtave të Njeriut

⁵⁹Formulimi i Artikullit 19 për Deklaratën Universale të të Drejtave të Njeriut, 2004

⁶⁰Asamblesë së Përgjithshme të Kombëve të Bashkuara, pp123

3.2 E DREJTA PËR TË DITUR ÇFARË BËHET ME DREJTËSINË

Ka një thënie të njohur që drejtësia jo vetëm mund të bëjë por “drejtësia” mund të shikohet si duhet bërë”. Me një fjalë, natyra publike e sistemit gjyqësor është një nga mënyrat që tregon se ligji është duke u forcuar dhe pikërisht duke u zbatuar⁶¹.

Sigurisht një nga arsyt kryesore⁶² që është edhe më e rëndësishme, është që ajo jep një garanci të madhe për dikë që akuzohet për një akuzë penale, siguron që ai të ketë mundësi të gjykohej me korrektësi. Por ky është një interes i gjërë për të gjithë publikun duke bërë të sigurt që sistemi gjyqësor është duke operuar me korrektësi.

H1: “E drejta për informim”një e drejtë që ekziston, pavarësisht të drejtave të tjera apo është thjesht një derivat i lirisë së shprehjes?

Liria e shprehjes në thelb është një e drejtë negative pra është e drejta për të qënë i lirë nga ndërhyrjet me karakter çensurues qofshin këtondëryrje me origjinë shtetërore apo private. Liria e shprehjes është një mekanizëm kryesisht politik që mundëson rolin politik të ⁶³individit dhe të grupimeve të ndryshme në jetën politike të vendit ndonëse ajo shikohet edhe si “*një mjet për zbulimin e të vërtetës objective*” ⁶⁴ose “*si mjet për realizimin shpirtëror dhe intelektual të individit*”.

Nga ana tjetër në contrast të plotë më natyrëne lirisë së shprehjes, e drejta për informim e quajtur ndryshe e drejta për të ditur është një e drejtë positive e cila dikton veprim nga shteti për të mundësuar realizimin e saj. Pra në rast se pranojmë se e drejta për t’u informuar është një derivate i lirisë së shprehjes del në pah filozofia që qëndron pas ideimit të së drejtës për informim, sipas së cilës kurrësi nuk mjafton sanksionimi i së drejtës për të folur dhe për të shkruar lirisht për të thënë që liria e shprehjes gëzohet efektivisht.

Liria e shprehjes presupozon dhe sigurimin e shtetit të mjeteve për ta ushtruar siç duhet atë. Liria e shprehjes nuk mund të ushtrohet siç duhet për aq kohë që kushtet për t’u shprehur nuk ekzistojnë si psh: e drejta dhe mundësia reale për t’u informuar në lidhje me punët e shtetit, për mundësinë për t’u organizuar tubime të ligjshme, mundësinë për të operuar lirisht (dhe me përgjegjësi) në tregun mediatik etj. ⁶⁵Liria e shprehjes konsumohet kryesisht në media dhe nga njerëzit e medias ose të politikës në ndjekje të interesit public, e drejta për t’u informuar është më egocentrike në kuptimin që ajo i shërben në rradhë të parë interesave të ngushta të individit. E drejta për informim ⁶⁶figuron më vete në një nen të “Kushtetutës së Republikës së Shqipërisë” nga pikëpamja formale-teknike, liria e shprehjes dhe e drejta për informim duken si dy të drejta të ndryshme por në të vërtetë nuk është kështu.

Është e vërtetë që liria e shprehjes është një e drejtë negative në kuptimin se do të mjaftonte mosveprimi nga ana e shtetit që ajo të gëzohej efektivisht nga përdoruesit e saj por, nga ana tjetër liria e shprehjes do ta humbte kuptimin e saj të vërtetë (kontributi për jetën politike, zbulimi i të vërtetës objective, realizimi intelektual dhe shpirtëror i individit etj) në qoftë se ajo nuk do të plotësohej me disa të drejta të tjera positive si e drejta për t’u

⁶¹ Anastasi A, 2005

⁶²Formulimi i Artikullit 19 për Deklaratën Universale të të Drejtave të Njeriut, 2003

⁶³Asamblesë së Përgjithshme të Kombëve të Bshkuara, PP123,156

⁶⁴J.S.Mill, “On Liberty”

⁶⁵Asamblesë së Përgjithshme të Kombëve të Bshkuara, pp321

⁶⁶ Cottler 1973

informuar. ⁶⁷E drejta e replikës në shtyp e television, e drejta e tubimit⁶⁸ apo e pjesëmarrjes në forume të ndryshme publike(gjykatë,këshill- bashkiak etj)

4. TË MIRAT E LIRISË SË INFORMIMIT

Kur disa institucione të rëndësishme argumentojnë se është më mirë për të mbajtur të rezervuar nga publiku informacionet, zakonisht thonë që kjo është “për të mirën tuaj”.Ne realitet argumenta të tillë mund të shfaqen të gabuar.Por ata injorojnë edhe një pyetje të rëndësishme.Ideja që qeveritë mbajnë informacion, sepse kjo i shërben të mirës së publikut është një pikëpamje antidemokratike e marrëdhënieve midis saj dhe popullit.Argumenti kryesor në favor të lirisë së informimit është që ai nuk i⁶⁹ përket qeverisë por popullit si i tërë.

Të mirat e lirisë së informimit do të ishin:

Më pak korrupsion

5. Individët dhe institucionet bëhen të korruptuar kur nuk ka vëzhgim të asaj çfarë bëjnë.
6. Sa më shumë që ata të operojnë nën vëzhgimin e rreptë të publikut aq më pak të korruptuar janë dhe më shumë eficientë

Mungesa e urisë

Kjo mund të duket si diçka e çuditshme të vendoset në këtë listë.Fituesi i çmimit Nobel, ekonomisti Amartya Sen ka argumentuar se “ mungesa” e ushqimit nuk ndodh në ato vende me shtyp të lirë por nga mosveprimi i qeverive. Qeveritë nuk guxojnë të jenë joaktive në një çështje kaq të rëndësishme kur ata janë subject i vëzhgimit constant të mediave

Një shoqëri më e shëndetshme

Edhe kjo mund të duket si diçka e çuditshme që të përfitojë nga liria e informimit.Duke e konsideruar si krizën më të madhe të shëndetit public të kohëve tona, HIV-AIDS, që është përhapur kudo.Në vitet e para, infeksioni i Hiv ishte i aftë të shpërndahej me shpejtësi, pasi mungonte informacioni public rreth virusit dhe mënyrës se si të evitohej ai.Vendet që kishin programe efektive informimi për publikun kanë qënë të afta të kthejnë drejtimin e infektimit me hiv

Një ambient më i pastër

1. Shumica e vendimeve që i shkaktojnë dëme ambientit merren me dyer të mbyllura.Shumica e këtyre vendimeve, mund edhe të evitoheshin, në qoftëse vendimet që merren kishin për t’u shoqëruar me një studim mbi impaktin në ambient- i cili duhet të bëhet i vlefshëm për publikun.
2. Dhunimi i të drjtave të njeriut, ashtu si dhe korrupsioni lulëzon nën klimën e mbylljes, sekretit.

Disa nga dhunimet më të rënda të të drejtave të njeriut, të tilla si tortura janë gjithmonë diçka që zënë vend vetëm pas mbylljes së derës. Një qeveri e hapur -duke përfshirë për shembull publikimin e hetimeve sipas dëshmive të dhunimit të të drejtave të njeriut –është më shumë e prirur për të patur rezultate në respektimin e të drejtave të njeriut

Respektimi i jetës private

⁶⁷Asamblesë së Përgjithshme të Kombëve të Bshkuara, gjykata e RSH viti 2003

⁶⁸Thomai E 2001

⁶⁹Formulimi i Artikullit 19 për Deklaratën Universale të të Drejtave të Njeriut, 2001

Pa lirinë e informimit nuk ka asgjë që të garanton që qeveritë dhe institucionet e tjera të saj nuk do të grumbullojnë sasi të mëdha informacioni rreth individëve.

Nëqoftëse individët kanë gjithmonë të drejtë të shikojnë se ç'farë informacioni⁷⁰ është mbajtur rreth tyre, e drejta për privatësi ka më shumë mundësi të respektohet.⁷¹ Në këtë kuptim njerëzit kanë të drejtën të sigurohen, që informacioni i mbajtur për ta është i saktë. Nëse ai nuk është i tillë, mund të merren vendime të gabuara dhe të dëmshme

Një shoqëri më e sigurtë

Argumenti në favor të sekretit zyrtar është pikërisht nevoja për mbrojtjen e “sigurisë kombëtare”. Ekzaminimi public i vendimeve të lidhura me mbrojtjen është i nevojshëm për një shoqëri më të sigurt. Fshehtësia drejton korrupsionin dhe bën joefiçente shërbimet secrete.

Liria për të kritikuar qeverinë mbështet hapur nga gjykata në 1986: “është detyra e shtypit të japë informacion dhe ide mbi çështjet politike, ashtu si mbi ato në fushat e tjera të interesit public. Jo vetëm shtypi ka të drejtën të japë informacione të tilla por edhe publiku ka një të drejtë për t'i marrë ato”⁷²

Liria për të dhënë informacion dhe ide është plotësuese e lirisë për të marrë informacion dhe ide. Kjo është e vërtetë përse i përket medias së shkruar, si dhe medias të transmetimeve. Në lidhje me këtë të fundit gjykata është shprehur se “shtetet nuk duhet të ndërhyjnë midis transmetuesit dhe marrësit, duke qënë se ato kanë të drejtën për të hyrë në kontakt të drejtpërdrejtë me njeri tjetrin sipas dëshirës së tyre “për të dhënë informacion dhe ide çështjet ekonomike garantohen nga neni 10, por në çështjet ekonomike autoritetet vendase kanë një liri më të gjërë vlerësimi. Krijimet artistike dhe performanca si dhe shpërndarja e tyre konsiderohet nga gjykata si një kontribut madhor në shkëmbimin e ideve dhe mendimeve, një komponent themelor i një shoqërie demokratike. Komisioni argumenton duke u shprehur se liria artistike dhe qarkullimi i lirë i artit kufizohen vetëm në shoqëri jodemokratike:

“Nëpërmjet punës krijuese artisti shpreh jo vetëm një vision personal të botës po edhe pikëpamjen e tij për shoqërinë në të cilën jeton. Për këtë arsye arti jo vetëm ndihmon formimin e mendimit public, por është edhe shprehje e tij”⁷³

Dallimi midis informacionit dhe mendimeve

Bëhet një dallim i qartë midis informacionit ose (fakteve) dhe mendimeve (grykimet mbi vlerat) Gjykata është shprehur:

“Ekzistenca e fakteve mund të demonstrohet kurse e vërteta e vlerave nuk është e prekshme si provë. Në lidhje me grykimet mbi vlerat kjo kërkesë është e pamundur të përmbushet dhe dhunon vetë lirinë e mendimit, e cila është pjesë themelore e të drejtës së siguruar nga neni 10.”

Ndërsa mendimet janë pikëpamje ose vlerësime personale të një ngjarjeje ose situate dhe nuk janë të prekshme si prova për të qënë të vërteta ose të gënjeshtërt, faktet e parashtruara mbi të cilat mendimet bazohen mund të jenë të mundshme për t'u vërtetuar sit e vërteta apo të gënjeshtërt⁷⁴.

Në të njëjtën mënyrë gjykata në Dalban u shpreh: “Do të ishte e papranueshme për një gazetar që t'i hiqet e drejta për të shprehur grykime subjective kritike, përderisa ai mund ta vërtetojë të vërtetën që thotë”⁷⁵

Si rrjedhojë bashkë me informacionin ose të dhënat që mund të verifikohen mendimet, grykat ose spekulimet që mund⁷⁶ të mos provohen si të vërteta gjithashtu mbrohen nga neni 10. Grykimet subjective në veçanti ato të

⁷⁰ Asamblesë së Përgjithshme të Kombëve të Bashkuara, pp345

⁷¹ Zejneli I, 2009

⁷² “Lingens kundër Austrisë” i datës 11.10.1986 A.103, par.82

⁷³ Komisioni i 8 tetorit 1986

⁷⁴ Zejneli I, 2009

Anastasi A, 2007

⁷⁵ “Dalban kundër Rumanisë” 1999

⁷⁶ Dowlann 2001

shprehura në fushën politike gëzojnë një mbrojtje të veçantë si një kërkesë për pluralizmin e mendimeve që është vendimtare për një shoqëri demokratike .

Garantohen edhe mendimet e shprehura në gjuhë të fortë ose të ekzagjeruar, shkalla e mbrojtjes varet nga përmbajtja dhe qëllimi i kritikës.

1. Në çështjet e interesit publik gjatë debateve politike, në fushata elektorale ose aty ku kritika bëhet në nivele qeveritare tek politikanët ose autoritetet publike mund të priten fjalë të rënda dhe kritika të ashpra dhe do të tolerohen në një shkallë më të madhe nga Gjykata
2. Në “Thorgeirson kundër Islandës”⁷⁷ gjykata zbuloi se megjithëse artikujt mbartnin terma të rënda, gjuha nuk mund të konsiderohet e tepruar duke patur parsysh qëllimin e artikullit, i cili ishte të nxiste reformën në polici.

Dallimi midis fakteve dhe mendimeve dhe ndalimi i kërkesës për prova në lidhje me këtë të fundit bëhet mjaft i rëndësishëm në sisteme ligjore vendase që akoma e parashetrojnë këtë kërkesë si krim për fyerje. Në lidhje me faktet gjykata e ka njohur mbrojtjen në bazë të qëllimit të mirë duke i lënë medias një hapsirë ku mund të pranohen gabimet.

LIRIA PËR TË MARRË INFORMACION DHE IDE

Liria për të marrë informacion dhe ide përfshin të drejtën për të mbledhur informacion dhe për të kërkuar informacion nëpërmjet të gjitha burimeve të mundshme ligjore. Liria për të marrë informacion mbulon gjithashtu edhe transmetimet televizive ndërkombëtare.⁷⁸ Ndërsa liria për të marrë informacion dhe ide lidhet me median me qëllim që të mundësojë këtë të fundit të shpërndajë një informacion dhe ide të tillë publikut, gjykata gjithashtu e interpreton këtë të drejtë si të drejtën e publikut për t’u informuar në mënyrën e duhur, në veçanti për çështjet e interesit public.

LIRIA E SHTYPIT

Mejthëse neni 10 nuk përmend në mënyrë të hapur lirinë e shtypit gjykata ka zhvilluar jurisprudencë të gjërë duke formuar një grup parimesh dhe rregullash që i japin shtypit status të veçantë në gëzimin e lirive që përbëjnë nenin 10. Viktimat e dhunimit të së drejtës për lirinë e shprehjes nga ana e autoriteteve publike janë gazetarët më shumë se sa individët e tjerë. Roli i shtypit si një mbikqyrës u vu në dukje për herë të parë nga Gjykata në çështjet gjyqësore të “*Lingens kundër Austrisë*”⁷⁹; “*Oberschlik kundër Austrisë*” (1)⁸⁰ dhe “*Oberschlik kundër Austrisë*” (2)⁸¹ editorët e periodikëve politikë kishin botuar artikuj që kritikonin politikanët për politikën e tyre publike në lidhje me probleme të politikës.

1. Secili nga politikanët i hodhi aplikantët privatisht në gjyq⁸² për shpifje dhe të gjitha proceset, përfunduan në favor të tyre.
2. Aplikantët pretenduan se vendimet e gjykatave austriake shkelnin lirinë e tyre të shprehjes në bazë të nenit 10.

Duke vënë re çështjen Ligens Gjykata ra dakort se:

“Liria e shtypi i jep publikut një nga mjetet më të mira për të zbuluar dhe krijuar një mendim përreth ideve dhe qëndrimeve të udhëheqësve politikë

Më në përgjithësi liria e debatit politik është pikërisht në qendër të konceptit të një shoqërie demokratike e cila mbizotëron në të gjithë Konventën.”

⁷⁷ “Thorgeirson kundër Islandës” I vitit 1992

⁷⁸ “Lingens kundër Austrisë” I datës 11.10.1986 A.103, par, 82

⁷⁹ “Lingens kundër Austrisë” I datës 11.10.1986 A.103, par, 82

⁸⁰ “Oberschlik kundër Austrisë” I datës 23.05.1991 A.204, par, 59

⁸¹ “Oberschlik kundër Austrisë” I datës 01.07.1997, par, 29

⁸² “Thorgeirson kundër Islandës” I vitit 1992

1. Gjykata kritikoi ligjin austriak për shpifjen i cili ngarkon të akuzuarit për barrën e provës⁸³për vërtetimin e pohimeve të veta, duke qënë e mendimit se kjo mund të përbëjë një shkelje të nenit 10.

Lira e shtypit i jep publikut një nga mjetet më të mira për të zbuluar dhe për të formuar, një mendim mbi idetë dhe qëndrimet e drejtuesve politikanë dhe liria e debatit politik është në thelb të një shoqërie demokratike

KONKLUSIONE TË PËRGJITHSHME

Siç është theksuar se e drejta për informim përbën gurin e themelit për një qeveri transparente⁸⁴Akresi i publikut ndaj informacionit është në fakt një komponent themelor i një shoqërie demokratike. Ajo zë një vend të rëndësishëm si një nga të drejtat më themelore të njeriut dhe përbën bazën për garantimin e të drejtave të tjera. . Nuk ka vend të lirë nuk ka demokraci pa pasur një garantim të gjërë të së drejtës për lirinë e shprehjes, të garantuar nga gjykata të pavarura dhe të paanshme

Ekzistojnë një sërë ligjesh, dokumentash, konventash e marrëveshesh të cilat kanë si objekt të tyre të drejtën e informimit, të cilat vendosin standarte të tilla që e bëjnë të detyrueshme që ligjet për të drejtën e informimit duhen hartuar në atë mënyrë që të ekzistojë një ekuilibër midis të drejtës për informacion dhe të drejtës për të mbrojtur të dhënat personale ose informacion me rëndësi madhor.

1. Sanksionimi në ligje apo dokumenta të ndryshme përbën kuadrin ligjor të së drejtës për t'u informuar por gjithashtu dhe ekzistenca e një akti të së drejtës së informimit është i nevojshëm për të pasur një procedurë të pastër, eficiente dhe të përcaktohet qartë qëllimi i lirisë së informimit.
2. Ajou jep qytetarëve informacion, pra që i lejon ata të ushtrojnë të drejtat e tyre dhe për këtë duhet të kemi garancinë që na nevojitet për sigurimin e një pjese të informacionit çdo herë që ne e kërkojmë atë, sepse ndryshe nuk mund t'i ushtrojmë të drejtat e tjera.
3. Principet apo parimet bazë të së drejtës së informimit përcaktojnë standarte për rregjime kombëtare dhe ndërkombëtare të cilat i japin kuptim të drejtës së lirisë së informacionit.

Kur flasim rreth principeve të lirisë së informimit, ekzistojnë disa kategori informacionesh që mund të përjashtohen nga rregullat e përgjithshme të së drejtës së publikut. Janë qëllimet legjitime ato që justifikojnë mos ekspozimin. Kjo listë përfshin vetëm interesat që përbëjnë baza legjitime për refuzimin e ekspozimit të dokumentave dhe duhet kufizuar për çështje të tilla si zbatimi i ligjit, siguria kombëtare por nuk mjafton që informacioni thjesht të përfshihet brenda shtrirjes së një qëllimi legjitim të rradhitur në ligj .

1. Informacioni public duhet të tregojë që ekspozimi i informacionit do t'i shkaktonte dëm thelbësor atij qëllimi legjitim por gjithnjë duhet patur parasysh interesin madhor public.
2. E drejta për informim dhe e drejta për një jetë private janë konsideruar si të drejta të cilat për nga rëndësia e tyre shërbejnë për ndërtimin e një shteti demokratik
3. Në lidhje me detyrimin e administrimit të pranimit të hyrjes publike të dokumenteve është i limituar nga detyrimi për të mbrojtur të drejtat personale, vendi i bashkimit nyja e leximit e legjislacioneve më të shumta në hyrjen publike dhe në mbrojtjen e të dhënave përshkuan nevojën për të gjetur një balancë midis dy të drejtave

Akresi në të drejtën e informimit ndihmon të ndërtohet besimi i qytetarëve në institucionet publike dhe të forcojë efektivitetin e tyre. E drejta për informim synon një administrim public më të mirë, të reduktojë korrupsionin dhe të përmirsojë shërbimet publike dhe të fuqizojë pjesëmarrjen e publikut në procesin e vendimmarrjes.

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⁸³Thorgeirson kundër Islandës” I vitit 1993

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